SOR/85-1047

STONEY TRIBAL COUNCIL

BY-LAW

TO PROVIDE FOR THE GOOD AND PROPER MANAGEMENT

OF THE AFFAIRS OF THE STONEY TRIBE

I N D E X

3000/85-104 + dated Nov 1/85.

STONEY TRIBAL COUNCIL

BY-LAW

TO PROVIDE FOR THE GOOD AND PROPER MANAGEMENT OF THE AFFAIRS OF THE STONEY TRIBE AND THE CHINIKI, WESLEY AND BEARSPAW BANDS

THE COUNCIL OF THE STONEY TRIBE AND THE CHINIKI, WESLEY AND BEARSPAW BANDS, PURSUANT TO SECTION, SUBSECTION (C), (D) and (R) OF THE INDIAN ACT, R.S.C. 149, S.1. ENACTS AS FOLLOWS:

1. In this By-Law:

a) "Account" means an account established by the Stoney Tribal Council, or the Chiniki, Wesley and Bearspaw Band Council pursuant to Section Five (5) herein;

b) "Auditor" means a member of good standing of the Institute of Chartered Accountants;

c) "Band" means a band as defined in the Indian Act and shall, where appropriate, mean the Chiniki, Wesley or Bearspaw bands individually;

(d) "Band Council" means the Council, as defined in the Indian Act, of the Chiniki, Wesley or Bearspaw Bands sitting apart from each other and dealing with matters of their respective Bands;

(e) "Stoney Tribe" means the Chiniki, Wesley and Bearspaw Bands of Indians collectively and in common;

(f) "Stoney Tribal Council" means the Chiefs and Councillors of the Chiniki, Wesley and Bearspaw Bands sitting together and dealing with matters common, or deemed by the Band Councils to be common, to the Chiniki, Wesley and Bearspaw Bands;

g) "Cheque" means a negotiable instrument within the meaning of the Bills of Exchange Act, R.S.C. 1970, C.B.-5;

h) "Chief" means the duly and properly elected Chief Councillor of the Wesley, Chiniki and Bearspaw Bands of the Stoney Tribe of Indians;

i) "Elector" means a resident Band member twenty one (21) years of age or over;

j) "Fiscal Year" means the year commencing the first day of April of the calendar year and ending the last day of March of the next following calendar year;

k) "Controller" means a person employed by the Stoney Tribe of Indians for the purpose of carrying out the duties as defined in paragraph three (3) hereof or as from time to time amended;

l) "Controller's Designate" means a person or persons designated in writing by the Controller from time to time to fulfill the duties of Controller in the absence or unavailability of the Controller;

m) "Administrator" means the person employed by the Stoney Tribe of Indians for the purpose of conducting the business of the Stoney Tribal Administration including the duties prescribed in any contract of employment or contract of services entered into between the Stoney Tribe of Indians and the Administrator or corporation providing the services of administration;

n) "Program Manager" means the person employed by the Chiniki, Wesley and Bearspaw Band or any of them for the purpose of administering financial programs from time to time by the Bands;

o) "Band Accountant" means the person employed by the Wesley, Chiniki and Bearspaw Bands or any of them for the purpose of supervising and managing the financial operation of each Band;

p) "Tribal Finance Committee" means a committee of three (3) Chiefs and the Administrator to which the Controller is directly responsible and which a decision of the Controller concerning Tribal matters may be referred for arbitration or interpretation of budget or policy;

q) "Band Finance Committee" means the committees of each of the Chiniki, Wesley and Bearspaw Bands on which shall sit the Administrator and the Chief of the appropriate Band;

r) "INAC" means Indian and Northern Affairs, Canada, formerly The Department of Indian Affairs and Northern Developments.

