

14.16.15.03.CIF



Under the guidance of Almighty God, Our Creator, and as a sovereign Nation; We, the people of Tsuu T'ina Nation, in preservation and continuation of the Tsuu T'ina Nation's unique culture, identity, traditions, language and institutions, and with respect to the special relationship to the land and resources, in continued relationship with all First Nations and Canada; Do ordain and establish this law in accordance with our inherent right to governance.

Tsuu T'ina Nation Finance and Administration Act.
LRN.14.16.15.03.CIF

Coming Into Force Date: April 7, 2015

WHEREAS the Chief and Council of Tsuu T'ina Nation under inherent sovereignty to Governance as a First Nation of Canada ratify Tsuu T'ina Nation Legislation through a Legislation Process within the jurisdiction of the Tsuu T'ina Nation, Alberta Canada;

AND WHEREAS the purpose of this Finance and Administration Act is to establish the rules, accountabilities, responsibilities, and authorities that govern the management of Tsuu T'ina Nation finances and to outline the process by which financial decisions are initiated, reviewed, approved, and carried out.

AND WHEREAS it is considered to be expedient and necessary for the benefit, and protection and Governance of the Tsuu T'ina Nation.

NOW THEREFORE the Chief and Council of the Tsuu T'ina Nation hereby enacts the following Document:

Tsuu T'ina Nation Finance and Administration Act

14.16.15.03.CIF

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1. Purpose, Scope and Application

1.0 Purpose

- 1) The purpose of this Finance and Administration Act ("Act") is to establish the rules, accountabilities, responsibilities, and authorities that govern the management of Tsuu T'ina Nation ("the Nation") finances and to outline the process by which financial decisions are initiated, reviewed, approved, and carried out.
- 2) This Act will:
 - a) Assign financial accountabilities, responsibilities, and authorities ensuring financial decisions made and actions taken are at the appropriate levels;
 - b) Facilitate efficient financial decision making;
 - c) Maintain fiscal integrity ensuring appropriate use of Nation finances;
 - d) Ensure transactions are carried out as intended and in accordance with applicable laws, regulations, restrictions, and Nation policies; and,
 - e) Create a sound internal control environment.

1.1 Scope and Application

- 1) This Act applies to:
 - a) Tsuu T'ina Nation Chief and Council Members
 - b) Tsuu T'ina Nation Chief Executive Officer; Tsuu T'ina Nation Executive Director of Finance
 - c) Tsuu T'ina Nation Finance Department
 - d) Executive Directors, Management and Staff for:
 - I. Tsuu T'ina Nation Economic Development Portfolio
 - II. Tsuu T'ina Nation Companies Portfolio
 - III. Tsuu T'ina Nation Legislative Procedures Portfolio
 - IV. Tsuu T'ina Nation Programs Portfolio
 - V. Tsuu T'ina Nation Services Portfolio
 - VI. Tsuu T'ina Nation Essential Services Portfolio
- 2) This Act also applies to:
 - a) Child and Family Services Society Board of Directors
 - b) Education Board of Directors
 - c) Police Commission
 - d) Tsuu T'ina Citizenship Evaluation/Tribunal Board
 - e) Other Tsuu T'ina Committees and Boards delegated by Tsuu T'ina Chief and Council

While the above Boards/Commission have the authority to create and approve their own policies and procedures, they:

- f) Must follow this Act as a minimum standard; and,
 - g) Do not have the authority to create, approve or implement a policy that contravenes or overrides this Act or related supporting policies.
- 3) This Act does not apply to the following related entities:
 - a) Tsuu T'ina Gaming Limited Partnership
 - b) Tsuu T'ina Hospitality Limited Partnership
 - c) Dit'Onik'Odza Limited Partnership and Guja Nats'iyini'hi Board; and
 - d) Tsuu T'ina Stoney Corrections Society

2. Interpretations and Definitions

"Accountability" means being liable for activity or decisions. This includes "yes" or "no" authority and veto power. Accepting the liability for delegating responsibility of policy, process and or overall direction of the Nation.

"Appointed, and Elected Board or Committee Member (s)" means an individual appointed by Chief and Council to participate as a voting member of a Board or Committee;

"Approve or Approval" means to consent, agree to, or endorse;

"Assign or as assigned" means to appoint or delegate, or as appointed or delegated;

"Authority" means the power or right to determine, control, command or approve;

"Budget" means the forecast of planned revenues and expenditures for the Nation, a Program or a Company, for a specific period of time;

"Chief Executive Officer" or "CEO" means the individual assigned by Council that is responsible for the day-to-day oversight of the Nation's operations;

"Cheque Requisition" means a document that documents the receipt of goods or services and approval of amounts for payment;

"Committee of Citizens" means a group of non-Council members that are appointed to sit on a Committee of the Nation;

"Company" means a Nation organization or corporation that exists for the purposes of generating funds for the Nation;

"Companies Executive Director" means the employee responsible for the day-to-day oversight of the Tsuu T'ina Nations Companies Division;

"Controller" means the delegate(s) of the Director of Finance who will work with Chief Executive Officer, Portfolio Executive Directors all Managers to assist with, but not limited to, procurement, budget, and financial reporting activities;

"Finance Committee" means a committee of the Chief and Council established to support Council in fulfilling its oversight responsibilities respecting the short- term management of the Nation's financial resources.

"Economic Development Executive Director" means the employee administering the Economic Development Portfolio of the Nation and responsible for the day to day oversight of Economic Development;

"Essential Services Executive Director" means the employee administering the Essential Services Portfolio of the Nation and responsible for the day to day oversight of Essential Services;

"Employee" means a person who works for the Nation in one of its Programs, Departments or Companies.

"Ensure" means to make certain;

"Expense Report" means a document prepared by an individual wishing to receive reimbursement for expenses incurred for Nation related business purposes;

"Executive Director of Finance" means the individual assigned by Council is responsible for the day-to-day management of the Nation's financial administration systems and processes;

"Finance Act or Act" means this Finance and Administration Act;

"Fiscal Year" means the one-year period ending on March 31st of each year;

"For-Profit Venture" means a proposed opportunity to either create a Company or invest in a business arrangement for the purposes of generating funds for the Nation;

"Funding Restrictions" means requirements imposed by external funding agencies that dictate how the Nation must spend the funds;

"Implement" means to fulfill, perform, or carry out;

"Internal control" means an activity, review or approval step, or a system based check designed to promote efficiency or reduce the risk of theft, fraud, error, and misuse of Nation Funds and assets;

"Legislative Procedures Executive Director" means the employee responsible for the day-to-day oversight of the Tsuu T'ina Nations Legislative Procedures Division;

"Manager" means the Program or Company Manager hired as an employee to manage the day-to-day responsibilities of their respective Program or Company.

"May" means to take action at one's discretion and not a requirement;

"May Only" means to take action at one's discretion after a specified action has taken place by another individual or group of individuals;

"Must, Will, Shall, Required" means to be obliged or bound by an imperative requirement with no discretion to avoid;

"Nation Funds" means all monies of the Nation;

"Payment" means any form of money used as payment including cheques and electronic fund transfers (EFT);

"Program" means a Nation organization or department that is not established with the intention of generating a profit but provides services to Nation citizens;

"Programs Executive Director" means the employee administering the Programs Portfolio of the Nation and responsible for the day to day oversight of Essential Services;

"Purchase Order" means a document that captures the approval of a purchase transaction and when accepted by a vendor, becomes a binding contract for both the Nation and the vendor;

"Recommend for Approval" means to represent as advisable;

"Reserve Fund" means funds set aside for a specific purpose other than operating purposes;

"Responsibility" means being the individual or group of individuals who do the work or directs the completion of work or activity;

"Review" means to inspect, examine, and discuss;

"Rule" means a principle or regulation governing conduct, action or procedure that must be followed;

"Services Executive Director" means the employee administering the Services Portfolio of the Nation and responsible for the day to day oversight of Services;

"Special Purpose Entities" means arms length Boards, Committees, and organizations that are created to govern and develop Programs and for-profit ventures and Companies.

"Terms of Reference" means the document approved by Chief and Council that describes the purpose, authorities, responsibilities, composition, meeting requirements and other information pertaining to a Board or Committee;

"Tsuu T'ina Chief and Council" means the elected governing body for the Tsuu T'ina Nation;

"Tsuu T'ina Nation or Nation" means all Tsuu T'ina departments, Programs, and Companies.

"Transparency" The extent to which Nation Citizens have ready access to any required financial information about the Nations' companies, programs, and departments such as audited financial statements.

"Treasury Committee" means a committee of the Chief and Council established to support Council's decision-making process respecting the long-term financial health of the Nation.

3. Roles, Responsibilities, and Authorities

3.0 Tsuu T'ina Nation Chief and Council

3.0.1 Tsuu T'ina Chief and Council Financial Accountability

- 1) Tsuu T'ina Chief and Council is ultimately accountable for all matters relating to the financial administration of the Nation for the benefit of its citizens and will conduct business in a manner, which ensures sound financial management.

