Siksika Nation Government

Financial Administration Law

February, 2017

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SIKSIKA NATION
FINANCIAL ADMINISTRATION LAW

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SIKSIKA NATION GOVERNMENT

FINANCIAL ADMINISTRATION LAW

WHEREAS:

A. Pursuant to section 9 of the *First Nations Fiscal Management Act,* the council of a first nation may make laws respecting the financial administration of the first nation;

B. Council adopted the *Siksika Nation Financial Administration Law* dated as of April, 2010 (the "*Financial Administration Law, 2010*");

C. Council deems it to be in the Siksika Nation's best interest to repeal and replace the *Financial Administration Law, 2010* with the law outlined herein pursuant to section 9 of the *First Nations Fiscal Management Act*; and

D. Council wishes to adopt this law without prejudice to, but rather in express affirmation of, its inherent right to self-government, and as a means to establish certain rules and procedures governing the financial administration of the Siksika Nation.

NOW THEREFORE the Council of the Siksika Nation enacts as follows:

PART ONE – INTERPRETATION AND APPLICATION

Definitions

1. (1) Unless the context indicates the contrary, in this law:

"agency of the Siksika Nation" means an agency, administrative division or unit of the Siksika Nation and includes, for greater certainty, any department or service area of the Siksika Nation tribal administration and each tribunal, commission, committee, board, authority, or other administrative division or unit of the Siksika Nation and the Siksika Nation tribal administration but, for greater certainty, does not include a related body;

"annual financial statements" means the annual financial statements of the Siksika Nation referred to in Division Seven of Part Three and, as applicable, includes the annual financial statements of its related bodies;

"appropriation" means an allocation of money under a budget to the purposes for which it may be used;

"auditor" means the external auditor of the Siksika Nation appointed under section 72;

"borrowing member" means a first nation that has been accepted as a borrowing member under subsection 76(2) of the FMA and has not ceased to be a borrowing member under section 77 of the FMA;

"budget" means the annual budget of the Siksika Nation and its related bodies that has been approved by Council;

"business day" means any day other than a Saturday, a Sunday, or a statutory holiday in the Province of Alberta;

"Chief" means the duly elected Chief or acting Chief of the Siksika Nation;

"chief financial officer" means the person appointed chief financial officer under section 18;

"code" means a code adopted by the Siksika Nation under the *First Nations Oil and Gas and Moneys Management Act* or a land code adopted by the Siksika Nation under the *First Nations Land Management Act*, as applicable;

"Council" means the duly elected Chief and Council of the Siksika Nation, collectively;

"Council chairperson" means the person from time to time appointed or elected by Council to act as the chairperson of Council;

"Councillor" means a member of Council and, except as otherwise noted, includes the Chief of the Siksika Nation;

"dependent" means, in relation to an individual,

(a) the individual's spouse;

(b) a person under the age of majority in respect of whom the individual or the individual's spouse is a parent or acting in a parental capacity;

(c) a person in respect of whom the individual or the individual's spouse is acting as guardian; or

(d) a person, other than an employee, who is financially dependent upon the individual or the individual's spouse;

"emergency" means a situation where

(a) the health or safety of any individual, of the Siksika Nation, or of the general public, is at risk; or

(b) where the property of the Siksika Nation, any agency of the Siksika Nation, or of any related body, is at risk;

"financial administration" means the management, supervision, control and direction of all matters relating to the financial affairs of the Siksika Nation and its related bodies;

"financial institution" means a Canadian chartered bank, a credit union, a caisse populaire and may include, as applicable, the First Nations Finance Authority;

"financial competency" means, in relation to an individual,

(a) the ability to read, understand and analyze financial statements that present accounting issues reasonably expected to be raised by the Siksika Nation's financial statements and those of its related bodies; and

(b) such other financial competency criteria (including background, characteristics, training, and experience) as may be prescribed by treasury board or by Council from time to time;

"financial records" means all records respecting the financial administration of the Siksika Nation and those of its related bodies, including the minutes of meetings of Council and of treasury board;

"First Nations Finance Authority" means the First Nations Finance Authority established under the FMA;