2. CONTROLLER

The Tribal Council shall, acting upon the recommendation of the Tribal Finance Committee or otherwise, appoint a Controller by Resolution and it shall be his duty to:

a. Prepare and deliver to Council under his own signature and no later than the fifteenth (15th) day of each month, a Financial Statement showing:

i) Itemized receipts and disbursements during the last preceding month;

ii) Standing of the general ledger balance as at the end of the last preceding month;

iii) Standing of all accounts as at the last day of the last preceding month;

iv) Comparison of actual revenues and expenditures to date with budgeted amounts and an explanation of significant deviations;

v) Cash flow projections for the next two months showing projected cash receipts and projected expenditures; and any other information that may be required by Council, and the statement shall be read and presented for examination at the next ensuing meeting of Council. A quarterly summary of these statements shall be prepared and presented to Council.

b. At least twice each week, deposit all monies of the Band in accordance with the requirements of this By- Law;

c. Conduct the business and perform the duties of his office in a manner provided by this and other Band By-Laws, regulations and Band Policies recorded in the Minutes of Council; and

d. In the event the Controller is unable to perform his duties due to absence or unavailabnility, the Controller may appoint in writing a person or persons as a Controller's Designate.

2.1 The Band Accountant ... Required to process the Bands financial information on or before the tenth (10th) day of each month for delivery to the Controller.

3. SIGNING AUTHORITIES - CHEQUES, BILLS OF EXCHANGE AND OTHER NEGOTIABLE INSTRUMENTS

a. Band Accounts: The Council of each Band shall by resolution pursuant to this By-Law, appoint the Chief and a Councillor as signing authorities for Cheques, Bills of Exchange and other negotiable instruments drawn on the account established pursuant to Section 5 of this By-Law.

i) Cheques, Bills of Exchange and other negotiable instruments drawn on the account of a value less than $5,000.00 require the stamped signature of the Chief and Councillor designated, in addition to the initials of the Controller or Controllers Designate;

ii) Cheques, Bills of Exchange and other negotiable instruments drawn on the account of a value of $5,000.00 or more require the live signature of the Chief and Councillor in addition to the initials of the Controller or Controllers Designate.

b. Morley Common and Tribal Common Accounts: The Tribal Council shall, by resolution, pursuant to this By- Law, authorize the three (3) Chiefs as signing authorities for cheques, bills of exchange and other negotiable instruments drawn on the accounts established pursuant to Section 5 of this By-Law.

i) Cheques, Bills of Exhcange and other negotiable instruments drawn on the accounts of a value less then $5,000.00 require the stamped signature of the three (3) Chiefs in addition to the initials of the Controller or the Controllers Designate;

ii) Cheques, Bills of Exchange and other negotiable instruments drawn on the accounts of a value of $5,000.00 up to and including $500,000.00 require the live signature of any two (2) of the three (3) Chiefs in addition to the initials of the Controller or Controllers Designate;

iii) Cheques, Bills of Exchange and other negotiable instruments drawn on the accounts of a value greater than $500,000.00 shall require the live signature of the three (3) Chiefs and the signature of the Controller or Controllers Designate.

4. BANKING AND DEPOSITS

a) The Tribal and Band Councils shall establish with a chartered bank such accounts as are necessary for the purpose of carrying out this By-Law;

b) The Controller shall assure, by arranging term deposits that a preferred rate of interest is paid on monies not immediately required to meet Band obligation;

c) The Controller shall assure that sufficient funds are on deposit to meet all Band obligations, pursuant to this and other Band By-Laws, policies and regulations.

5. <u>TRIBAL AND BAND BUDGET</u>
The Tribal and Band Councils shall prepare budgets showing the estimated total receipts and expenditures for the ensuing fiscal year, the budgets shall be referred by the Tribal and Band Councils to Indian and Northern Affairs, Canada (INAC) for approval. Any significant changes resulting over the year in actual expenditures to budget shall result in a revised budget being prepared and presented to Council. The Council will then present the revised budget to Indian and Northern Affairs, Canada (INAC) for approval.