3.0.2 Tsuu T'ina Chief and Council Financial Authority, Roles and Responsibilities

- 1) To ensure the Nation's financial matters are carried out effectively and efficiently, Tsuu T'ina Chief and Council has the authority to assign roles, accountabilities, responsibilities and authorities to:
 - a) Finance and Treasury Committees
 - b) Chief Executive Officer
 - c) Executive Director of Finance
 - d) Boards, Committees, arms length special purpose entities;
 - e) Executive Directors for:
 - I. Tsuu T'ina Nation Economic Development Portfolio
 - II. Tsuu T'ina Nation Companies Portfolio
 - III. Tsuu T'ina Nation Legislative Procedures Portfolio
 - IV. Tsuu T'ina Nation Programs Portfolio
 - V. Tsuu T'ina Nation Services Portfolio
 - VI. Tsuu T'ina Nation Essential Services Portfolio
- 2) Assigning roles, accountabilities, responsibilities, and authorities does not remove or reduce Tsuu T'ina Chief and Council's ultimate accountabilities relating to the Nation's finances, and as a result, Tsuu T'ina Chief and Council may not delegate and must retain the final authority to:
 - a) Approve budgets, and budget increases for the Nation and its Programs and Companies as further described in the "Planning and Budgeting" section of this Act;
 - b) Approve financial statements for the Nation and its Programs and Companies as further described in the "Financial Reporting" section of this Act;
 - c) Approve significant financial decisions and expenditures that may impact the strategic direction of the Nation as further described in the "Expenditures" section of this Act;
 - d) Approve Nation, Program, and Company borrowing and incurrence of debt, with the exception of trade related payables and leases, as further described in the "Borrowing, Granting Security, and Guarantees" section of this Act;
 - e) Approve Council policies and procedures;
 - f) Approve the creation of Boards, Committees, and arms length special purpose entities;
 - g) Approve Terms of References for Nation Boards, Committees, and arms length special purpose entities; and,
 - h) Approve corrective or disciplinary action on Board or Committee Members, or Executive Directors, as further described in the "Breaches of this Act" section of this Act.
- 3) In the event a Board or Committee referenced in this act ceases to meet, function, or exist, the Board or Committee responsibilities and authorities as described in this act must be retained and carried out by Council.

3.0.3 Tsuu T'ina Chief and Council Composition, Mandate, Quorum, and Meeting Schedule

- 1) For further information on the composition, mandate, quorum, and meeting requirements of Tsuu T'ina Chief and Council, please refer to the Tsuu T'ina Council Terms of Reference not contained within this Act.

3.1 Boards and Committees

3.1.1 Boards and Committees

- 1) Program Boards and Committees are accountable for the financial activities of their Programs. Other Program Boards and Committees relate to:
 - a) Treasury and Finance Committees – Financial Accountabilities, Authorities and Committee Terms of Reference are included as Appendix A to this Act.
 - b) Child and Family Services;
 - c) Education Board of Directors; and,
 - d) Police Commission
 - e) Tsuu T'ina Citizenship Evaluation/Tribunal Board
 - f) Other Tsuu T'ina Committees and Boards delegated by Tsuu T'ina Chief and Council

3.1.2 Board and Committee Financial Accountabilities

- 1) Boards and Committees are accountable for the financial activities of the Nation's Programs and Companies as assigned to them by Council. This accountability includes ensuring each Program or Company that the Board or Committee is accountable for:
 - a) Operates within its mandate and meets service and budget expectations;
 - b) Spends Nation funds in accordance with its Program or Company objectives;
 - c) Spends Nation funds in accordance with approved budget and funding restrictions;
 - d) Does not overspend budgeted limits; and,
 - e) Complies with this Act and uses and follows the financial policies, systems and processes designed and implemented under the authority assigned by Council to the Finance Department.

3.1.3 Board and Committee Financial Authorities

- 1) To meet their financial accountabilities for each Program or Company they are accountable for, Boards and Committees are required to:
 - a) Work with their Executive Director, the Executive Director of Finance, and the Finance Controller to prepare and review budgets and five-year financial plans, as well as any budget changes, as further described in the "Planning and Budgeting" section of this Act; and
 - b) Work with their Executive Director, the Executive Director of Finance, and the Finance Controller to prepare and review quarterly and annual financial reports as further described in the "Financial Reporting" section of this Act.
- 2) In addition, Boards and Committees have the authority to recommend to Tsuu T'ina Chief and Council corrective or disciplinary action on their respective Executive Director as further described in the "Breaches of this Act" section of this Finance Act.
- 3) Boards and Committees do not have the authority to design, approve, or implement any policy that is in contravention of this Act.

3.1.4 Board and Committee Terms of Reference

- 1) Each Board and Committee must have a Terms of Reference, approved by Council, outlining financial accountabilities and authorities as well as other non-financial accountabilities and authorities not referenced in this Act.
- 2) For further information on the composition, mandates, responsibilities, quorum, and meeting requirements of each Nation Board and Committee, please refer to the applicable Board or Committee Terms of Reference not contained within this Finance Act.

3.2 Chief Executive Officer

3.2.1 CEO Financial Role & Responsibilities

- 1) The CEO is responsible for the day-to-day management of the Nation's operations and Programs in order to assist Tsuu T'ina Chief and Council and Executive Directors in carrying out their accountabilities in accordance with this Act.
- 2) The CEO is required to:
 - a) Work with the Executive Director of Finance and Executive Directors to prepare budgets and five-year financial plans as further described in the "Planning and Budgeting" section of this Act;
 - b) Work with Executive Directors and the Executive Director of Finance to review financial reports as further described in the "Financial Reporting" section of this Act; and,
 - c) Ensure the Nation's operations are in compliance with this Act and use and follow the financial policies, systems and processes designed and implemented under the authority assigned by Council to the Finance Committee as described in section 3.3.3.

3.2.2 CEO Financial Authority

- 1) To meet the responsibilities assigned to the CEO by Council, the CEO has the authority to:
 - a) Review, approve, or deny purchase orders and cheque requisitions within their approval authority limit as further discussed in the "Expenditures" section of this Act;
 - b) Delegate expense approval authority to Executive Directors, within the approval limits described in the "Expenditures" section of this Finance Act;
 - c) Temporarily delegate full expense approval authority to the Executive Director of Finance, during times when the CEO is not available, such as vacation, travel, or illness;
 - d) Review business cases for Program, Company, and service opportunities prior to them being forwarded to the appropriate Board or Committee for review; and,
 - e) Make and approve decisions relating to the day-to-day operations of the Nation.
- 2) If a Nation citizen raises a financial issue, question or request relating to the day-to-day financial activities, the Tsuu T'ina Chief and Council must direct the Nation citizen to the CEO to resolve the issue, question or request. In coming to a decision, the CEO may request input from any Executive Director about the issue, question or request.
- 3) If the issue or request is deemed by the CEO, upon consultation with the relevant Executive Director to be a strategic level issue or request, the CEO will raise the issue

with Tsuu Tina Chief and Council with a recommended decision or course of action for Tsuu Tina Chief and Council's consideration.

3.3 Executive Director of Finance

3.3.1 Financial Role & Responsibilities

- 1) The Executive Director of Finance is responsible for the day-to-day management of the Nation's financial administration systems and processes in order to assist the Finance Committee in carrying out its accountabilities in accordance with this Act.
- 2) The Executive Director of Finance is responsible for the appropriate design, implementation and maintenance of financial processes for Nation Programs and Companies, relating to:
 - a) Revenue and collection processes that support the appropriate issuance of credit, timely collection, and safeguarding of funds due to the Nation;
 - b) Procurement and payment processes that support accountability and transparency and ensure Nation funds are used in accordance with their budget and funding restriction requirements;
 - c) Budgeting and financial reporting processes that ensure Executive Directors, Boards/Committees, and Tsuu T'ina Chief and Council are provided with accurate and timely budget and financial information relating to the Nation's operations, its Programs, and Companies; and,
 - d) Payroll processes that ensure the correct and timely payment of salaries to Nation employees.
- 3) In designing, implementing, and maintaining these financial processes, the Executive Director of Finance is required to ensure each process has appropriate internal controls support accountability and transparency and to reduce the risk of inappropriate use of Nation's finances and non compliance with funding restrictions as described in the "Internal Controls Section" of this Act.

3.3.2 Financial Authority

- 1) To meet the responsibilities assigned to the Executive Director of Finance by Tsuu T'ina Chief and Council, the Executive Director of Finance, or designate, has the authority to:
 - a) Create, recommend for approval, and implement approved financial policies and procedures;
 - b) Change and update financial systems and processes to improve efficiencies while ensuring appropriate oversight over Nation finances;
 - c) Collect, compile, and present budget and financial reporting information for the Nation, its Programs, and Companies;
 - d) Make available budgeted funds to the Nation, its Programs, and Companies upon the approval of the budget by Council, as further described in the "Availability of Budgeted Funds" section of this Act;
 - e) Issue purchase orders upon receiving approval from the relevant Program or Company Manager, and/or Executive Director as further described in the "Expenses" section of this Act;
 - f) Stop the issuance of a purchase order if the planned expenditure is not for originally budgeted purposes, will result in an over-expended budget, or is not compliant with funding restrictions or policies and procedures;
 - g) Create and issue payments, upon receiving approval from the relevant individual

that has sufficient approval authority as further described in the "Expenses" section of this Act; and,

- h) Stop a payment if the payment is not for budgeted purposes, results in an over-expended budget, or is not compliant with funding restrictions or policies and procedures.