"First Nations Financial Management Board" means the First Nations Financial Management Board established under the FMA;

"First Nations Financial Management Board standards" means the standards established from time to time by the First Nations Financial Management Board under the FMA;

"First Nations Tax Commission" means the First Nations Tax Commission established under the FMA;

"First Nations Tax Commission standards" means the standards established from time to time by the First Nations Tax Commission under the FMA;

"fiscal year" means the fiscal year of the Siksika Nation as set out in section 23;

"FMA" means the *First Nations Fiscal Management Act* as amended from time to time;

"GAAP" means generally accepted accounting principles of the Canadian Institute of Chartered Accountants, as revised or replaced from time to time;

"*Indian Act*" means the *Indian Act*, R.S.C. 1985, c.I-5, and the regulations enacted under that Act, all as amended from time to time;

"internal Siksika auditor" means an internal auditor (if any) appointed by Council to conduct an internal audit of one or both of the Siksika Nation or its related bodies, including an audit of the standards and performance of the Siksika Nation's financial administration systems;

"local revenue law" means:

(a) the *Siksika Nation Property Assessment and Taxation By-law* and any by-laws of the Siksika Nation made thereunder;

(b) the *Siksika Nation Property Tax Expenditure By-Law* and any by-laws of the Siksika Nation made thereunder; and

(c) any local revenue law made by the Siksika Nation under the FMA;

"**local revenues**" means money raised under a local revenue law;

"**Minister**" means the Minister of Aboriginal Affairs and Northern Development Canada or his or her designate or successor;

"**person**" means an individual, corporation, company, body corporate, general partnership, limited partnership, proprietorship, First Nation, syndicate, joint venture, society, association, trust or unincorporated organization, or any trustee, executor, administrator or other legal representative;

"**multi-year financial plan**" means the plan referred to in section 24;

"**natural resources**" means any material on or under the Siksika Nation's lands in their natural state which when extracted has economic value;

"**officer**" means the tribal administration senior officer, the chief financial officer, the tax administrator, the senior officer of each related body, and any other employee of the Siksika Nation specifically designated by Council as an "*officer of the Siksika Nation*" from time to time;

"**officer of Council**" means the Chief of the Siksika Nation, the Council chairperson, or any other officer of Council who is appointed or elected by Council and specifically designated by Council as an "*officer of Council*" from time to time;

"**other revenues**" means other revenues as defined in section 3 of the *Financing Secured by Other Revenues Regulations* made under the FMA;

"**record**" means anything on which information is recorded or stored by any means whether graphic, electronic, mechanical or otherwise;

"**related body**" means

(a) any body corporate in which the Siksika Nation has, directly or indirectly, at least a majority interest or that is controlled, directly or indirectly, by the Siksika Nation;

(b) any partnership or entity in respect of which the Siksika Nation or a related body of the Siksika Nation holds, directly or indirectly, a majority interest or that is controlled, directly or indirectly, by the Siksika Nation, or in respect of which the Siksika Nation is, directly or indirectly, a majority owner or partner; or

(c) a trust that is controlled, directly or indirectly, by or on behalf of the Siksika Nation or any related body of the Siksika Nation;

"**resolution**" means a decision made at a duly convened meeting of Council by a quorum of Council;

"Siksika Nation" means the Siksika First Nation, and for certainty includes the government of the Siksika Nation and each agency of the Siksika Nation;

"Siksika Nation's financial assets" means all money and other financial assets of the Siksika Nation and its related bodies and includes Siksika Nation funds;

"Siksika Nation funds" means all moneys belonging to the Siksika Nation (including each agency of the Siksika Nation), and all moneys belonging to any related body, and includes:

(a) all revenues of the Siksika Nation or any related body;

(b) all money borrowed by the Siksika Nation or any related body;

(c) all money received or collected on behalf of the Siksika Nation or any related body; and

(d) all moneys that are received or collected by the Siksika Nation or any related body pursuant to any agreement or funding arrangement to which the Siksika Nation or any related body is a party and which monies are to be disbursed for a purpose specified by Council or pursuant to that agreement or funding arrangement,

but Siksika Nation funds do not include:

(e) money received by the Government of Canada on behalf of the Siksika Nation and held by the Government of Canada in Siksika Nation capital or revenue trust accounts pursuant to the provisions of the *Indian Act*; or

(f) money received or held by the Siksika Nation or any related body on behalf of an individual;

"Siksika Nation's lands" means all reserve lands of the Siksika Nation within the meaning of the *Indian Act* including:

(a) any reserve lands that have been set apart for the use and benefit of the Nation the legal title to which is vested in the name of Her Majesty the Queen in right of Canada or her successors;

(b) any lands that may otherwise be determined to be reserve lands of the Siksika Nation, whether those lands are designated lands, conditionally surrendered lands, special reserve lands or otherwise; and

(c) for greater certainty, includes the Siksika Indian Reserve No. 146;

"Siksika Nation law" means any law, including any bylaw or code, of the Siksika Nation made by Council or by the membership of the Siksika Nation;

"Siksika Nation's records" means all records of the Siksika Nation respecting its governance, management, operations and financial administration;

"special purpose report" means a report described in subsection 70(4);

"spouse" means, in relation to an individual, a person to whom the individual is married or with whom the individual has lived as a common law partner for at least one year in a marriage-like relationship;

"standards" mean the standards established from time to time under the FMA;

"tax administrator" means the tax administrator appointed under the Siksika Nation's local revenue laws;

"treasury board" means the treasury board of the Siksika Nation established pursuant to section 11 of this law;

"tribal administration senior officer" means the person appointed as the tribal administration senior officer under section 17.

(2) Unless a word or expression is defined under subsection (1) or (2) or another provision of this law, the definitions in the *Interpretation Act* apply.

(3) All references to named enactments in this law are to enactments of the Government of Canada.

(4) Any decision made or action taken by Council for the purposes of this law shall be made or taken by resolution of Council.

Interpretation

2. (1) In this law, the following rules of interpretation apply:

(a) words in the singular include the plural, and words in the plural include the singular;

(b) words importing female persons include male persons and bodies corporate and words importing male persons include female persons and bodies corporate;

(c) if a word or expression is defined, other parts of speech and grammatical forms of the same word or expressions have corresponding meanings;

(d) the expression "must" or "shall" is to be construed as imperative, and the expression "may" is to be construed as permissive;

(e) unless the context indicates otherwise, "including" means "including, but not limited to", and "includes" means "includes, but not limited to";

(f) a reference to an enactment includes any amendment or replacement of it and every regulation made under it; and

(g) except as otherwise provided in this Law, words and expressions used in this Law have the same meanings as in the FMA.

(2) This law must be considered as always speaking and where a matter or thing is expressed in the present tense, it must be applied to the circumstances as they arise, so that effect may be given to this law according to its true spirit, intent and meaning.

(3) Words in this law referring to an officer, by name of office or otherwise, also apply to any person designated by Council to act in the officer's place, or to any person assigned or delegated to act in the officer's place under this law.

Posting of public notice

3. (1) If a public notice must be posted under this law, the public notice is properly posted if a written notice is placed in a conspicuous and accessible place for public viewing in the Tribal Administration building of the Siksika Nation.

(2) Unless expressly provided otherwise, if a public notice of a meeting must be posted under this law the notice must be posted at least fifteen (15) days before the date of the meeting.

Calculation of time

4. In this law, time must be calculated in accordance with the following rules:

(a) where the time limited for taking an action ends or falls on a holiday, the action may be taken on the next day that is not a holiday;

(b) where there is a reference to a number of days, not expressed as "clear days", between two (2) events, in calculating that number of days the day on which the first event happens is excluded and the day on which the second event happens is included;

(c) where a time is expressed to begin or end at, on or within a specified day, or to continue to or until a specified day, the time includes that day;

(d) where a time is expressed to begin after or to be from a specified day, the time does not include that day; and

(e) where anything is to be done within a time after, from, of or before a specified day, the time does not include that day.

Conflict of laws

5. (1) If there is a conflict between this law and another Siksika Nation law, other than a code or a local revenue law, this law prevails.

