

FORT NELSON BAND OF INDIANS

BY-LAW # 1

MANAGEMENT PROCEDURES BY LAW NO. 1

WHEREAS The Fort Nelson Band of Indians have authority to manage, control and expend Band revenue monies pursuant to P.C. 1971/1078 dated June 8, 1971, and

WHEREAS the Fort Nelson Band of Indians has and continues to administer Government of Canada contributions in delivering services to our people in accordance with agreements negotiated from time to time with the Government of Canada, and

WHEREAS in addition to those funds specifically referred to, it is the intent of this By-Law that all funds received by the Band be administered in accordance with the provisions of this By-Law, and

WHEREAS for the observance of Law and Order and the proper exercise of the authority vested in the Council of the Fort Nelson Band of Indians pursuant to the Indian Act Section^s 81(c), 81(q) and 81(r) and the responsibility placed by P. C. 1980/2196 dated August 27, 1980.

The Council of the Fort Nelson Band enacts as follows:

1. This By-law shall be known as the "Management Procedures BY-LAW".
2. BAND COUNCIL RESPONSIBILITIES

The general responsibilities of the Band Council with respect to the administration of local services shall be as set out in the following sections; and

The business of the Band, under the direction of the Council, shall be carried out through the position of the Band Manager who shall be the Chief Administrative Officer

- 2.1 planning, estimating and budgeting for the funds and resources required for local services;
- 2.2 ensuring sound financial management, including accountability to Band members and to funding agencies;
- 2.3 ensuring that all Band staff and Committee members are adequately trained and qualified for the duties to which they are assigned;
- 2.4 overseeing the work of all Band Council employees;

2 Continued

- 2.5 initiating and conducting investigations and taking such necessary disciplinary action as may be required where an employee does not comply with these or other applicable regulations;
- 2.6 permitting access by Band members, at reasonable times, to the minutes of all Band and Band Council meetings, bylaws and resolutions of the Band, the budget, monthly financial statements and audit reports;
- 2.7 appointing, by resolution, a person or persons (who is not a member of Council who will):
- a) record all resolutions, decisions, and other proceedings of the Band Council in a manner prescribed by Council by resolution;
 - b) keep the books, records and accounts of the Band Council in accordance with established procedures;
 - c) maintain a filing system in which is kept all minutes of the Band Council meetings, all bylaws, and copies of all vouchers, bank statements, cancelled cheques and correspondence relating to the business of the Band;
 - d) receive, record and deposit all monies received by the Band Council, and pay out those monies in accordance with procedures as prescribed by Resolution of Council or other recognized authority;
 - e) prepare a monthly statement to be presented at the next regular meeting of the Band Council and at least once a month thereafter showing:

2.7 continued

- e)
 - i) itemized receipts and disbursements during the preceding month;
 - ii) the standing of the general ledger balances as of the last day of the preceding month;
 - iii) the standing of all accounts as of the last day of the preceding month and any other information that may be required by the Band Council or any funding agency or any applicable law.

2.8 appointing by Band Council Resolution a person to perform any of the duties noted in 2.7 above when a position is vacant or the employee is absent.

3. ACCOUNTING SYSTEMS

- 3.1 An adequate double entry bookkeeping system such as one-write accounting system shall be maintained daily to record all financial transactions by the person appointed under Section 2.7 (b). This system is to include the facility to record:
- a) all receipts and receivables;
 - b) all disbursements;
 - c) all commitments for services or benefits received, but not immediately paid for;
 - d) details of employees' earnings and payroll deductions.
- 3.2 A General Ledger shall be maintained on a current basis.
- 3.3 Bank reconciliations shall be prepared upon receipt of bank statements and cancelled cheques each and every month.
- 3.4 Monthly listings of Accounts Receivable and Accounts Payable shall be prepared, and balanced to General Ledger control accounts where applicable.

4. RECEIPTS AND DEPOSITS

- 4.1 A receipt, completed at least in duplicate, on pre-numbered forms, shall be issued for all funds received. The original shall be given to the payee, and the duplicate shall be retained.
- 4.2 All funds received shall be deposited intact, and without undue delay, in the chartered bank or the trust company or the credit union, which has been designated by Resolution of the Band Council.
- 4.3 Funds received by the Band Council shall not be deposited to the credit of any individual.
- 4.4 Funds held in trust by the Band Council shall be deposited in a separate Band Trust Account designated for that purpose.