3.4 Executive Directors

3.4.1 Executive Director Financial Role and Responsibilities

- 1) Executive Directors are responsible for the day-to-day oversight of the Nation's Companies, Programs, Departments and initiatives in accordance with this Act.
- 2) Executive Directors are required to:
 - a) Work with Company/Program/Department Managers and Controllers to prepare budgets and five-year financial plans as further described in the "Planning and Budgeting" section of this Act;
 - b) Work with Company/Program/Department Managers and Controllers to prepare and review financial information as further described in the "Financial Reporting" section of this Act; and,
 - c) Ensure the Nation's Companies/Program/Department are in compliance with this Act and follow the financial policies, systems and processes designed and implemented.

3.4.2 Executive Director Financial Authority

- 1) To meet the responsibilities assigned to the Executive Directors by Tsuu T'ina Chief and Council, the Executive Directors have the authority to:
 - a) Review, approve, or deny purchase orders and cheque requisitions within their approval authority limit as further discussed in the "Expenses" section of this Act;
 - b) Delegate expense approval authority to Company/Program/Department Managers, within the approval limits described in the "Expenses" section of this Act;
 - c) Temporarily delegate full expense approval authority to another Executive Director during times of leave, such as vacation, travel, or illness; and,
 - d) Review or prepare and recommend for approval business cases relating to proposed for-profit ventures.

3.4.3 Economic Development Executive Director, and Companies Executive Director

- 1) The Economic Development Executive Director and Companies Executive Director are accountable for the financial activities of the Nation's companies and the evaluation of proposed for-profit ventures of the Nation.
- 2) The Economic Development Executive Director and Companies Executive Director together with the CEO and Executive Director of Finance have authority to:
 - a) Create, review, approve, and implement policies relating to the evaluation, recommendation for approval, and investing in new and existing for-profit ventures;
 - b) Evaluate, and make recommendation to Tsuu T'ina Chief and Council for the approval/rejection of proposed for-profit ventures as further described in the "Evaluation of Proposed For-Profit Ventures" section of this Act.

3.4.4 Executive Directors of, Programs, Services, Essential Services and Legislative Procedures

- 1) Executive Directors of Programs, Services, and Essential Services are accountable for

the financial activities of the Nation's Programs/Departments and the evaluation of proposed Nation Programs/Department.

- 2) In addition, Executive Directors of Programs, Services, and Essential Services has the authority to:
 - a) Create, review, approve, and implement policies relating to the evaluation, recommendation for approval, and requesting funds for new Programs;
 - b) Evaluate, and make recommendation to Tsuu T'ina Chief and Council for the approval/rejection of proposed Programs/Departments; and,
 - c) Upon approval of a proposed Program/Department, create and implement the Program/Department.

3.5 Finance Department

- 1) As assigned by Tsuu T'ina Chief and Council, the Executive Director of Finance through the operation of the Finance Department is accountable for maintaining the financial administration systems, policies and processes used by the Nation and its Programs and Companies.
- 2) The Executive Director of Finance through the operation of the Finance Department is accountable for ensuring the Nation's financial policies, systems and processes are designed to:
 - a) Adequately protect the Nation's financial assets;
 - b) Ensure compliance with funding restrictions;
 - c) Ensure financial activities are timely and efficient;
 - d) Ensure an adequate system of internal controls; and
 - e) Use best practices to support effective financial decision making for the Nation.
- 3) To meet these accountabilities, the Finance Department, through the Executive Director of Finance, is required to work with Nation Boards/Committees, CEO and Executive Directors to prepare, review, and recommend for approval to Tsuu T'ina Chief and Council:
 - a) Budgets and five-year financial plans as further described in the "Planning and Budgeting" section of this Act; and,
 - b) Financial reports and financial statements as further described in the "Financial Reporting" section of this Act.

3.6 Managers of Individual Programs, Department and Companies

3.6.1 Program, Department, and Company Manager Financial Responsibilities

- 1) As delegated by their respective Executive Director, Program, Department and Company Managers are responsible for the financial activities of their respective Program, Department or Company. As a result, they are required to:
 - a) Work with their respective Controller to prepare budgets and five-year financial plans, if required, for submission to their respective Executive Director as further described in the "Planning and Budgeting" section of this Act;
 - b) Work with their respective Controller to prepare and review quarterly and annual financial information and variance analysis; and,
 - c) Ensure spending within their respective Program, Department or Company is within budget and in compliance with any applicable funding requirements and policies and procedures.

3.6.2 Program, Department and Company Manager Financial Authorities

- 1) Upon delegation by their Executive Director, Program, Department and Company Managers have the authority to:
 - a) Initiate, review, approve, or deny purchase orders and cheque requisitions within their approval authority limit as further discussed in the "Expenses" section of this Act; and,
 - b) Order goods and services upon receiving an approved purchase order from their Controller as described in the "Expenses" section of this Act.

3.7 Employees, Elected Officials, Board and Committee Members

3.7.1 Financial Responsibilities

- 1) All employees of the Nation, its Programs, Departments and Companies, including Executive Directors and Program, Departments and Company Managers, and elected officials including Chief and Council Members, and Board and Committee Members are responsible for the appropriate use of Nation Funds by ensuring any financial request created, reviewed or approved by the individual:
 - a) Is in compliance with this Act and its supporting policies;
 - b) Is in compliance with the impacted Program, Department or Company objectives;
 - c) Is in compliance with any applicable funding restrictions;
 - d) Has sufficient budget availability to cover the expenditure; and,
 - e) Does not result in an actual or perceived conflict of interest as further described in the "Conflict of Interest" section of this Act.
- 2) Any instance where the individual knowingly acted, in a manner that did not promote the appropriate use of Nation Funds is in breach of this Act and may face disciplinary action as further described in the "Breach of this Act" section of this Act. Internal Controls

4. Internal Controls

- 1) Internal controls are activities used to achieve goals relating to:
 - a) Reliability and timeliness of financial reporting;
 - b) Compliance with laws, regulations, funding restrictions, and policies and procedures; and,
 - c) Reducing the risk of fraud, theft, and misuse of Nation funds and assets.
- 2) As assigned by Council, the Executive Director of Finance and Finance Controllers are required to ensure financial processes have appropriate internal controls.

4.0 Examples of Key Internal Controls

4.0.1 Segregation of Duties

- 1) Segregation of duties is a key concept of internal controls that is used to prevent errors, fraud, and unintentional or inappropriate expenditures by requiring more than one person to complete a task. Often segregation of duties can be achieved by separating initiation, authorization, and execution of a task.
- 2) By having at least two individuals involved in a task, one person is able to confirm the correctness and appropriateness of the information or request prepared by another person, thereby reducing the risk for error, fraud, or inappropriate expenditures.
- 3) Some examples of segregation of duties that are incorporated into this Act are:
 - a) Preparation of Program and Company budgets by Managers, followed by the review and approval of budgets by Executive Directors, as described in the "Planning and Budgeting" section of this Act;
 - b) Creation of purchase orders, followed by review and approval by a Program or Company Manager, followed by review and approval by a Controller as described in the "Expenses" section of this Act; and,
 - c) Compilation of annual financial statements by the Executive Director of Finance, the audit of the financial statements by the external auditors, the review of the financial statements and audit findings by the Finance Committee, and the approval of the financial statements by Council, as described in the "Financial Reporting" section of this Act.

4.0.2 Authorization and Approvals

- 1) As described in the "Segregation of Duties" section of this Act, approvals are a key activity in evidencing appropriate segregation of duties as well as confirming the appropriateness and correctness of information, a request, or a transaction. As a result, documented approvals such as signatures, system based controls, Board and Committee minutes, and Tsuu T'ina Chief and Council minutes and resolutions are required by this Act to evidence approvals.
- 2) In order for approval activities to effectively mitigate risks, individuals, Boards, Committees, and Council are required to understand what they are confirming when completing approval activities.

4.0.3 Use of Approved Budgets

- 1) Planning and monitoring expenditures through the use of budgets and financial reporting is a powerful tool to ensure Nation, Program, Department and Company financial activities do not exceed available Nation funds. As a result, this Act:
 - a) Requires the Nation and its Programs, Departments and Companies to prepare, review, and have Tsuu T'ina Chief and Council approve budgets as described in the "Planning and Budgeting" section of this Act; and,
 - b) Only allows expenditures if approved budgeted funds are available, except in emergencies, as described in the "Expenses" section of this Act.

5. Planning and Budgeting

5.0 Authorities Relating to Budgeting

- 1) As assigned by Tsuu T'ina Chief and Council, the Treasury and Finance Committee have the authority to create, review, approve, and implement budgeting policies and procedures that the Nation, its Programs and Companies must follow.
- 2) Prior to spending Nation Funds, the Nation, its Programs, Departments and Companies require an approved budget. A budget for the Nation, its Programs, Departments and Companies are considered approved only after Chief and Council has approved it.

5.1 Budget Approvals

- 1) Only Tsuu T'ina Chief and Council have the authority to approve budgets for the Nation, its Programs, Departments and Companies. Tsuu T'ina Nation Chief and Council may only approve budgets after consulting with the Treasury Committee, and Finance Committee and upon the recommendation of the CEO, respective Executive Director and Executive Director of Finance. Recommendations of the Executive Director of Finance must consider the Nation's financial ability to fund proposed budgeted activities.