(2) If there is a conflict between this law and a local revenue law, the local revenue law prevails.

(3) If there is a conflict between this law and the FMA, the FMA prevails.

Title, Scope and application

6. (1) This law shall be cited as the *Siksika Nation Financial Administration Law*.

(2) This law applies to:

(a) the Siksika Nation;

(b) each agency of the Siksika Nation; and

(c) all related bodies.

PART TWO – ADMINISTRATION

Division One – Council

Responsibilities of Council

7. (1) Council has ultimate responsibility for all matters relating to the financial administration of the Siksika Nation whether or not they have been assigned or delegated to treasury board, or to an officer, employee, committee, contractor or agent by or under this law.

(2) Subject to this law and any other applicable Siksika Nation law, Council may delegate to treasury board, or to any officers, employees, committees, contractors or agents, any of its functions under this law except the following:

(a) the approval of Council policies, procedures or directions;

(b) the appointment of the members of treasury board, including the appointment of the chairperson and vice-chairperson of treasury board;

(c) the approval of budgets and financial statements of the Siksika Nation;

(d) the approval of borrowing by the Siksika Nation; and

(e) any delegation of any of Council's functions that is expressly prohibited under the FMA, including paragraph 5(1)(f) of the FMA.

Council policies, procedures and directions

8. (1) Subject to subsection (2), Council may establish policies and procedures and give directions respecting any matter relating to the financial administration of the Siksika Nation or its related bodies.

(2) Council must establish policies or procedures or give directions respecting the acquisition, management and safeguarding of Siksika Nation assets, including those of its related bodies.

(3) Council must not establish any policies or procedures or give any directions relating to the financial administration of the Siksika Nation or its related bodies that are in conflict with this law, the FMA or GAAP.

(4) Council must ensure that all human resources policies and procedures are designed and implemented to facilitate effective and efficient internal financial administration controls.

(5) Council must document all its policies, procedures and directions and make them available to any person who is required to act in accordance with them or who may be directly affected by them.

Reporting of remuneration, expenses and contracts

9. (1) Annually the chief financial officer must prepare a report separately listing the following:

(a) the total amount of remuneration, expenses and benefits, including coverage under policies for insurance or medical, dental or related services, paid or provided by the Siksika Nation to each Councillor and each of his or her dependents;

(b) any contracts between the Siksika Nation and each Councillor and between the Siksika Nation and a dependent of each Councillor for the supply of goods or services, including a general description of the nature of the contracts;

(c) the total amount of remuneration, expenses and benefits, including coverage under policies for insurance or medical, dental or related services, paid or provided by the Siksika Nation to the tribal administration senior officer and each of his or her dependents;

(d) any contracts between the Siksika Nation and the tribal administration senior officer and between the Siksika Nation and a dependent of the tribal administration senior officer for the supply of goods or services, including a general description of the nature of the contracts;

(e) the total amount of remuneration, expenses and benefits, including coverage under policies for insurance or medical, dental or related services, paid or provided by each related body to its highest paid and most senior officer or manager and the dependents of such senior officer or manager; and

(f) any contracts between a related body and its highest paid and most senior officer or manager and between a related body and a dependent of its highest paid and most senior officer or manager for the supply of goods or services, including a general description of the nature of the contracts.

(2) Subsection (1) does not require the reporting of remuneration, expenses or benefits received

(a) in common by all members of the Siksika Nation;

(b) under a program or service universally accessible to all members of the Siksika Nation on published terms and conditions; or

(c) from a trust arrangement according to the terms of the trust.

Division Two – Treasury Board

Interpretation

10. (1) For the purposes of section 11, an individual is "independent" if he or she does not have a direct or indirect financial relationship with the government of the Siksika Nation that could, in the opinion of Council, reasonably interfere with the individual's exercise of independent judgment as a member of treasury board, provided that an individual does not have a financial relationship with the government of the Siksika Nation as a result of the individual's receipt of the following from the Siksika Nation:

(a) remuneration for acting in in his or her capacity as a Councillor or as a member of any Siksika Nation committee;

(b) fixed retirement compensation;

(c) payments or benefits paid in common to all Siksika Nation members;

(d) payments or benefits paid under a program or service universally accessible to Siksika Nation members on published terms and conditions; or

(e) payments or benefits paid from a trust arrangement according to the terms of the trust.