5. PURCHASES

- 5.1 Purchases can be approved by the Band Council providing that the necessary funds are identified and the expenditure is authorized in the budget or otherwise approved by Band Council Resolution.
- 5.2 The Band Manager, without diminishing the responsibility of the Band Council for the control of purchases, may sign purchase orders for any purpose.
- 5.3 All purchases of supplies and services are to be authorized in writing, either through the issuance of purchase orders or by contract as referred in 8 below.

6. PAYMENTS

6.1 Accounts shall be approved for payment on or before the due date either by:

- a) A Band Council Resolution approving them prior to payment; or
- b) The Band Council authorizing the Band Manager to approve payments within a limit established by Resolution of the Band Council, and subsequently, the Band Council reviewing all such payments.

6.2 All decisions of the Band Council relevant to the payment of accounts shall be recorded in the minutes of a meeting held pursuant to the Band Council Meeting Regulations.

6.3 Where payments are made in connection with any contract for construction or future delivery of goods, the Band Council shall hold back a predetermined amount, until the contract has been completed to the satisfaction of the Band Council.

6.4 Advances from funds contributed to a Band from Departmental Appropriations shall be only for authorized travel by persons travelling on behalf of the Band Council and to pay employees while on earned annual leave.

7. DISBURSEMENTS

- 7.1 Disbursements or payments shall be made by prenumbered cheques on the basis of certified supporting documentation. All cheques shall be accounted for.
- 7.2 The Band Council shall authorize at least three persons, two of whom shall be members of the Council, and the Band Manager, to sign cheques drawn on its accounts. All cheques shall be signed by an authorized member of Council and the Band Manager. In the case of agreements which designate specific signing authorities, such signing authority must be authorized by Resolution of the Band Council.
- 7.3 Band cheques shall not be postdated and must not be signed in blank.
- 7.4 Where a cheque is reported lost, destroyed, stolen or has not been presented for payment within six months of the date of issue, it shall be cancelled and stop payment notice registered with the bank. A duplicate cheque may then be issued.

7.5 PETTY CASH FUNDS

- a) The Band Council may establish the amount of the fund and designate the employee responsible for it;
- b) The employee shall complete a voucher for each disbursement made, and ensure that the total of such vouchers and the cash on hand equals the amount of the fund;
- c) Reimbursement of the fund supported by vouchers shall be made not less than once a month and individual expenses must be charged to appropriate activity accounts.

8. CONTRACTS AND TENDERS

- 8.1 Except in an emergency or as set out in clause 8.14 where the contract is expected to exceed \$15,000.00 tenders shall be invited from at least three contractors.
- 8.2 Where the contract is not expected to exceed \$15,000.00, the Band Council by Resolution can authorize the Band Manager to invite bids or to negotiate a contract by telephone or by other personal contact, provided that, within a time specified by Council, such bids or negotiated contract are documented for presentation to the Council.
- 8.3 The invitation to tender should indicate:
- a) the hour and date of closing;
 - b) sufficient details from which comparable bids can be made;
 - c) the date, hour and place tenders are to be opened; and,
 - d) the amount of security deposit required, if any.
- 8.4 Tenders shall be returned in a sealed envelope, addressed to the designated employee for this purpose. Tenders should be clearly marked "Tender for _____" on the envelope. The date and time of receipt of tenders shall be recorded on the unopened envelope and the sealed tenders deposited in a safe place until the appointed time for the opening of bids.
- 8.5 At the appointed time, the Band Manager shall open all tenders in the presence of at least two members of the Band Council or two Band employees. Tenders may at their discretion be present.
- 8.6 The Band Manager should read aloud all tenders giving the name of the tenderer and the amount of the bid.
- 8.7 The project, name of tenderer, date and amount of bid shall be recorded in a book provided for this purpose.
- 8.8 The Band Manager shall present all tenders received to the next meeting of the Band Council. The Band Council may award a contract.