5.1.1 Budget Increase Approvals

- 1) Increases to Nation, Program and Department expenditure budgets require approval from Tsuu T'ina Chief and Council. Tsuu T'ina Chief and Council may only approve increases to expenditure budgets after consulting with the Treasury Committee, and Finance Committee and upon the recommendation of the CEO and Executive Director of Finance. Recommendations of the Executive Director of Finance must consider the Nation's financial ability to fund budget increases and generally, budget increases only occur when identifiable sources of funding are available.

5.1.2 Repurposing of Funds and Change of Use

- 1) Repurposing or changing the use of budgeted funds that are subject to funding restrictions requires the approval from the related funding agency, the Program, Department or Company's respective Executive Director, and the Executive Director of Finance or respective Controller.
- 2) Repurposing or changing the use of budgeted funds that are not subject to funding restrictions requires the approval from the Program, Department or Company's respective Executive Director and the Executive Director of Finance or respective Controller.
- 3) If the repurposing or changing the use of budgeted funds results in an increase in total budgeted expenditures for the Program or Company, the request for repurposing or changing the use of funds also requires the approvals described in "Budget Increase Approvals" in section 5.1.2 of this Act.

5.2 Responsibilities Relating to Budgeting

- 1) The Executive Director of Finance is responsible for consulting with the Treasury Committee and Finance Committee, prior to compiling, reviewing, and recommending for approval to Tsuu T'ina Chief and Council, the budgets for the Nation, its Programs, Departments and Companies.

- 2) The Nation budget must encompass all the operations for which the Nation (including its Programs Departments and Companies) is responsible. The Nation budget will include the approved revenue and expenditures from each of the individual budgets for each Program Department and Company.
- 3) Program and Company Managers, Executive Directors, Boards and Committees are required to work with their Controllers and the Executive Director of Finance to prepare and review Program and Company budgets in accordance with applicable policies, timelines, processes and templates.

5.3 Annual Budget and Five-Year Financial Plan Requirements

- 1) At a minimum, all Programs and Departments are required to prepare and submit annual budgets. At the discretion of the Treasury Committee, Programs may also be required to prepare and submit five-year financial plans.
- 2) All Companies are required to prepare and submit annual budgets and five-year financial plans.
- 3) Annual budgets and five-year financial plans are to be prepared, submitted, reviewed, and approved following the budget schedule outlined in section 5.4.
- 4) Budgets and five-year financial plans must:
 - a) Be based on the projections of revenues, expenditures and transfers between accounts;
 - b) Show all categories of restricted cash; and,
 - c) Indicate whether a deficit or surplus is expected from the projection of revenues and expenditures for the budgeted year or any of the future years in the five-year financial plan.

5.4 Budget Process and Schedule

- 1) On or before September 30th of each year, the Program, Department and Company Managers must prepare and submit a draft budget and five year financial plan to their Controller and Executive Director, or governing Board/Committee to review for the next fiscal year.
- 2) On or before January 31st of each year, the Executive Director of Finance must prepare and submit a draft annual budget comprised of the individual Program, Department, and Company budgets and a draft five-year financial plan to the Treasury Committee and Finance Committee for review for the next fiscal year.
- 3) On or before February 15th of each year, the Tsuu T'ina Chief and Council must approve the annual budget and the five-year financial plan.

6. Availability of Budgeted Funds

- 1) Upon the approval of a budget by Tsuu T'ina Chief Council, the Executive Director of Finance has the authority to make available budgeted funds at the commencement of the fiscal period the budgeted funds relate to.
- 2) Upon the request of the responsible Executive Director or Board or Committee, the Executive Director of Finance has the authority to make available budgeted funds to Programs, Departments and Companies in either monthly or quarterly installments instead of at the commencement of the fiscal year.

7. Budget Surpluses

- 1) Subject to funder's restrictions, Tsuu T'ina Chief and Council has the authority to approve the carryover of unused budgeted funds for a Program to the following year as part of the budgeting process described in the "Planning and Budgeting" section of the Act.
- 2) Except when approved by Tsuu T'ina Chief and Council, or subject to funder's restrictions, unused Program budgeted amounts, or Program surpluses at the end of the fiscal year are retained in the general revenue fund.
- 3) All Company profits or surpluses, except those subject to reserve or trust fund allocations as described in Section 14 of this Act, are to be allocated to the general revenue fund.

8. Expenditures

- 1) As assigned by Tsuu T'ina Chief and Council, the Executive Director of Finance, CEO, and Executive Directors have the authority to design, approve, and implement financial policies and procedures relating to procurement, expenditures and payments.

8.0 Allowable Expenditures

- 1) Goods, Services, Reimbursable Travel, and Program, Department and Company Disbursements may only be incurred if:
 - a) They are within the mandate of the Program, Department or Company incurring the expense;
 - b) Budgeted funds are available to support the purchase;
 - c) The expenditure is compliant with funding restrictions and Nation policies and procedures;
 - d) The expenditure is approved by an individual, with sufficient approval authority as described in the "Expenditure Approval Authority Limits" section of this Act; and,
 - e) The expenditure does not result in an actual or perceived conflict of interest as discussed further in the "Conflict of Interest Section" of this Act.

8.1 Expenditure Approval Authority Limits

- 1) Executive Directors have the authority to approve purchase order amounts, cheque requisitions, or other forms of financial commitments and payments relating to the Nation's Programs, Departments and Companies assigned to them by Tsuu T'ina Chief Council within approved budget limits and so long as budgeted funds are available.
- 2) An Executive Director may delegate partial approval authority for purchase order amounts and cheque requisitions to their Program, Department or Company Managers, up to a maximum of 5% of the Program Department or Company's annual operating expenditure budget.
- 3) An Executive Director may delegate full approval authority related to their Programs, Department or Companies to another Executive Director during times when the Executive Director is on leave and not available, such as illness, vacation, or travel.
- 4) A Program, Department or Company Manager may only receive purchase order and cheque requisition approval authority upon delegation from their Executive Director, and only for the Program, Department or Company they are responsible for.
- 5) Program, Department or Company Managers and Executive Directors do not have the authority to approve purchase orders or cheque requisitions that result in an actual or perceived conflict of interest as discussed in the "Conflict of Interest" section of this Act. As a result, purchase orders and cheque requisitions that result in a payment to a Program, Department, or Company Manager must be approved by the Executive Director. The CEO must approve purchase Orders, and cheque requisitions that result in a payment to an Executive Director.
- 6) Purchase order and cheque requisition approval authority is not procurement contract signing authority, which is further discussed in the "Procurement Contracts" section of this Act.

8.2 Ordering Goods and Services

- 1) An employee may only order goods and services once an approved purchase order has been obtained from their respective Controller.
- 2) To obtain an approved purchase order, the employee must:
 - a) Fill out a purchase order outlining the goods and services required, the individual cost of each item, and the total cost for the order as well as the Program/Company code and account code information;
 - b) Have the purchase order signed by an individual with sufficient expenditure approval authority for the impacted Program, Department or Company as described in the "Expenditure Approval Authority Limits" section of this Act. If the Program, Department or Company Manager does not have sufficient approval authority, then the signature of their respective Executive Director is also required; and,
 - c) Have the purchase order signed by the Program, Department or Company's Controller or designate.
- 3) As only Program, Department and Company Managers have the authority to approve purchase order amounts, should an individual who is not a Program, Department or Company Manager or Executive Director, including any Board/Committee or Tsuu T'ina Chief and Council member, receive a purchase order for approval, they do not have the authority to approve the purchase order, and must send the purchase order to the Executive Director of the respective Program, Department or Company for consideration.
- 4) Upon receipt of a purchase order that has been signed by an individual with sufficient expenditure approval authority, the Controller for the Program, Department or Company must review the purchase order to check if the expenditure:
 - a) Is approved by an individual with sufficient approval authority;
 - b) Is within the Program, Department or Company's mandate;
 - c) Complies with any funding agency restrictions;
 - d) Complies with any Nation policies and procedures; and,
 - e) Is funded by available budgeted funds from the appropriate expense code.

If these five criteria are met, the Controller will sign the purchase order and provide it to the requesting employee. If any one of these five criteria is not met, the Controller has the authority to reject the purchase order.

- 5) A purchase order is considered approved once it contains the signatures of an individual with sufficient expenditure approval authority and the signature of a Controller. Only upon receiving an approved purchase order, does an employee have the authority to order the goods and service outlined on the purchase order.
- 6) Employees who order goods and services without an approved purchase order from their Controller are in breach of this Act and may face disciplinary action as further described in the "Breach of this Act" section of this Act.
- 7) An employee must never separate a purchase into smaller purchase orders in order to reduce the approvals required for the purchase. Doing so is in breach of this Act and may result in disciplinary action as further described in the "Breach of this Act" section of this Act.

8.3 Requirement to Tender Contracts and Receive Bids

- 1) Depending on the amount of the planned purchase or financial commitment, the Nation, its Programs and Companies may be required to request bids from potential suppliers prior to creating and seeking approval of a purchase order. For limits and tendering requirements and procedures, please refer to the Tsuu T'ina Procurement Policies and Procedures.