6. <u>FINANCIAL MANAGEMENT</u>
A proper and accepted bookkeeping system shall be used to record all financial transactions affecting assets, liabilities and Band equity.

a) <u>Receipts</u>:

i) Receipt of funds from any source to the credit of the Band or any individual member thereof shall immediately be entered in the appropriate ledgers and cash book sheets and a prenumbered receipt issued; and

ii) All cheques received shall be immediately stamped for deposit only to the Stoney Band Account.

b) <u>Disbursements</u>:

i) All payments and commitments shall be in strict accordance with the approved Tribal or Band budgets, approved supplementary budget, or approved extensions;

ii) All disbursements shall be made by cheque;

iii) No cheques, purchase orders or other documents shall be signed in blank;

iv) The Controller shall assure that records of all disbursements are made in such manner as to facilitate an annual audit of the Band's financial records; and

v) All cheques issued against the Band's bank account shall be in the form prescribed by the Council of the Band and shall be numbered consecutively.

c) Lost and Stale Dated Cheques:

i) Where a cheque is reported lost, destroyed or stolen, a duplicate cheque may be issued in return for the payee indemnifying the Band against further loss, provided a stop payment has been sent to the Bank; a Statutory Declaration must be signed by the payee; and

ii) Cheques issued against the Band's local bank account which are not presented for payment within six months from the date of issue shall be cancelled and payment stopped forthwith.

d) Accounts Payable:

i) All accounts received for services rendered to the Stoney Tribe shall be maintained by the Controller in an appropriate file, together with a copy of the Order authorizing the expenditure;

ii) All authorized accounts pursuant to Section 7(d)(i) shall be processed for payment as received;

iii) All accounts received in accordance with the annual approved budget shall be paid on the due date after deduction of allowable discounts; and

iv) Invoices approved for payment by a Chief or Controller shall be stamped "Approved for Payment" and passed to the Accountant for payment.

7. PURCHASING AND CONTRACTS

No contract for the purhase of goods or services is effective to bind the Stoney Tribe of Indians or any of the Wesley, Chiniki or Bearspaw Bands unless same is executed pursuant to Resolution of the respective Chiefs and Councillors and duly recorded at a meeting of the band or Tribal Council. No Chief, Councillor or employee of the Bands is empowered to enter into contracts on behalf of a Tribe or Bands or to represent himself or herself as able to do so unless such contract is entered into pursuant to this By-Law.

A) Purchasing:

i) The purchasing department must obtain three separate pricing quotes from three different suppliers on purchases in excess of five hundred ($500) dollars;

ii) Pre-numbered purchase order forms or other forms of "contract approval" used by the purchasing department or by the Controller shall be used for all purchases of supplies and services, except the normal recurring accounts such as electric power, natural gas, and telephone accounts;

iii) The original copy of a purchase order shall be forwarded to the supplier;

iv) Council shall by Resolution appoint the Controller, Program Manager, Councillors and Chiefs as persons authorized by this by-Law to approve purchase orders as follows:

a) <u>Band Program Purchases through Band Accounts:</u> Purchase Orders shall be approved in the following manner:

1. Purchase Orders for goods and services to a value of less than $500.00 require the approval of:

i) The Program Manager where the purchase order is in respect of a program expenditure (live initials);

ii) Chief of the Band (stamp signature);

iii) Band Accountant or Controller or Designate (live initials).

2. Purchaser Orders for goods and services to a value of $500.00 to $5,000.00 require the approval of:

i) The Program Manager where the purchase order is in respect of a program expenditure (live initials);

ii) Chief of the Band (live signature);

iii) Controller or Designate (live initials;

3. Purchase Orders for goods and services to a value in excess of $5,000.00 or more:

i) Program Manager where the purchase order is in respect of a program expenditure (live initials);

ii) Chief and Councillor designated for signing cheques, bills of exchange or other negotiable items;

iii) Controller or Designate (live signature).

b. <u>Non Program Purchases Through Band Accounts</u>: These purchase orders do not require Program Manager signature but require Chief, Councillor and Controller approval according to value as set out in 7.A iv) above.