- 8.9 The lowest tender received shall be normally accepted.
Where the Band Council considers it in the best interest of the Band to do otherwise, the reasons shall be recorded in the minutes of the meeting as part of the minute awarding the contract to another tenderer.
- 8.10 Awarding of a contract shall be by a recorded vote of Council members. In the event that a member of Council has a personal interest in the contract, he shall signify his interest, and thereafter refrain from taking part in the discussion or voting on the motion to award the contract, and, if the Council by resolution so directs, leave the meeting until after the contract has been awarded.
- 8.11 After acceptance of a tender, a contract shall be developed and signed by both the contractor and the Band Council as represented by those officers appointed by resolution for that purpose.
- 8.12 The Band Council shall appoint a qualified person to act on its behalf to inspect the work performed, services rendered, or goods supplied by the contractor.
- 8.13 Federal or Provincial labour regulations should be adhered to in all labour contracts.
- 8.14 The appointment of or the continuation of association with consultants providing professional services in such areas as auditing, management, engineering and other fields may be authorized by Band Council Resolution at a duly constituted meeting of the Band Council and such contracts may be excepted from the tendering procedures set out in the proceeding clauses.

9. TRAVEL

- 9.1 All travel for which reimbursement of expenses is to be made, shall be approved in advance by the Band Council.
- 9.2 Rates of travel shall be established by the Band Council by resolution.
- 9.3 Where the duties of an employee require day-to-day travel, the Band Council by resolution may approve such travel within predetermined limits, and a travel advance may be issued.

10. INVENTORIES

10.1 Inventories shall be maintained for all equipment, buildings, vehicles and other real assets.

10.2 The write-off of items shall be authorized by the Band Council and recorded in the minutes.

11. BUDGETS

- 11.1 An annual budget should be prepared for review by the Band Council, and submission to the Regional Director General at the time and in the form required.
- 11.2 Contribution funds provided to the Band by the Government of Canada are to be expended in accordance with the terms and conditions of the agreements as negotiated and agreed to from time to time by the Band Council and the Government of Canada or its Departments.

12. AUDIT

- 12.1 Detailed financial statements shall be prepared annually or as required by the Band Council or the funding agencies.
- 12.2 The Band Council shall appoint an auditor to audit the financial records and inventories of the Band Council at least once each year prior to the commencement of the next ensuing fiscal year to be audited. The audit shall be completed and submitted to the funding agencies and the Band Council before June 30th for the fiscal year ending the preceding March 31st.
- 12.3 The Band Council may set terms of reference for its auditor including;
- a) the examination must be in accordance with accepted auditing practices, and is to include a general review of accounting procedures, and such tests of accounting records as the auditor considers necessary in the circumstances.
- 12.4 The auditor shall have the right of access at all reasonable hours to the accounting records, supporting vouchers and documents, including minutes of Band Council meetings related thereto.
- 12.5 Financial statements should be prepared on an accrual basis. They are to report on all Band financial activities under Band Council control and consist of:
- a)
 - i) Balance Sheet;
 - ii) Statement of Revenue and Expenditures for each local service;
 - iii) Details of surpluses or deficits for each local service and;
 - iv) A consolidated Balance Sheet and Statement of Revenue and Expenses.
 - b) The auditor may express an opinion as to the accuracy of the financial statements as a reflection of the financial position of the Band in accordance with generally accepted accounting principles. He may also state recommendations which the Band Council may consider.

12 Continued

12.6 The audited financial statement shall be signed by the Chief and a quorum of the Band Council, and by the Band Administrator and included in the records of the Band Council.

13. DEFINITIONS

13.1 In this Bylaw the following shall mean:

- a) "Department", "Indian", "Band" and "Council of the Band" have the meanings ascribed to them in the Indian Act. "Band Council" has the same meaning as "Council of the Band".
- b) "Regional Director General" means the senior executive officer of a Departmental region or a person designated by him.
- c) "Auditor" normally means an accredited member of a recognized accounting association, (i.e. public accountant) but may mean an officer appointed by the Regional Director General to examine the financial records of a Band Council.