Continuation, establishment and composition of treasury board

11. (1) The treasury board of the Siksika Nation is hereby continued and confirmed, and shall continue in existence notwithstanding changes in its membership from time to time.

(2) Treasury board is established to provide Council with advice and recommendations in order to support Council's decision-making process respecting the financial administration of the Siksika Nation.

(3) Council must appoint not less than six (6) and not more than eight (8) members of treasury board, each of whom must be appointed by a resolution of Council.

(4) At least the majority of the members of treasury board must have financial competency and all must be independent.

(5) The following individuals are not eligible to be members of treasury board:

(a) the chief financial officer;

(b) the tribal administration senior officer;

(c) an individual who is an employee of the Siksika Nation,

(d) an individual who has an immediate family member who is an officer of the Siksika Nation,

(e) an individual who provides consulting, advisory or other services to the Siksika Nation or its related bodies as a contractor,

(f) an individual who has a dependent who provides consulting, advisory or other services to the Siksika Nation or its related bodies as a contractor, or

(g) an individual who is a partner, owner or officer of an entity which provides accounting, consulting, legal or financial services to the Siksika Nation or its related bodies.

(6) Council may establish a policy that permits Council to exempt an individual from paragraphs 11(5)(c) through (g) but only under the following circumstances:

(a) an exemption may be given on one occasion only for a particular individual and the term of appointment of the individual must not be more than three (3) consecutive years; and

(b) Council, in temporary and exceptional circumstances, determines in its reasonable opinion that

(i) the individual is able to exercise the independent judgment necessary for the individual to fulfill his or her responsibilities as a member of treasury board regardless of the individual's relationship with the Siksika Nation, and

(ii) the appointment of the individual to treasury board is considered to be in the best interests of the Siksika Nation and its members.

(7) Council must establish policies or procedures or give directions requiring

(a) confirmation, before appointment, that each potential member of treasury board is eligible to be a member and is independent; and

(b) each member of treasury board annually to sign a statement confirming that the member is independent.

(8) At least two (2) members of treasury board must be Councillors.

(9) Not more than one-third (1/3) of treasury board members must be Councillors.

(10) The Chief of the Siksika Nation must be an *ex-officio*, non-voting member of treasury board.

(11) Subject to this Division, treasury board members must be appointed to hold office for staggered terms of not less than three (3) complete fiscal years.

(12) A member of treasury board may be removed from office by a resolution of Council if

(a) the member misses three (3) consecutive and regularly scheduled meetings of treasury board; or

(b) the chairperson of treasury board recommends removal.

(13) If a member of treasury board is removed from office, resigns or dies before the member's term of office expires, Council must as soon as practicable appoint a new member of treasury board to hold office for the remainder of the first member's term of office.

Chairperson and vice-chairperson of treasury board

12. (1) Council must appoint, from among the members of treasury board, a chairperson and vice-chairperson of the treasury board, one of whom must be a Councillor.

(2) If Council appoints a non-Councillor as chairperson of treasury board:

(a) Council must send to the chairperson of treasury board notices and agendas of all Council meetings;

(b) on request of the chairperson of treasury board, Council must provide the chairperson of treasury board with any materials or information provided to Council respecting matters before it; and

(c) the chairperson of treasury board may attend and speak at Council meetings.

Board procedures

13. (1) The quorum for meetings of treasury board is a majority (fifty (50%) percent plus one (1)) of the total number of treasury board members, provided that such majority consists of at least one (1) Councillor.

(2) Unless a treasury board member is not permitted to participate in a decision because of a conflict of interest, every treasury board member has one vote in all treasury board decisions.

(3) In the event of a tie vote of the members of treasury board, the chairperson of treasury board may cast a second tie breaking vote.

(4) Subject to subsection (5), the tribal administration senior officer and the chief financial officer must be notified of all treasury board meetings and must attend those meetings, unless the chairperson of treasury board provides a reasonable explanation for excusing the tribal administration senior officer or the chief financial officer from attending.