7iv. i <u>Morley Common and Tribal Common Accounts</u> Purchase Orders shall be approved in the following manner:

a) All purchase orders for a value of less than $500.00 shall require the approval of a Chief (stamped signature) and Controller or Controller Designate (live initial);

b) All purchase orders for a value of $500.00 to $5,000.00 shall require the approval of a Chief (live signature) and Controller or Controllers Designate (live initial);

c) All purchase orders for a value $5,000.00 to $500,000.00 shall require the approval of two (2)

Chiefs (live signature) and Controller or Controllers Designate (live initials);

d) All purchase orders for a value greater than $500,000.00 shall require the approval of three (3) Chiefs (live signature) and Controller or Controller Designate (live signature.

v. Duplicates of all purchase orders shall be returned to the Controller of the Stoney Tribe immediately.

B. Tenders

Invitations to tender will be authorized by the Stoney Tribal Council or by the Councils of the Wesley, Chiniki or Bearspaw Band in respect of Band programs.

i) Public advertisement or formal solicitation if over two thousand five hundred ($2,500.00) dollars providing the article to be purchased can be competitively classified.

ii) In emergency situations telephone bids up to two thousand four hundred ninety-nine ($2,499.00) dollars may be accepted providing a written confirmation follows and a record of telephone bids is filed;

iii) The invitation to tender shall indicate:

- The hour and date of closing

- Sufficient details from which comparable bids can be made

- The date, hour and place tenders are to be opened

- Amount of security deposit if required;

iv) The Council may require a security deposit of 10% of Performance Bond of the total value of the contract from the tenders in a form that is in accordance with the practice normally accepted by the Federal Government;

v) The tendering period is not less than five (5) days;

vi) All tenders are to be returned in a sealed envelope addressed to the designated employee, at the Band administrative office, clearly marked "Tender for ..." on the lower left-hand corner and the date and time of receipt is to be recorded on the unopened envelope of tender when received;

vii) At the appointed time, the designated employee or his alternate is to open all tenders received in the presence of a Chief and a member of the Council appointed by a Chief to act in his stead;

viii) When all tenders are opened, it is the duty of the designated employee to read aloud all tenders, giving the name of the tenderer and the amount of the bid and to announce that Security has been received;

ix) The name of the tenderer, project, date of bid and amount shown must be recorded in a book provided for this purpose and marked "Record of Tenders";

x) At the next regular or special meeting of the Council of the Band, the designated employee is to place before the Council all tenders received and it is the responsibility of the Council to review the tender and award a contract;

xi) The lowest tender received shall normally be accepted unless the Council deems it in the best interest of the Band to do otherwise; and

xii) In any case where the tender accepted is not the lowest tender the reasons for not accepting the lowest tender are to be recorded in the Resolution accepting the tender.

C. <u>Contracts:</u>

i) Following acceptance of a tender, in the event the band and tenderer enter into a contract such contract shall be entered into only pursuant to a recorded Motion and vote of Council.

ii) Upon acceptance of tender, and upon the execution of a binding contract by the parties, the contract shall become a portion of the records of the Band;

iii) The Council shall be responsible for the supervision of the execution of all contracts, and shall appoint a person or persons to act on their behalf to inspect and verify work, services rendered or goods supplied by the Contractor.

A special bank account shall be established for accumulating holdbacks to be paid on completion of the construction;

iv) No disbursement or payment on any contract shall be made without certified supporting documentation (invoice, voucher, purchaser order, etc.); and

v) In the event a member of Council is present at a meeting at which a tender is accepted:

or

a motion to enter a contract pursuant to acceptance of a tender is made:

in respect of which tender or contract the Councillor has a personal interest, the Councillor is to signify his interest and thereafter refrain from taking part in discussion or voting upon the acceptance of tender or motion to contract.

8. <u>BAND GOVERNMENT EXPENSES</u>

a) <u>Council Salaries:</u>

i) Salaries for Chiefs and Council shall be established and authorized in the annual Band budget and paid accordingly;

ii) Upward revisions of the Chief's Councillor's salaries shall be identified separately on the annual budget submission and shall not be implemented until April 1st each year upon approval of the Band budget.