8.4 Emergency Procurement

- 1) In emergency situations, timeliness of procurement may be critical and may not allow for waiting for required budget increase approvals as described in section 6.1 of this Act. If emergency procurement is required, only the combined approval of the Executive Director responsible for the impacted Program or Company and the Executive Director of Finance will result in an approved emergency purchase order. The Executive Director responsible for the impacted Program or Company is required to notify the respective Board Chair or Committee Chair of the emergency procurement as soon as possible.
- 2) For the purposes of this Act, emergency procurement:
 - a) Is unexpected and not anticipated in the budget; and,
 - b) Would negatively impact the delivery of a Program or profitability of a Company if the procurement were delayed as a result of following the regular approval process.

8.5 Procurement Contract Signing Authority

- 1) Both the CEO and the Executive Director of Finance must sign all non-purchase order procurement contracts.
- 2) As only the CEO and the Executive Director of Finance have the combined authority to approve procurement contracts, should an individual who is not the CEO or Executive Director of Finance, including any Board/Committee or Council member, receive a purchase contract for approval, they do not have the authority to approve the purchase contract, and must send the purchase contract to the CEO for consideration.
- 3) If a procurement contract is not in the format of the Nation's approved and standard procurement contract template, approved by the Nation's legal department, the procurement contract must be reviewed by the Nation's legal department before being signed by the CEO and the Executive Director of Finance.

8.6 Reimbursable Travel

- 1) Employees, non-employees and elected officials who have incurred travel expenses while conducting the business of the Nation, its Programs and Companies may be entitled to reimbursement for these out-of-pocket expenses.

8.6.1 Pre-Approval for Travel

- 1) All travel to be reimbursed by Nation Funds, with the exception of emergency travel, must be pre-approved by the Program or Company Manager, Executive Director, Board or Committee that the individual wishing to travel reports to, or in the case of elected officials, the Executive Director of Finance.
- 2) Pre-approval for travel is obtained through the creation and approval of a Purchase Order as described in section 8.3 of this Act.

8.6.2 Emergency Travel

- 1) In some emergencies, employees, non-employees and elected officials may not be able to obtain pre-approval for travel related to conducting business of the Nation, its Programs and Companies. Should this occur, the individual must notify the individual, Board or Committee they report to of their travel plan as soon as possible.
- 2) Even in emergency situations, without pre-approval for travel, individuals cannot be guaranteed of reimbursement for out of pocket travel expenses incurred.

8.7 Issuing Payments

- 1) Only the Executive Director of Finance or designate within the Executive Director of Finance's office has the authority to issue payments from Nation, Program and Company accounts once certain criteria are met.
- 2) Except for payments referenced in section 8.7.1, to issue a payment, the Executive Director of Finance's office must receive:
 - a) An approved purchase order matching the goods and services received or travel incurred;
 - b) Confirmation that the goods and services have been received in the form of an approved cheque requisition; and,
 - c) An invoice from the supplier that matches the goods and services ordered on the purchase order, and that matches the confirmation of the goods and services received on the cheque requisition.
- 3) If the Program or Company Manager does not have sufficient cheque requisition approval authority, their Executive Director must also approve the cheque requisition.

8.7.1 Payment for Re-occurring and Program Service Delivery Payments

- 1) At the discretion of the Executive Director of Finance, certain re-occurring and Program service delivery payments may not require an approved purchase order to issue a payment. For these payments identified by the Executive Director of Finance, an approved cheque requisition is sufficient evidence to allow the Executive Director of Finance or designate to issue a payment. For more information on these payments, please contact your Controller.

8.7.2 Reporting to Council of Significant Payments

- 1) To keep Tsuu T'ina Chief and Council members informed of significant payments issued by the Nation, the Executive Director of Finance will provide Council with a summary of payments to vendors or individuals which exceed 5% of any program's or company's annual budget.

8.8 Withholding Payments

- 1) Prior to issuing payment, the Executive Director of Finance or designate may stop payments if budget is not available or if the payment is not in compliance with funding restrictions and policies and procedures.
- 2) Prior to issuing payment, Tsuu T'ina Chief and Council members may review payments (as discussed in Section 8.8.2 of this Act) and request the Executive Director of Finance or designate to stop payments if the payment does not comply with Program, Company, or Nation objectives.

9. Revenues, Billing, and Accounts Receivables

- 1) As assigned by Tsuu T'ina Chief and Council, the Executive Director of Finance with the CEO and Executive Directors have the authority to design, approve, and implement revenue, billing, and accounts receivable policies, systems, processes, and templates that the Nation and its Programs and Companies must follow and use.

9.0. Funding Agreement Reporting Requirements

- 1) Many funding agencies require specified reporting requirements to be met prior to releasing payments to the Nation. Program and Company Managers are required to prepare and submit reports to their respective funding agencies in accordance with the requirements and timelines outlined in their funding agency agreements.
- 2) Failure of a Program or Company Manager to comply with their granting agency agreement requirements is a breach of this Act and may result in disciplinary action as further described in the "Breach of this Act" section of this Act.

9.1 Providing Goods and Services for Receipt of Immediate Payment

- 1) Programs and Companies that provide goods and services where payment is received at the point of sale, must follow receipting and deposit processes that have been reviewed and approved by the Executive Director of Finance or designate. At a minimum, for all payments received at point of sale:
 - a) The employee is required to issue a receipt for the payment received;
 - b) A copy of the receipt must be retained by the employee; and,
 - c) At an interval requested by the Executive Director of Finance or delegate, the Program or Company must complete a deposit process where receipts are balanced to payments received, and payments received are deposited.

9.2 Providing Goods and Services on Credit

- 1) Upon delegation from their Executive Director, Program and Company Managers may receive authority to approve credit limits for customers upon following credit check procedures outlined by their Receivables Supervisor. Confirming the credit worthiness of a customer may include, but is not limited to:
 - a) Analyzing customer receivable and payment history with the Nation and its Programs and Companies; and,
 - b) Completing credit checks with credit rating agencies.
- 2) Prior to providing goods and services to a customer on credit, an employee must confirm the customer has an approved credit limit and is not delinquent in paying previous invoices.
- 3) When Programs or Companies provide goods or services to outside agencies or individuals on credit, invoices must be used to bill for the goods or services provided.
- 4) Program Managers or their delegates are required to create and issue invoices to outside agencies or individuals. For more information on creating and issuing invoices, contact your Receivables Supervisor.

9.3 Review and Management of Accounts Receivables

- 1) The Executive Director of Finance, through the employment of Receivables Supervisors, is required to keep an up to date record of all accounts receivables for the Nation and its Programs and Companies.
- 2) Program and Company Managers and their Executive Directors are required to review their respective accounts receivable balances on a monthly basis and contact their Receivables Supervisor for assistance in collecting outstanding receivable balances.

9.4 Delinquent Accounts Receivable

- 1) If an account is found to be outstanding for longer than 60 days, the Program, Department, or Company Manager or designate must send a letter to the debtor requesting immediate payment.
- 2) If an account is found to be outstanding for longer than 90 days, the Program, Department, or Company Manager or designate must send another letter and contact the debtor requesting immediate payment.
- 3) If an account is found to be outstanding for longer than 90 days:
 - a) The balance is considered to be a bad debt expense as further described in the "Writing Off and Extinguishment of Debt" section of this act; and,
 - b) The Executive Director of Finance, upon the approval of the respective Executive Director, may send the account to collection by use of an external collection service.
- 4) If an account is found to be outstanding for longer than one year, the account will be subject to the process further described in the "Writing Off and Extinguishment of Debt" section of this Act.

9.5 Writing Off and Extinguishment of Debt

- 1) If an account is found to be outstanding for longer than 90 days, the Executive Director of Finance or designate has the authority to create a provision for bad debts by charging a bad-debts expense to the related Program or Company that incurred the receivable balance.
- 2) The CEO, Executive Director of Finance, and Executive Directors will review all receivable balances outstanding for more than one year and will make a recommendation to Council regarding the extinguishment of debts.
- 3) Upon the recommendation of the CEO, Executive Director of Finance, and Executive Directors, Tsuu T'ina Chief and Council have the authority to approve the extinguishment of debts.

9.6 Deposit Process

- 1) The Executive Director of Finance or designate, on behalf of the Nation, will bank all monies received at a chartered bank or credit union approved by the CEO.
- 2) Upon receipt, all monies, whether in cash or cheque, shall be deposited as soon as possible into the appropriate designated account.
- 3) The Executive Director of Finance or designate shall maintain a current and accurate

record of all banking transactions and shall report regularly to Tsuu T'ina Chief and Council on the implications that the transactions may have on Nation Program or Company operations.

10. Financial Reporting

10.0 Financial Reporting Responsibilities and Authorities

- 1) As assigned by Council, CEO, Executive Director of Finance, and Executive Directors has the authority to design, approve, and implement financial reporting policies, systems, procedures, and templates that the Nation, its Programs and Companies must follow and use.
- 2) All Financial Statements prepared by the Nation or on behalf of the Nation must be in accordance with accounting standards and pronouncements by the Canadian Accounting Standards Board.
- 3) Through assisting the CEO, and Executive Directors, the Executive Director of Finance and Director of Finance is responsible for coordinating the creation of financial statements for the Nation, its Programs and Companies.
- 4) Program, Department, and Company Managers and Executive Directors are responsible for providing adequate actual to budget variance analysis to the Executive Director of Finance or designate on a monthly, quarterly, and annual basis as a result of their review of the financial reports and comparison to approved budget amounts.
- 5) Financial Statements are considered approved only after approval has been obtained from Tsuu T'ina Chief and Council. Tsuu T'ina Chief and Council may only approve financial statements upon the recommendation of the CEO and Executive Director of Finance.

