

**Northwest Angle #37 First Nation
Financial Administration Code
2004**

Preamble

A Finance Code to regulate the receipt, management, and expenditure of Northwest Angle #37 First Nation funds and establish the administrative structure of the Northwest Angle #37 First Nation, which manages the funds:

WHEREAS the **Indian Act** provides that Council may, subject to the approval of the Minister of Indian and Northern Development, make codes for the following purposes:

- The appropriation and expenditure of moneys of the First Nation to defray the Northwest Angle #37 First Nation expenses,
- The appointment of officials to conduct the business of the Council and prescribing their duties and,
- With respect to any matter arising out or ancillary to the exercise of the aforementioned power:

AND WHEREAS the Council of the Northwest Angle #37 First Nation has determined that it is desirable and necessary that a financial management code be established for the purposes set out in Section 83(1) of the **Indian Act** and for the better administration of the Northwest Angle #37 First Nation's business;

Now THEREFORE the Council of the Northwest Angle #37 First Nation at a duly convened meeting of the Council enacts the following code:

Title

This code may be called the "Financial Administration Code"

Definitions

In this code:

"Agencies" means any board, tribunal, commission, committee of the First Nation or any corporate body controlled by the Northwest Angle #37 First Nation including a society, non-profit corporation or business corporation but does not include a business corporation but does not include a business corporation operated for a profit making purpose;

"Annual budget" means the forecast of planned expenditures for the forthcoming fiscal year by the Northwest Angle #37 First Nation

“Committee” shall mean the First Nation Finance Committee established pursuant to this code

“Agreement” means any written contract between the Northwest Angle #37 First Nation and another party or parties, including the federal government, the provincial government, or a third party, pursuant to which money is to be paid to the Northwest Angle #37 First Nation;

“Council” shall mean the Chief and Council of the Northwest Angle #37 First Nation

“Department” means an administrative division of the First Nation Government as established from time to time by Council and includes service centres, administrative units and other internal organizational units of the First Nation administration;

“Northwest Angle #37 First Nation fund” means all moneys belonging to the Northwest Angle #37 First Nation and includes:

- All revenues of Northwest Angle #37 First Nation
- Money borrowed by Northwest Angle #37 First Nation
- Money received or collected on behalf of Northwest Angle #37 First Nation,
- All moneys that are received or collected by Northwest Angle #37 First Nation pursuant to any agreement or funding arrangement and is to be disbursed for a purpose specified by Council pursuant to that agreement or funding arrangement, but does not include:
 - o Money received as resource revenues payable into Northwest Angle #37 First Nation trust account by the Government of Canada,
 - o Money received by Northwest Angle #37 First Nation on behalf of an individual or corporate entity, where Council has approved an alternative arrangement for the managing of the money pursuant to Section 74, of this by-law

“Resolution” means a decision made at a meeting of a quorum of Council.

Application

This code governs the receipt, management, and expenditure of Northwest Angle #37 First Nation funds and the administrative organization of Northwest Angle #37 First Nation to manage the funds.

This code applies to all Northwest Angle #37 First Nation departments and agencies in receipt of Northwest Angle #37 Nation funds.

Finance Committee

A Committee for the Northwest Angle #37 First Nation is hereby established and shall continue in existence notwithstanding changes in its membership from time to time.

The Committee shall consist of 5 members appointed by the Council from time to time with one member being the Band Manager or designate, one member from Regina Bay, one member from Windigo Island, and one Elder.

One of the members of the Committee shall be a member of the Council appointed by the Chief.

The Chairman of the Committee is to be elected from the Finance Committee and shall serve for a term of 2 years.

The Chairman shall preside over the meetings of the Committee and shall, exercise or perform, between meetings such powers, duties or functions of the Committee as the Finance Committee may determine.