b) Council Travel

i) Travel at Band expense shall be for Band business only;

ii) Travel allowances shall be in accordance to the resolutions of Band Council;

iii) Travel funds shall be estimated and established as a separate and identifiable budget item in a firm amount in the annual budget proposal;

iv) Out of Province travel allowances at Band expense must be by agreement of a majority of Council and must be reflected as such in Council minutes; in the case of emergency or unanticipated travel which has been budgeted for but not specifically authorized, such travel may be approved after it has occurred;

v) All expense accounts must be properly supported and presented to the Finance Department prior to the next travel advance being paid; and

vi) Lost documents - The Controller may approve expense accounts wherein documents are lost or where proper explanation of deficient documents is given.

c) Council Hospitality:

i) A hospitality account may be established from the Band's revenue account, and must form part of the Band budget submission;

ii) Hospitality funds may be expended only for the benefit of the Band in developing better relations; and

iii) The terms, conditions and limits of hospitality fund expenditures will be determined by Council.

d) Council Committees:

i) Committee expenses shall be estimated and included as part of Council expense in the annual budget presentation and shall not be expended until the budget is approved; and

ii) Committee expenses shall be in accordance with that determined by Council.

e) Off Reserve Housing and Assistance:

i) The respective Councils shall formally approve all off reserve housing assistance from their band budgets;

ii) A subledger shall be set up to account for all deposits made on all off reserve housing.

9. INVENTORY AND CAPITAL ASSETS

i) Inventory records shall be established and maintained for all equipment, buildings, vehicles and other assets setting out what is the property of the Chiniki, Wesley or Bearspaw Bands and what is common property; and

ii) The write-off or sale of items carried on inventory shall only be authorized by Council of the Band or Bands who own the equipment, buildings, vehicles or assets at a regularly scheduled Council meeting when the decision is recorded in the Minutes.

10. AUDITS

i) The appointment of an auditor for Tribal and Band affairs shall be approved at a Council meeting by a majority of Councillors present;

ii) Termination of an auditor appointed in accordance with the above such paragraph shall only be by a majority of Band Councillors at a Tribal Council meeting called to specifically deal with such termination;

iii) The manager shall give at all reasonable hours, ready access to auditors and other persons authorized by Council to examine the books and accounts with respect to monies of the Band;

iv) The auditor shall be a recognized Chartered Accountant in good standing with his Professional Association;

v) The auditor shall have the right to access at all reasonable hours to all books, records, accounts and vouchers and is entitled to require from the Band staff and members of the Council and any Committee thereof such information and explanation as in his opinion is necessary to enable him to carry out an audit;

vi) The audited financial statements shall be prepared on an accrued basis and consist of:

- Balance Sheet
- Statement of Revenue and Expenditure for each community program
- Details of surpluses or deficits
- A consolidated Balance Sheet
- Statement of Revenue and Expenses

vii) The auditor shall express an opinion as to the fairness of the financial statements as a reflection of the financial position of the Band as at March 31st, and the results of its operations;

viii) On or before the thirtieth (30th) day of June in each calendar year the Council shall post on the Band Office notice board, deliver to each elector and the Regional Director General, Indian and Northern Affairs, Canada, an audited financial statement; and

ix) The audited financial statement shall be signed by the Chiefs and Administrator and its acceptance recorded in the Minutes. The Chief, Council and Administrator shall ensure that the recommendations made by the auditors are acted upon immediately following acceptance of the audit.

11. AMENDMENTS AND REPEAL

Amendment or repeal of this By-Law shall require a majority of Council at a meeting called for the specific purpose of amendment or repeal, and shall be delivered to the Minister of Indian and Northern Affairs, Canada, for registration.

READ A FIRST, SECOND, THIRD TIME AND FINALLY PASSED THIS 27th DAY OF SEPTEMBER, 1985.