10.1 Financial Statement Review & Approval Process

10.1.1 Yearly Financial Statements

- 1) Annual financial statements must be reviewed by the CEO and Executive Director of Finance, and then recommended for approval to Council no later than 120 days after the fiscal year end.
- 2) Annual audited financial statements must be reviewed and approved by Tsuu T'ina Chief and Council no later than 120 days after the fiscal year end.

11. Audit Requirement

- 1) Tsuu T'ina Chief and Council shall appoint an auditor or auditors annually to audit the books and records of the Nation. The Nation shall observe that audit services shall not be exceed a period of five (5) consecutive years with a single accounting/audit/financial firm.
- 2) The auditor(s) shall be a member of a recognized professional accounting association.
- 3) The auditor(s) shall report to Tsuu T'ina Chief and Council.
- 4) The audit shall include all transactions involving Nation funds.
- 5) The auditor(s) are entitled to access:
 - a) All books, records, accounts and vouchers;
 - b) Information from any department or agency manager necessary for the completion of the audit;
 - c) Tsuu T'ina Chief and Council minutes, resolutions and by-laws;
 - d) Administration and financial regulations; and
 - e) Agreements, contracts, and any other related documents.
- 6) The audit shall be in accordance with generally accepted auditing standards 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 the Nation.
- 7) After review of the annual draft financial statements and audit findings by the CEO, Executive Director of Finance, and Executive Directors, the auditor or auditors shall present the annual audited financial statements with summary of audit findings and summary of adjusted and unadjusted balances to Tsuu T'ina Chief and Council.
- 8) The audited financial statements shall be accepted by Tsuu T'ina Chief and Council by resolution and signed by the Chief and CEO.

12. Financial Institution Accounts

- 1) Upon the approval of Tsuu T'ina Chief and Council, the Executive Director of Finance or designate has the authority to open or close accounts with financial institutions. Only Tsuu T'ina Chief and Council have the authority to approve the opening or closing of an account with a financial institution.

13. Reserve & Trust Funds

- 1) Tsuu T'ina Chief and Council, in meeting their accountabilities relating to the financial activities of the Nation for the benefit of its citizens, has the authority to approve the creation of reserve and trust funds. Reserve and trust funds are Nation funds that are set aside during the budget process each year:
 - a) For the benefit of future generations;
 - b) To fund planned and unexpected future infrastructure expenditures; and,
 - c) To invest in for-profit economic ventures.
- 2) Upon the creation of these reserve or trust funds, and as part of the budget process, the CEO, Executive Director of Finance, and Executive Directors has authority to set aside Nation funds into reserve and trust accounts as described in this Act. Tsuu T'ina Chief and Council is required to approve the allocation to reserve and trust funds in accordance with this Act.

13.0 Proposed Reserve Funds

13.0.1 Infrastructure Maintenance and Renewal Fund

- 1) Funds set aside to finance unexpected or future planned Nation infrastructure maintenance and renewal costs.
- 2) The Infrastructure Maintenance and Renewal Fund is funded by:
 - a) Unrestricted and unencumbered own source revenues,
 - b) Amounts set aside from net proceeds relating to the sale, transfer, or lease of Nation lands further described in Section 16 of this Act; and,
 - c) Any additional amounts approved by Tsuu T'ina Chief and Council as part of the budgeting process further described in Section 5 of this Act.

13.0.2 Program Development Fund

- 1) Funds set aside to invest in future Programs for the benefit of Nation citizens.
- 2) The Legislative Procedures, Programs, Services and Essential Services Executive Directors have the authority to develop and recommend for approval, from Tsuu T'ina Chief and Council, policies and procedures that must be followed for accessing these funds.
- 3) The Legislative Procedures, Programs, Services and Essential Services Executive Directors have the authority to evaluate and make recommendation to Council for the approval/rejection of applications/requests to use these funds.
- 4) The Program Development Fund is funded by:
 - a) Unrestricted and unencumbered own source revenues.

13.0.3 Economic Development Investment Fund

- 1) Funds set aside to invest in future economic development ventures for the purpose of increasing Nation revenues.
- 2) By consensus Economic Development, and Companies Executive Directors have the authority to develop and recommend for approval, from Tsuu T'ina Chief and Council, policies and procedures that must be followed for accessing these funds.
- 3) By consensus, Economic Development, and Companies Executive Directors have the authority to evaluate and make recommendation to Council for the approval/rejection of applications/requests to use these funds.
- 4) The Economic Development Investment Fund is funded by:
 - a) Unrestricted and unencumbered own source revenues,
 - b) Amounts set aside from net proceeds relating to the sale, transfer, or lease of

Nation lands further described in Section 16 of this Act;

13.0.4 Nation Capital Trust Fund

- 1) Funds held in perpetuity, with interest and income earned supporting Nation programs and events – an endowment for the benefit of future Nation Citizens
- 2) By consensus, the Executive Directors have the authority to develop and recommend for approval, from Tsuu T'ina Chief and Council, policies and procedures for the use of the annual payments from the Trust.
- 3) The Nation Capital Trust Fund is funded by:
 - a) Unrestricted and unencumbered own source revenues;
 - b) Amounts set aside from net proceeds relating to the sale, transfer, or lease of Nation lands further described in Section 16 of this Act; and,
 - c) Any additional amounts approved by Tsuu T'ina Chief and Council as part of the budgeting process further described in Section 5 of this Act.

14. Investing and Interest

- 1) As assigned by Tsuu T'ina Chief and Council, the CEO, and Executive Directors, the Executive Director of Finance have the authority to design, review, approve, and implement investing policies and procedures, and invest reserve funds and other funds in excess of working capital requirements, for the purposes of earning investment income.
- 2) Working capital requirements are funds that are required to meet planned expenditures, payments to individuals, and repayment of any borrowings.
- 3) To assist the CEO, and Executive Directors, the Executive Director of Finance is responsible for investing reserve funds and other funds in excess of working capital requirements. The Executive Director of Finance is required to follow the Tsuu T'ina Chief and Council approved policies outlining allowable investments and is required to report monthly on investing activity, performance, and compliance with investment policies to the Tsuu T'ina Chief and Council.

14.0 Use of Interest and Investment Income

- 1) All interest and investment income earned on funds in excess of working capital requirements must be used in accordance with any funding agreement restrictions, or where funding restrictions are not present must be included in the general revenue fund.
- 2) All interest and investment income earned on reserve and trust funds must be allocated to the respective reserve or trust fund.

15. Evaluation of Economic Development Opportunities

- 1) New for-profit ventures of the Nation may only commence upon the approval of Tsuu T'ina Chief and Council. Tsuu T'ina Chief and Council may only approve a new for-profit venture upon the recommendation of the Economic Development Executive Director, CEO and Executive Director of Finance.
- 2) Any proposed economic venture presented to Tsuu T'ina Chief and Council without the recommendation of the Economic Development Executive Director must be directed by Tsuu T'ina Chief and Council to the Economic Development Executive Director, CEO, and Executive Director of Finance for review, due diligence, and consideration.
- 3) As part of the due diligence completed by the Economic Development Executive Director, CEO, and Executive Director of Finance on any proposed for-profit venture, the Executive Director must:
 - a) Seek the advice of the Executive Director of Finance to review and confirm the financial viability of the proposed for-profit venture; and
 - b) Seek the advice of the Nation's legal department to review any potential legal issues with the proposal.
- 4) Both the Executive Director of Finance and Legal Department's analysis of the proposed for-profit venture must be presented during the recommendation to Tsuu T'ina Chief and Council.

16. Net Proceeds from Sale, Transfer, or Lease of Nation Lands

- 1) As Nation lands are for the perpetual benefit of current and future Nation Citizens, net proceeds (after related expenses) from the sale, transfer, or lease of Nation lands must be managed to:
 - a) Cover future obligations relating to the sale, transfer, or lease, such as future capital renewal costs, are funded by the net proceeds, reducing risk of unfunded costs in future years; and,
 - b) Benefit both current and future Nation Citizens.
- 2) To ensure future obligations relating to the sale, transfer, or lease of Nation lands does not result in unfunded costs in future years, an estimated future obligation amount reviewed and approved by the Executive Director of Finance and CEO must be set aside, from the net proceeds, in the Infrastructure Maintenance and Renewal Fund further described in section 13 of this Act.
- 3) To ensure future Nation Citizens benefit from the sale, transfer or lease, a percentage of the net proceeds must be set aside in the Nation Capital Trust Fund, and the net proceeds must be set aside in the Economic Development Fund for the purposes of investing in future profit oriented ventures as further described in Section 13 of this Act.
- 4) Remaining net proceeds are then allocated to the Nation's general fund and available for disbursement through the budgetary process described in Section 5 of this Act.