The Committee shall be responsible for:

- The management and control of the collection of Northwest Angle #37 First Nation funds,
- The management and control of the expenditures and disbursements of Northwest Angle #37 First Nation,
- The maintenance of records of the financial activities of Northwest Angle #37 First Nation,
- The preparation of the annual budget in accordance with the priorities approved by Council,
- The preparation of the annual audit of Northwest Angle #37 First Nation,
- The reporting and recommending to Council on financial matters, and all other matters relating to the financial affairs of the Northwest Angle #37 First Nation not assigned by another code of Council resolution to any department or agency.

The Committee shall prepare or cause to be prepared any amendment to the annual budget for Northwest Angle #37 First Nation, which shall be submitted, to the Council for review and approval.

The Committee shall maintain or cause to be maintained the financial records of Northwest Angle #37 First Nation through the office of the Band Manager and the managers of the departments or agencies.

The Committee may prescribe the form and content of the financial records and establish the accounting systems of Northwest Angle #37 First Nation.

A member of the Committee may be removed from office:

- By a majority of Council on the recommendation of the Chairman for the member's removal, or
- By a unanimous vote of Council.

The Band Manager shall act as the senior administration officer of the Committee and shall assist the Committee in carrying out its duties.

The Band Manager is also responsible for the following:

- The supervision of the accounting staff necessary to discharge the administrative responsibilities of the Committee,
- The administrative supervision of the compilation and preparation of the overall annual budget,
- The preparation of annual financial statements and long-term financial projections and cash flows as required from time to time by the Committee,
- Monitoring adherence to any agreement and funding arrangements entered into by Northwest Angle #37 First Nation or any department or agency,
- Administration and supervision of the financial records and reporting systems; and
- The maintenance of records of all receipts and expenditures in such a manner so as to facilitate the annual audit.
- Any other task assigned by the Committee

The Council shall be responsible for the hiring of the Band Manager as well as dismissal of the Band Manager in accordance with the personnel policies of Northwest Angle #37 First Nation as established by Council.

Council's Role

The Council shall appoint the one Councillor and one representative each from Regina Bay, and Windigo Island as well as one Elder as members of the Finance Committee for a period consistent with the term of office of the band Council.

The Council shall oversee the preparation of the annual budget and shall approve the annual budget of Northwest Angle #37 First Nation and any amendments thereto.

The Council shall receive and approve the annual audit of Northwest Angle #37 First Nation.

The Council may, upon the recommendation of the Finance Committee or upon its own motion, approve of an exception to this code by an amending code in accordance with Section 83 of the Indian Act.

Delegation of Authority

On the recommendation of the Finance Committee, the Council may approve the delegation of authority to approve expenditures on behalf of Northwest Angle #37 First Nation within the annual budget and consistent with the financial organization of Northwest Angle #37 First Nation.

Annual Budget

The Finance Committee shall prepare estimates of the revenues of Northwest Angle #37 First Nation for the purpose of preparing the annual budget.

Each department manager and agency manager shall prepare the department or agency's annual budget for the operation of the department or agency and shall submit the budget to the Finance Committee which shall prepare a consolidated annual budget for Northwest Angle #37 First Nation.

The annual budget for Northwest Angle #37 First Nation and its agencies shall be submitted by the Finance Committee to Council for consideration and approval.

The Council is solely responsible for the approval of the consolidated annual budget for Northwest Angle #37 First Nation and its agencies for each fiscal year.

Council may increase allocations of funds in the budget, reduce allocation of funds, or reallocate funds to difference sectors in the annual budget.

The annual budget becomes official upon approval by the Council by resolution. Council may amend the annual budget at any time before or after its implementation.

The annual budget shall be made available during regular working hours for inspection by any member of Northwest Angle #37 First Nation, and copies are to be provided to First Nation members on written request to the Band Manager.

Financial Management: Deposits

There shall be one Consolidated Bank Account established by the Band Manager at the direction of the Finance Committee into which all Northwest Angle #37 First Nation funds shall be deposited.