(5) The tribal administration senior officer or the chief financial officer may be excluded from all or any part of a treasury board meeting by a recorded vote of treasury board members if

(a) the subject matter relates to a confidential personnel or performance issue respecting the tribal administration senior officer or the chief financial officer; or

(b) it is a meeting with the auditor or the internal Siksika auditor.

(6) Treasury board must meet

(a) at least twelve (12) times in each fiscal year, or more frequently as deemed necessary by treasury board, to conduct the business of treasury board; and

(b) as soon as practical after treasury board receives the audited annual financial statements and report from the auditor.

(7) Treasury board must provide minutes of its meetings to Council within fifteen (15) days following each meeting of treasury board and must report to Council during regular meetings of Council (as part of a regularly scheduled agenda item at such meetings dealing with treasury board reports).

(8) The chairperson of treasury board shall preside over the meetings of treasury board and shall exercise administrative responsibilities including:

(a) calling meetings of treasury board;

(b) setting the agenda for the meetings of treasury board;

(c) certifying treasury board decisions; and

(d) performing such other functions as Council or treasury board may assign.

(9) The chairperson of treasury board must, between meetings of treasury board, exercise or perform such of the powers, duties or functions of treasury board as treasury board may determine. For greater certainty, nothing in this subsection shall relieve treasury board of its responsibility to ensure that any powers, duties or functions exercised or performed by the chairperson of treasury board are exercised or performed properly.

(10) To the extent any powers, duties or functions of treasury board are performed by the chairperson of treasury board in accordance with subsection (9), the chairperson of treasury board shall report to treasury board in respect of the same at the next following meeting of treasury board.

(11) Subject to this law and any directions given by Council, treasury board may make rules for the conduct of its meetings.

(12) Treasury board may retain a board secretary as well as a consultant to assist in the performance of any of its responsibilities.

Financial planning responsibilities

14. (1) Treasury board, working in conjunction with the chief financial officer, the tribal administration senior officer and the senior officers of each of the related bodies, must carry out the following activities in respect of the financial administration of the Siksika Nation and its related bodies:

(a) annually develop in respect of the financial administration of the Siksika Nation and its related bodies, and recommend to Council for approval, short, medium and long term

(i) strategic plans, projections and priorities,

(ii) operational plans, projections and priorities,

(iii) business plans, projections and priorities, and

(iv) financial plans, projections and priorities;

(b) review draft annual budgets and recommend them to Council for approval;

(c) on an ongoing basis, monitor the financial performance of the Siksika Nation and its related bodies against the budget and report any significant variations to Council; and

(d) review the quarterly financial statements and recommend them to Council for approval.

(2) Treasury board may make a report or recommendations to Council on any matter respecting the financial administration of the Siksika Nation or its related bodies that is not otherwise specified to be its responsibility under this law.

(3) Subject to subsection 7(1), treasury board shall be responsible for overseeing all other matters relating to the financial administration of the Siksika Nation and its related bodies that are not otherwise specifically assigned by this law, another Siksika Nation law, or by Council resolution, to another agency, person, or entity.

(4) Treasury board may advance funds on a monthly basis according to the budget to an account administered by:

(a) in respect of an agency of the Siksika Nation, a senior manager of such agency; or

(b) in respect of a related body, a senior officer of such related body.

(5) At the beginning of each fiscal year, an agency of the Siksika Nation or a related body may receive a two (2) month appropriation, or an appropriation in such greater amount as determined by treasury board and that corresponds to the cash flow requirements of such agency or related body.

(6) Where funds have been advanced in a particular month to an agency of the Siksika Nation or to a related body, the senior manager of the agency (or the senior officer of the related body, as applicable), must report to treasury board within fifteen (15) days following the end of that particular month and must provide treasury board, through the office of the chief financial officer, with:

(a) a statement of the revenues and expenditures for that particular month;

(b) an invoice listing the funds expended in that particular month; and

(c) a trial balance of the receipts and disbursements for that particular month.