17. Borrowing, Granting Security, and Guarantees

17.0 Borrowing

- 1) With the exception of trade payables and leases, only Tsuu T'ina Chief and Council has the authority to approve incurring new debt, or any form of borrowing including long term debt and operating lines of credit. Tsuu T'ina Chief and Council may only approve incurring new debt upon the recommendation of the Executive Director of Finance.
- 2) Upon approval from Council, the Executive Director of Finance or designate has the authority to incur debt on behalf of the Nation, its Programs and Companies.

17.1 Trade Payables and Leases

- 1) Upon the receipt of an approved and validated purchase order from their Controller, employees ordering goods and services have the authority to incur trade payables with suppliers.
- 2) Only the CEO in combination with the Executive Director of Finance's signature may approve and sign a capital lease agreement or an operating lease agreement with a term exceeding the fiscal year

17.2 Granting Security and Guarantees

- 1) Only Tsuu T'ina Chief and Council have the authority to approve granting security and guarantees upon the recommendation of the Executive Director of Finance.
- 2) Prior to making a recommendation to Tsuu T'ina Chief and Council regarding granting security or a guarantee, the Executive Director of Finance must consult with the Nation's Legal department.

18. Protection of Information and Management of Records

- 1) The Nation must take all reasonable steps to control the collection, use, and disclosure of personal information in accordance with the *Canadian Privacy Act*.

18.0 Collection and Retention of Personal Information

- 1) Program, Department and Company Managers and Executive Directors are responsible for ensuring:
 - a) Personal information is only collected by their Program, Department or Company if it relates directly to the operations or services provided by the Program or Company; and,
 - b) Personal information is safeguarded from any unintentional or unauthorized access.

18.1 Disclosure of Personal Information

- 1) Personal information shall only be disclosed if:
 - a) Required by subpoena or warrant issued by a court or body with the authority to compel the production of information;
 - b) Information is required by an organization completing or investigation for the purposes of enforcing the law; and,
 - c) Required for audit purposes.

18.2 Access to Personal Information

- 1) Program, Department and Company Managers and Executive Directors shall provide access to personal information, upon written request by the person to whom the information pertains.
- 2) Program, Department and Company Managers and Executive Directors may refuse access if the information is:
 - a) Subject to solicitor-client privilege;
 - b) Is part of a lawful investigation; and,
 - c) May jeopardize the safety of another individual.
 - d) May jeopardize economic liability of the Tsuu T'ina Nation.

19. Protection, Maintenance and Renewal of Capital Assets

- 1) As part of their ultimate accountabilities relating to managing Nation financial activities for the benefit of the Nation's citizens, Council is required to ensure the capital assets of the Nation, its Programs, Departments, and Companies are adequately maintained through approving:
 - a) An adequate annual capital renewal and maintenance budget in accordance with the "Planning and Budgeting" section of this; and/or,
 - b) The creation of and sufficient funding of a capital renewal reserve fund as suggested in the Reserve and Trust Fund section of this Act.

20. Breaches of this Act

20.0 Reporting Breaches of this Act

- 1) If any employee of the Nation, its Programs, Departments, or Companies, or any elected official including Tsuu T'ina Chief and Council, or any appointed Board or Committee members become aware of:
 - a) An event resulting in a non-allowable expenditure;
 - b) Theft or misuse of Nation funds, assets, or property;
 - c) An event resulting in a conflict of interest; or
 - d) A breach by an individual(s) of any part of this Act; the employee, elected official, or appointed Board or Committee member must report the particulars of the event to the CEO and Executive Director of Finance
- 2) Upon receiving a report of an alleged breach of the Act, the Executive Director of Finance must inquire into the circumstances reported and report the findings to the Tsuu T'ina Chief Executive Officer as soon as practicable.
- 3) In investigating a report of an alleged breach of the Act, the Executive Director of Finance may enlist the services of independent external parties and/or implement an Internal Audit function to monitor compliance with this Act.
- 4) The Finance Committee may make further inquiry into any findings reported to it, and must report any findings to Council.

20.1 Protection of Individuals Reporting Breaches of this Act

- 1) Chief and Council, and the Executive Director of Finance must take all reasonable steps to keep confidential the identity of any person who reports a breach of this Act.
- 2) A person who, in good faith, reports a breach of this Act, must not be subject to any form of reprisal from the Nation, its Programs, Departments, or Companies, elected officials, appointed Board or Committee members, or employees of the Nation.

20.2 Disciplinary Action for Breaches of Act

- 1) If found to be in breach of this Act by the Executive Director of Finance, and Tsuu T'ina Chief and Council, disciplinary action could include up to:
 - a) Termination of Employment (Employee);
 - b) Termination of Contract (Contractor); or,
 - c) Removal from Office (Elected Official).
- 2) The approval of and execution of disciplinary action must follow Human Resources Policies and Procedures as approved and implemented by the Tsuu T'ina Chief and Council, and Executive Directors. All breaches must be submitted in writing citing section of breach with supporting documentation.

21. Conflict of Interest

21.0 Definition of Conflict of Interest

- 1) Any person (Tsuu T'ina Citizen) who holds an office, including elected members of Chief and Council, or employment with the Nation, its Programs or Companies, shall not use that office or employment for personal gain or for gain to members of his/her family to the detriment of the interests of the Nation.
- 2) While it is not possible to document all situations in which a conflict of interest may occur, some examples may be when Members:
 - a) Accept material or financial benefit from a non-Nation organization for favoring or promoting that organization because of their position within the Nation;
 - b) Accept an executive appointment, employment, or shares in any non-Nation organization which might reasonably expect them to disclose confidential or proprietary information to which they have access because of their position within the Nation;
 - c) Undertake to direct or manage any non-Nation organization where such activity would conflict with the required effort they would otherwise be expected to dedicate to Nation activities;
 - d) Approve expenditures, contracts, or employment agreements that provide payment or benefit to his/her family; or
 - e) Approve expenditures, contracts, or employment agreements for personal political benefit or political benefit of another member.

21.1 Gifts and Benefits

- 1) A Member (employee, management, or elected official) must not accept a gift or benefit that are reasonably be seen to have been given to influence the Member in the exercise of their duties or functions in their role with the Nation.
- 2) A gift or benefit may be accepted if the gift or benefit:
 - a) Would be considered within:
 - i. Normal exchanges or social obligations associated with the duties or functions of the Member;
 - ii. Normal exchanges common to business relationships; or
 - iii. Normal exchanges common at public cultural events of the Nation;
 - b) Is of nominal value being less than \$250;
 - c) Is given by a close friend or relative as an element of that relationship; or
 - d) Is of a type that the policies or directions of Council have determined would be acceptable if offered by the Nation to another person.

21.2 Avoidance of Conflict of Interest

- 1) A number of the sections in this Act are designed to assist elected officials, CEO, Executive Directors, Program and Company Managers and employees in avoiding conflict of interest. For example, by having Council delegate expenditure and contract approval authority to the CEO, and Executive Directors, as outlined in sections 8.2 and 8.6 of this Act, Council members are now removed from a number of situations where perceived or real conflict of interest could exist, especially during times nearing elections.
- 2) During times nearing elections, perceived conflict of interest could be present where an employee with approval authority, such as a CEO, Executive Director, Program Manager, or

Company Manager, is planning to or is running for elected office.

- 3) To minimize this perceived conflict of interest, upon an employee accepting a nomination to run for elected office, that employee must delegate their expenditure approval authority to another Manager who is not running for elected office.

21.3 Disclosure of Conflict of Interest

- 1) Chief and Council, Board and Committee Members, CEO and Executive Directors, are required to annually attest to any current or potential future conflict of interest. Annual attestations must be received by the Executive Director of Finance on or before March 31 of each year. As part of this annual attestation, each individual must disclose:
 - a) Any directorships held with external organizations;
 - b) Any employment or contracting relationships with external organizations; and,
 - c) Ownership interests in external organizations.
- 2) Should Chief and Council, Board and Committee Members, CEO and Executive Directors have a change in directorships, employment or contracting relationships or ownership interests with external organizations between annual conflict of interest attestations, the individual is required to notify the Executive Director of Finance immediately.
- 3) Should an employee find themselves in a conflict of interest, the onus is upon the employee to disclose the conflict of interest to:
 - a) The Nation official to whom the Member ordinarily reports, with a copy to the Executive Director of Finance; or,
 - b) The Executive Director of Finance when the affected Member is an elected member of Chief and Council.
- 4) Failure to disclose actual conflicts of interest is in breach of this act and may face disciplinary action as further described in the "Breaches of this Act" section of this Act.

21.4 Resolution of Conflict of Interest

- 1) If a conflict of interest is identified following disclosure, the Member, in consultation with the individual, Board or Committee they report to and the CEO and Executive Director of Finance, should try to resolve the conflict. During this time:
 - a) The Member must refrain from participating in any discussions or decision-making respecting the circumstances of the conflict of interest until advised by the Executive Director of Finance on actions to be taken to avoid or mitigate the conflict of interest; and,
 - b) The Member must not influence or attempt to influence in any way any discussion or vote on any decision respecting the circumstances in which the conflict of interest is present.
- 2) In the event that a Member is dissatisfied with the position taken by the Nation with respect to the proposed arrangements for avoidance of conflict of interest, the member shall seek remedy through the Tsuu T'ina Accountability Code Section 9.