- 14. Any person who does not comply with the provisions of this Bylaw or interferes with the carrying out of the provisions of this Bylaw shall be deemed to have committed an offense pursuant to this Bylaw and, upon summary conviction, shall be liable to a fine not exceeding one hundred dollars (\$100.00) or imprisonment for a term not exceeding thirty (30) days, or both.
- 15. This Bylaw shall be hereafter cited as the Fort Nelson Band Management Procedure Bylaw 19 80 No. 1.

This Bylaw was received by the Council of the Fort Nelson Band of Indians at a duly convened Council Meeting held on November 14, 1980, and was discussed at a meeting of the members of the Fort Nelson Band, held in the Band office (copy of the notice is herewith attached as Schedule "A") and a Resolution of a majority of the electors present endorsed the proposed Bylaw, and

The Bylaw herein was reconsidered and approved by Resolution at a duly convened meeting of the Council of the Fort Nelson Band held on November 17, 1980.

SIGNED

"GEORGE BEHN"

CHIEF

"HARRY DICKIE"

COUNCIL

COUNCIL

Schedule "A"

FORT NELSON BAND MANAGEMENT PROCEDURES

BY-LAW 19 80 No. 1

NOTICE

There will be a meeting of the Band members of the Fort Nelson
Band at 2 P.M. on November 14 19 80
held at the Band Office for
(LOCATION)

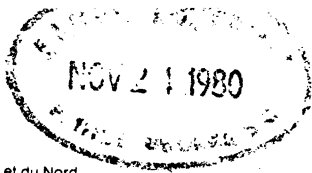
the following purpose:

To consider the proposed Band Manage-
ment Procedures and Practices contain-
ed in the draft By-Law which the Coun-
cil of the Fort Nelson Band intends to
adopt.

Dated this 18th day of November, 19 80

"GEORGE BEHN"

Chief of the Fort Nelson Band



2412

Indian and Northern Affairs Affaires indiennes et du Nord

Chronological No. - Numéro consécutif

975/543-44

File Reference - N° de réf. du dossier

975/3-6-543; 975/3-10-543

BAND COUNCIL RESOLUTION
RÉSOLUTION DE CONSEIL DE BANDE

NOTE: The words "From our Band Funds" "Capital" or "Revenue", which ever is the case, must appear in all resolutions requesting expenditures from Band Funds
NOTA: Les mots "des fonds de notre bande "Capital" ou revenu" selon le cas doivent paraître dans toutes les résolutions portant sur des dépenses à même les fonds des bandes

THE COUNCIL OF THE
LE CONSEIL DE LA BANDE INDIENNE FORT NELSON BAND
AGENCY DISTRICT FORT ST. JOHN
PROVINCE BRITISH COLUMBIA
PLACE NOM DE L'ENDROIT FORT NELSON, B.C.
DATE 18 11 AD 19 80
DAY - JOUR MONTH - MOIS YEAR - ANNÉE

DO HEREBY RESOLVE;
DÉCIDE, PAR LES PRÉSENTES:

THAT the " Management Procedures By-Law " adopted
at a meeting of Band Members be accepted,
AND THAT the necessary steps be taken to introduce
the conditions and procedures contained in the By-law.

A quorum for this Band
Pour cette bande le quorum est
consists of 2
fixé à
Council Members
Membres du Conseil

GEORGE BEHN

(Chief - Chef)

Handwritten signature of George Behn

(Councillor - conseiller)

HARRY DICKIE

(Councillor - conseiller)

Handwritten signature of Harry Dickie

(Councillor - conseiller)

(Councillor - conseiller)

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FOR DEPARTMENTAL USE ONLY - RÉSERVÉ AU MINISTÈRE

Table with 5 columns: 1. Band Fund Code, 2. COMPUTER BALANCES - SOLDES D'ORDINATEUR (A. Capital, B. Revenue - Revenu), 3. Expenditure Dépenses, 4. Authority - Autorité (Indian Act Sec, Art. de la Loi sur les Indiens), 5. Source of Funds Source des fonds (Capital, Revenu). Includes sections for 6. Recommended - Recommendable and Approved - Approuvable with Date and Approving Officer fields.