(7) Treasury board must review all information submitted by each agency or related body and, if the same is reasonably within the budget, treasury board must provide an appropriation for the next month of the fiscal year to the agency or the related body, provided that if the required information has not been submitted to treasury board in a form acceptable to

treasury board, treasury board may withhold, reduce or discontinue making any further advances until such time as the required information has been submitted to treasury board in a form acceptable to treasury board.

(8) Treasury board may deduct from an advance any amounts previously advanced which exceeded the amount of the expenditures recorded in the corresponding month-end statement provided to treasury board.

(9) Treasury board may make such adjustments as are required in the last month of the fiscal year to close out the final payment for the year in respect of any agency or related body.

(10) For greater certainty, all related bodies are accountable to the Siksika Nation through Council and treasury board and each related body must present a corporate plan and an annual budget in respect of such related body to treasury board by November 30 prior to the commencement of the fiscal year of the Siksika Nation or by such other deadline prescribed by treasury board.

(11) All capital budgets and any proposed borrowing by a related body must be presented to treasury board and approved by Council prior to any capital expenditure or borrowing being transacted by a related body.

(12) All major transactions and any fundamental changes in the nature of the business of any related body must be approved by Council prior to the major transaction being completed, or prior to the fundamental change in the nature of the business of the related body taking effect.

(13) All related bodies must present a quarterly financial statement to Council and to treasury board within thirty (30) days of the end of each quarter of the fiscal year.

(14) Unless otherwise approved by Council:

(a) all related bodies must have the same external auditor as the auditor for the Siksika Nation; and

(b) the fiscal year end of all related bodies shall coincide with the fiscal year end of the Siksika Nation.

(15) All related bodies shall provide annual audited financial statements, not later than sixty (60) days following the end of the fiscal year for which they were prepared, to treasury board and to Council for approval, unless such information is already available because the related body has been audited in conjunction with the audit conducted for the Siksika Nation and its agencies pursuant to this law.

(16) On the recommendation of treasury board, Council may also require that each related body shall enter into a written agreement with the Siksika Nation (as represented by treasury board) agreeing to:

(a) abide by the provisions of this law and any other applicable law of the Siksika Nation;

(b) adhere to all directions of Council and treasury board made in accordance with this law; and

(c) abide by such other terms and conditions as may be prescribed by Council's policies and procedures governing the interaction of the Siksika Nation, treasury board, and related bodies to ensure that all related bodies are providing timely and accurate financial information to Council and to treasury board and are otherwise acting in the best interests of the Siksika Nation.

Audit responsibilities

15. Treasury board must carry out the following audit activities in respect of the financial administration of the Siksika Nation and each agency and related body of the Siksika Nation:

(a) make recommendations to Council on the selection, engagement and performance of an external auditor in respect of the Siksika Nation and each agency of the Siksika Nation;

(b) make recommendations to each related body on the selection, engagement and performance of the external auditor in respect of such related body (if different than the Siksika Nation auditor) and, if deemed necessary by treasury board, make recommendations to Council regarding the removal and replacement of any such auditor;

(c) receive assurances on the independence of any proposed or appointed auditor;

(d) review, and make recommendation to Council on, the planning, conduct and results of audit activities;

(e) review, and make recommendations to Council, on the audited annual financial statements, including the audited local revenue account financial statements and any special purpose reports;

(f) periodically review, and make recommendations to Council regarding, policies, procedures and directions on reimbursable expenses, benefits and perquisites of the Councillors, officers and employees of the Siksika Nation and its related bodies;

(g) monitor financial reporting risks and fraud risks and the effectiveness of mitigating controls for those risks taking into consideration the cost of implementing those controls;

(h) conduct a review of this law from time to time and, where appropriate, recommend amendments to Council; and

(i) periodically review, and make recommendations to Council on the role and financial administration responsibilities of treasury board, and the terms of reference governing treasury board.