The Band Manager shall ensure the safekeeping of the Northwest Angle #37 First Nation funds received and shall forthwith deposit all of the Northwest Angle #37 First Nation funds to the credit of the Consolidated Bank Account.

The Finance Committee may authorize the Band Manager to reallocate funds from the Consolidated Bank Account to other accounts for investment purposes or program services delivery.

Funds in the Consolidated Bank Account shall be administered by the Band Manager.

The interest earned on the Northwest Angle #37 First Nation funds shall be paid to the Consolidated Bank Account.

Financial Management: Expenditures

All payments and financial commitments shall be in accordance with the annual budget or in accordance with Council resolution.

No payment shall be made for the performances of work, supply of goods or rendering of services unless the charge in respect of such work, goods or services has been authorized:

- By a person delegated to authorize such work, supply of goods or service
- Pursuant to an agreement or purchase order entered into between the Northwest Angle #37 First Nation and the person providing such work, goods or services which establishes the amount, or a method of calculating the amount, to be charged for such work, goods or services.
- Accompanied by a duly completed cheque requisition and supporting documentation for payment of the work, goods or service

The Band Manager, department or agency manager each have a role in ensuring that the cheque requisitions have been completed properly and are duly signed and dated.

Awarding of Contracts

The Council may appoint by resolution the department or agency managers and other persons as authorized to approve the purchase of goods and services in such amounts as may be approved by Council.

All orders for work, goods or services provided to Northwest Angle #37 First Nation must be approved by the department or agency manager authorized to approve the purchase of goods or services.

Each order for work, goods or services over \$15,000 or such greater amount as approved by Council, unless approved in the annual budget, shall, in addition to the signature of the department or agency manager, requires attention by the Band Manager as to availability of funds.

Tenders

Capital purchases of up to \$15,000 or such greater amounts as approved by Council may be

made by a department or agency manager if approved in the annual budget without going to tender.

Capital purchases over \$15,000 and under \$500,000 or in such amounts as approved by Council may be made by invitations to tender.

Capital purchases in excess of \$500,000 or such greater amounts as approved by Council must be made by public tender.

In emergency situations telephone bids up to \$20,000 or such greater amount as approved by Council may be accepted by a department or agency manager providing a written confirmation follows from the bidder and a record of telephone bids is filed.

Invitations to tender shall include:

- The time and date of closing,
- Sufficient details from which comparable bids can be made, c. the time, date, and place tenders are to be opened, and d. amount of security deposit if required.

The tendering period is not to be less than five (5) working days, unless it is in an emergency situation.

All tenders are to be returned sealed and addressed to Northwest Angle #37 First Nation clearly marked "Tender for " and the time and date of receipt is to be recorded on the unopened envelope of tender when received.

All tenders received shall be opened in public in the presence of the department or agency manager or other person responsible for the tender process.

The name of the tendered, project, date of bid and amount shown must be recorded.

The lowest tender received shall normally be accepted unless the authorized person deems it in the best interest of Northwest Angle #37 First Nation to do otherwise.

Where the lowest tender is not accepted, the reasons are to be recorded in the document by the authorized person accepting the contract.

Upon acceptance of a tender for the performance of work, goods, or services, a contract is to be signed by both parties and shall be kept as a portion of the records of Northwest Angle #37 First Nation.

In the event that an official or employee of the First Nation has a personal interest in the contract, she/he shall signify the interest and thereafter refrain from taking part in the discussion or participating in the awarding of the contract.

No disbursements or payment on any contract shall be made without supporting documentation as determined by the policies of the Finance Committee.

A 15% holdback of final payment or in such amount as may be determined by Finance Committee policy shall not be released to a contractor until all work is certified as complete

and satisfactory to the Council.

The Finance Committee may establish policies and procedures for the tender process.

Conflict of Interest

Any person who holds an office, including that of Chief or Councilor, or employment with Northwest angle #37 First Nation, its departments or agencies, shall not use that office or employment for personal gain to the detriment of the interests of Northwest Angle#37 First Nation.