22. Amendments

- 1) This Act will be reviewed annually by the CEO, Executive Director of Finance, Controllers, and Executive Directors; to ensure that all financial policies, procedures, roles and responsibilities are updated and reflect the current state of the Nation, its Boards, Committees, Programs, Companies, and Management structure. Amendments are made through the Tsuu T'ina Legislative Process.

23. Severability

- 1) If any section or sections of this Act or parts thereof are found in any court of competent jurisdiction to be illegal or beyond the power of Council to enact, such section or sections or parts thereof shall be deemed to be severable and all other sections or parts of this law shall be deemed to be separate and independent therefrom and to be enacted as such.

23. List of Supporting Policies and Procedures

- 1) The following are a list of policies, procedures and agreements that support or extend upon this Act:
 - a) Tsuu T'ina Accountability Code
 - b) Human Resources – Policy and Procedures
 - c) Procurement Policies & Procedures
 - d) Department of Education Policy and Procedures Manual;
 - e) Tsuu T'ina Nation Child & Family Services Society Policy Manual; and
 - f) Tsuu T'ina Nation Policing Services Policy Manual
 - g) Tsuu T'ina Citizenship Code
 - h) Other Tsuu T'ina Legislation as ratified.
- 2) The following policies, procedures, and Terms of References should be developed in support of this Act to provide additional information and guidance to readers of this Act:
 - a) Budget Policy, Procedures & Templates;
 - b) Cash Management Policy & Procedures;
 - c) Conflict of Interest Policy;
 - d) Council, Board, & Committee Terms of References;
 - e) Delegation of Authority Policy;
 - f) Evaluation of Economic Development Opportunities Policy & Procedures;
 - g) Evaluation of Future Program Opportunities Policy & Procedures;
 - h) Investment Policy;
 - i) Procurement Policy (updated);
 - j) Protection of Information Policy;
 - k) Revenues, Accounts Receivable, & Billing Policy; and,
 - l) Travel and Expense Claim Policy & Procedures.

23. Appendix

- a) Tsuut'ina Finance Committee
- b) Tsuut'ina Treasury Committee of Council

THIS ACT IS HEREBY made at this duly convened meeting of the Council of the Tsuu T'ina Nation this 7th day of April 7, 2015, by Band Council Resolution.

COMING INTO FORCE: *April 7, 2015*

Voting in favour of the Law, as evidenced by signatures, are the following members of the Council:


Tsuu T'ina Nation Chief


Member of Tsuu T'ina Nation Council


Member of Tsuu T'ina Nation Council


Member of Tsuu T'ina Nation Council


Member of Tsuu T'ina Nation Council

Member of Tsuu T'ina Nation Council

Member of Tsuu T'ina Nation Council


Member of Tsuu T'ina Nation Council


Member of Tsuu T'ina Nation Council


Member of Tsuu T'ina Nation Council

Member of Tsuu T'ina Nation Council

Member of Tsuu T'ina Nation Council

Member of Tsuu T'ina Nation Council





Tsuut'ina Finance Committee of Council

Terms of Reference

1. Purpose

The Finance Committee is a Committee of the Chief and Council of the Tsuut'ina Nation established to support Council in fulfilling its oversight responsibilities respecting the short- term management of the Nation's financial resources. Primary responsibility for the financial reporting, information systems, risk management and internal controls of the Nation and its entities is vested in management.

2. Duties, Responsibilities and Authorities

The Finance Committee's primary function is to carefully monitor the 12 and 24-month financial results for the Nation. The Committee has short-term budgetary oversight responsibilities for the Nation. This Committee is in place to obtain implementation plans from Tsuut'ina management to achieve the priorities of Chief & Council and is required to assess the feasibility of those plans in accordance with the current year financial objectives of the Nation. Without restricting the generality of the foregoing, the Finance Committee is required to:

- Review the Nation's 12 and 24 month capital and operating budgets as submitted by management and to assist the Chief & Council, in making decisions based on the priorities and recommendations set by Chief & Council for the current and forthcoming fiscal year;
- Review and discuss management's key estimates and judgments that may be material to financial reporting and short-term financial capacity
- Present, to Chief & Council, the quarterly financial actual results and revised quarterly projections of the Nation as necessary;
- Monitor progress reports on the implementation of the Commercial and Community Development Plan, ensuring the annual budget addresses all capital investments;
- Recommend to Chief & Council, policies and regulations on financial management for short-term budgets and operations, ensuring policies maintain the long-range goals of the Treasury Committee;
- Monitor external debt financing and monitor the asset and liability structure based on the Treasury Board's debt financing decisions;
- Monitor specific financial ratios that measures the current actual and expected

future impact of outstanding debt on the financial position of Nation.

- On an annual basis, the Committee should review the independence of the auditor, the annual audited statements and the auditor letter of recommendations.

3. Membership

The Finance Committee is composed of the following members, appointed by Chief & Council:

- A minimum of three (3) members, but no more than seven (7) at any given time two (2) of whom must be active council members.
- A minimum of two (2), but no more than four (4) Nation citizens with adequate financial literacy (the ability to read and understand a Statement of Financial Position, Income Statement and a Cash Flow statement prepared in accordance with Generally Accepted Accounting Standards.)
- Chief of Council, who is an ex-officio member.
- One or more external Committee members that have relevant academic and professional training.
- The Committee shall elect a Chair and Vice-Chair from among its members.
- Each Committee member is granted an equal vote for decision making

4. Term of office

The membership terms shall be for a period of three (3) years, renewable.

5. Quorum

Quorum is fixed at fifty-one percent (51%) of Committee members for meetings. It is expected that each Committee member will make every effort to attend each meeting. Members who become unable to fulfill his or her responsibilities may be asked to resign at the discretion of the Committee Chair.

If, in the case that a decision is to be made in which one member has a conflict of interest, it is to be noted within the minutes

6. Method of Operation

The Committee shall meet generally four times a year (quarterly) and more often as deemed necessary. The Committee will also meet with the Treasury Committee on a regular basis to ensure the short-term financial plans coincide with the long-term financial plans of the Nation. The Committee reports to the Chief and Council to address relevant issues within its mandate.



Tsuut'ina Treasury Committee of Council

Terms of Reference

1. Purpose

The Treasury Committee is a Committee of the Chief and Council of the Tsuut'ina Nation established to support Council's decision-making process respecting the long-term financial health of the Nation. Primary responsibility for the financial reporting, information systems, risk management and internal controls of the Nation and its entities is vested in management and is overseen by Council or a Committee of Council.

2. Role, Responsibilities and Authorities

The Treasury Committee has long-term budgetary and financial oversight responsibilities for the Nation as well as authority over the Nation's Treasury investments and its long-term liability structure. This Committee is in place to obtain implementation plans from Tsuut'ina management to achieve the priorities of Chief & Council and is required to assess the feasibility of those plans in accordance with the long-range financial objectives of the Nation. Without restricting the generality of the foregoing, the Treasury Committee is required to:

- Review the Nation's 5-year capital and operating budgets as submitted by management and provide advice to assist the Chief & Council, in making decisions based on the priorities and recommendations set by Chief & Council;
- Review the quarterly financial projections of the Nation, ensuring that long-term goals are in line, or to determine whether any material changes are necessary or to develop a new long-range budget direction;
- Monitor progress reports on the implementation of the Commercial and Community Development Plan, ensuring it coincides with the long range plan;
- Recommend to Chief & Council, policies and regulations on financial management focused on long-range financial health including authority to recommend amendments to the Finance Act;
- Review and recommend the appointment, removal or retention of investment managers and other external service providers related to treasury investments;
- Monitor excess capital fund performance relative to established performance benchmark objectives and relative to other similar funds as necessary;
- Maintain oversight on asset management within the Nation;
- Liaise with the Trustees on matters involving the Nation trusts and any

encroachments or distributions from within the Nation trusts;

- Develop specific guidelines and oversee implementation of external debt financing transactions and monitor the asset and liability structure;
- Monitor specific financial ratios that measures the current actual and expected future impact of outstanding debt on the financial position of the Nation.
- Recommend to Chief & Council, in conjunction with the Finance Committee, the annual appointment of the auditor;
- Review performance and appoint the Executive Director of Finance for the Nation as deemed necessary;

3. Membership

The Treasury Committee is composed of the following members, appointed by the Chief and Council:

- A minimum of three (3) members, but no more than seven (7) at any given time, two (2) of whom must be active council members.
- A minimum of two (2), but no more than four (4) Nation citizens with adequate financial literacy (the ability to read and understand a Statement of Financial Position, Income Statement and a Cash Flow statement prepared in accordance with Generally Accepted Accounting Standards.)
- Chief of Council, who is an ex-officio member.
- One or more external Committee members that have relevant academic and professional training.
- The Committee shall elect a Chair and Vice-Chair from among its members.
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The membership terms shall be for a period of three (3) years, renewable.

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If, in the case that a decision is to be made in which one member has a conflict of interest, it is to be noted within the minutes

6. Method of Operation

The Committee shall meet generally four times a year (quarterly) and more often as deemed necessary. The Committee will also meet with the Finance Committee on a regular basis to ensure the long-term financial plans coincide with the short-term financial plans of the Nation. The Committee reports to the Chief and Council to address relevant issues within its mandate.