CHIEF

CHIEF

CHIEF

COUNCILLOR

COUNCILLOR

Julia Poucette
COUNCILLOR

Webster Lefthand
COUNCILLOR

Valentine Fox
COUNCILLOR

Glen Simeon
COUNCILLOR

Irby Cecil
COUNCILLOR

Alvin Twoyoungmen Sr.
COUNCILLOR

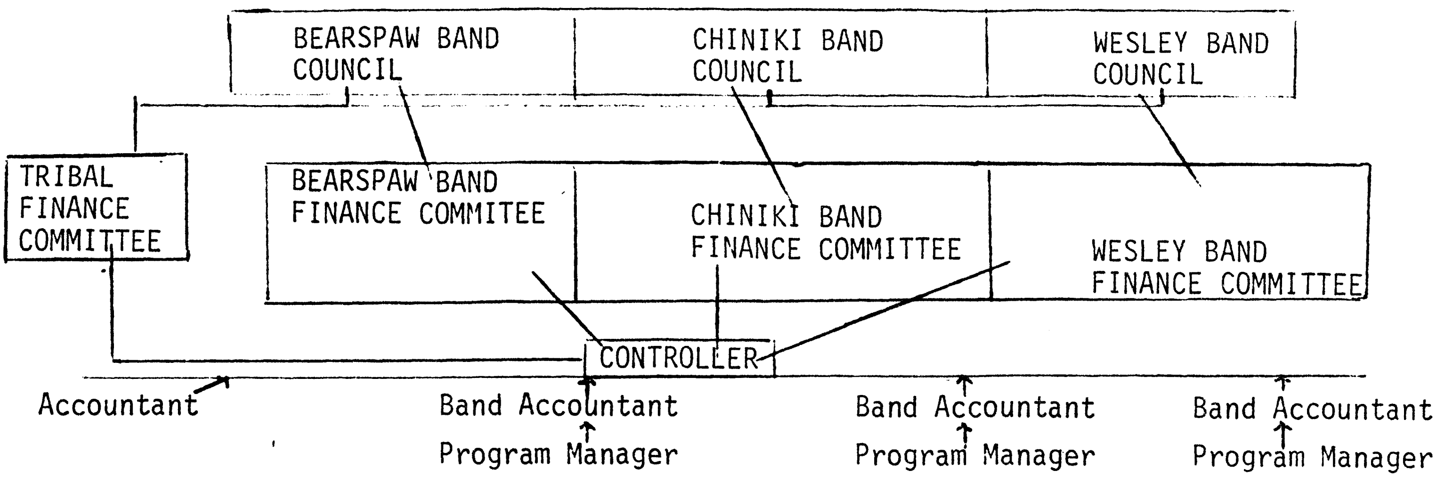
COUNCILLOR

John Wesley
COUNCILLOR

COUNCILLOR

COUNCILLOR

PROPOSED ORGANIZATION STRUCTURE



NOTE: When acting on common matters, the Bearspaw, Chiniki and Wesley Chief and Councillors shall be the Stoney Tribal Council.

In this structure of organization and management, the Chiefs and Councillors remain in their elected capacities as the body responsible to the electorate.

The Finance Committees are created for the purpose of:

1. being the arbiter of decisions made by the Controller as regards expenditures from common accounts contemplated by the bands. Specifically, in the event the Controller fails or refuses to approve an expenditure from any account or fails or refuses to approve a purchase order, that decision may be taken by a Chief or Councillor (with authority to approve) to the Tribal Finance Committee to determine the propriety of the expenditure.

2. Such decisions as regards expenditures of the individual bands shall be made by the respective Band Finance Committee.

In this manner, the Finance Committee will have an opportunity to review budgets, policies and determine priorities for the bands from time to time. It should be noted that the Controller should not be overruled on any reference of his decision to the Finance Committee unless the Finance Committee is of the opinion that the Controller is in clear error in his decision as regards the proper budgeting of a proposed expenditure.

In the event that the Finance Committee concludes that the Controller was correct but that the expenditure on a non budgeted item is justified it shall recommend to Chief and Council that a revised budget be prepared and filed prior to the expenditures being undertaken.

The Band Accountants and Morley Common and Tribal Common Accountant report directly to the Controller who would have the responsibility of co-ordinating and supplying financial information to the Chiefs and Council. The Accountants have the responsibility of monitoring their own bands financial affairs according to budgets and policies. All expenditures however are subject to the approval system written into this by-law.

Certain other duties may be allowed the controller such as the hiring of personnel in consultation with the Finance Committtee. The duties of the Finance Committee and it's relationship to the Controller and council shall be clearly defined and passed as a resolution amending the by law.