"Personal gain" shall mean financial benefit for the individual or for the members of his or her immediate family

"Family" shall mean a spouse, including a common-law spouse, children, parent, brother, sister, father-in-law, mother-in-law, uncle, aunt, grandparent, son-in-law, daughter-in-law, and also includes any relative permanently residing the person's household.

A person may avoid a conflict of interest by disclosing his or her interest prior to the making of a decision and by no participating in the decision.

If a person violates the conflict of interest provision Council will:

- Suspend the employee or official from all privileges and benefits of office or employment for a period of time established by Council, or
- Be dismissed from office or employment by Council.

The Finance Committee may develop detailed conflict of interest rules, which shall govern the administration of financial affairs of Northwest Angle #37 First Nation, which shall take effect upon approval by Council. These detailed conflict of interest rules would support those included under this by-law.

An appeal of suspension or dismissal can be made to the Band Council.

Agreements

The Council may approve on behalf of Northwest Angle #37 First Nation such agreements of funding arrangements with the federal and provincial governments or with any other party for the provision of funding for Northwest Angle #37 First Nation, its agencies and other bodies.

Where an agreement or arrangement has been approved under Section 73 and on the recommendation of the Finance Committee, the Council may approve an alternative arrangement for the management of money received.

Fiscal Year

The fiscal year of the First Nation Government shall be from April 1 of each year to March 31 in the following year.

Audit

Council shall appoint by resolution an auditor annually to audit the books and records of the Northwest Angle #37 First Nation

The auditor shall be a member of a recognized professional accounting association.

The auditor shall report to Council

The audit shall include all transactions involving Northwest Angle #37 the First Nation funds.

The auditor or auditors are entitled to access:

- All books, records, accounts and vouchers,
- Information from any department or agency manager necessary for the completion of the audit,
- Council resolutions and by-laws,
- Administration and financial regulations,
- Agreements, contracts, and any other related documents.

The audit shall be in accordance with generally accepted accounting procedures and shall include a general review of the adequacy of the accounting procedures and systems of control employed to preserve and protect the assets of Northwest Angle #37 First Nation.

The Finance Committee shall provide the auditors with instructions concerning the annual audit and, through the Band Manager, shall assist the auditor in the completion of the audit.

After the review of the annual audit by the Finance Committee, the auditor shall present the annual audit to the Council upon completion of the annual audit no later than 30th June of each year.

The audited financial statement shall be accepted by the Council by resolution at a meeting and signed by the Chief and such other person as designated by the Council.

Public

Upon receipt of the auditor's report by Council, copies of the report shall be posted in such public places as determined by Council.

The Band Manager shall retain the written report of the auditor, together with the related financial statements; and any member of Northwest Angle #37 First Nation may inspect them during regular office hours and may by himself/herself or through their agent, at his/her own expense, make a copy of the report or any part of it.

Amendments and Repeal

Amendments and Repeal can be made by Council Resolution, after the following procedure involving consultation with Band Membership is concluded

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The steps are

- A need for the amendment is identified by the Finance Committee
- The Finance Committee drafts the amendment changes and recommends them to Council
- Council reviews the recommended amendments and calls for a membership meeting to be held within one calendar month of reviewing the amendment but not less than 20 calendar days.
- The Council posts a notice of the proposed amendments with the proposed wording at least 30 days at the Bands Administration Office. These notices at the same time are to be declared to each household on Northwest Angle #37 First Nation. In addition the notices are to be mailed to each Band Member who does not reside on Northwest Angle #37 First Nation if the band member has provided his/her address to the band Office.
- A Northwest Angle #37 First Nation General Membership meeting shall then be held for presentation of the amended Code to the band membership, for the discussion, review and acceptance of the resolution for amendment by the majority present and then forward to the Minister for approval.

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Approved and passed at a duly convened meeting of the Northwest Angle #37 First Nation Council this ___ day of _____, 2004

Chief _____

Councilor _____

Councilor _____