Council assigned responsibilities

16. Council may, by means of a resolution of Council, assign to treasury board (or to a committee or consultant of Council working in conjunction with treasury board) the following activities in respect of the financial administration of the Siksika Nation:

(a) to develop, and recommend to Council for approval, performance measurements and goals designed to confirm that management activities, including financial management, occur as planned;

(b) to prepare, and recommend to Council for approval, cash management plans,

(c) to review, and report to Council on, the financial content of any Siksika Nation reports as well as those of its related bodies;

(d) to review, monitor and report to Council on, the appropriateness of the Siksika Nation's accounting and financial reporting systems, policies and practices as well as those of its related bodies;

(e) to review, and recommend to Council for approval, any proposed significant changes in the Siksika Nation's accounting or financial reporting systems, policies, procedures or directions as well as those of its related bodies;

(f) to monitor the collection and receipt of the Siksika Nation's financial assets, including debts owed to the Siksika Nation as well as those of its related bodies;

(g) to review, and report to Council on, the Siksika Nation's risk management policies and control and information systems as well as those of its related bodies and, where appropriate, recommend improvements to Council;

(h) to review the adequacy of security of information, information systems and recovery plans and, where appropriate, recommend improvements to Council;

(i) to monitor compliance with the legal obligations of the Siksika Nation as well as those of its related bodies, including legislative, regulatory and contractual obligations, and report to Council;

(j) to review, and report to Council on, the adequacy of financial administration personnel and resources;

(k) to review, monitor, and report to Council on, the adequacy and appropriateness of Siksika Nation's insurance coverage respecting significant Siksika Nation risks and risks of its related bodies; and

(l) to review, monitor, and report to Council on, material litigation and its impact on financial administration and reporting.

Division Three – Officers and Employees

Tribal Administration Senior Officer and Related Body Senior Officers

17. (1) Council must designate an employee of the Siksika Nation tribal administration as the tribal administration senior officer, and may set the terms and conditions associated with such position.

(2) Reporting to Council, the tribal administration senior officer is responsible for leading the planning, organization, implementation and evaluation of the overall management of all the day-to-day operations of the Siksika Nation tribal administration including the following duties:

(a) to develop and recommend to Council for approval, human resources policies and procedures for the hiring, management and dismissal of officers and employees of the Siksika Nation tribal administration;

(b) to prepare, set out in writing and recommend to Council for approval, the powers, duties and functions of all employees of the Siksika Nation tribal administration;

(c) to hire the employees of the Siksika Nation tribal administration, as the tribal administration senior officer considers necessary, and to set the terms and conditions of their employment;

(d) to oversee, supervise and direct the activities of all officers and employees of the Siksika Nation tribal administration;

(e) to oversee and administer the contracts of the Siksika Nation tribal administration;

(f) to prepare, recommend to Council, and maintain and revise as necessary, the organization chart referred to in section 20;

(g) to identify, assess, monitor and report on financial reporting risks and fraud risks;

(h) to monitor and report on the effectiveness of mitigating controls for the risks referred to in paragraph (g) taking into consideration the cost of implementing those controls; and

(i) to perform any other duties of the tribal administration senior officer under this law;

(j) to carry out any other activities specified by Council that are not contrary to the FMA or inconsistent with the tribal administration senior officer's duties specified in this law.

(3) The tribal administration senior officer may assign the performance of any of the tribal administration senior officer's duties or functions

(a) to an officer or employee of the Siksika Nation; and

(b) with the approval of Council, to a contractor or agent of the Siksika Nation or to a senior officer of a related body.

(4) Any assignment of duties or functions under subsection (3) does not relieve the tribal administration senior officer of the responsibility to ensure that these duties or functions are carried out properly.

(5) Reporting to Council and to the board of directors of the related body, the senior officer of each of related body is responsible for leading the planning, organization, implementation and evaluation of the overall management of all the day-to-day operations of such related body including the following duties:

(a) to develop and recommend to Council and the board of directors of such related body for approval, human resources policies and procedures for the hiring, management and dismissal of officers and employees of such related body;

(b) to prepare and recommend to Council and the board of directors of such related body for approval, the powers, duties and functions of all employees of such related body;

(c) to hire the employees of such related body, as the such senior officer considers necessary, and to set the terms and conditions of their employment;

(d) in conjunction with the board of directors of such related body, to oversee, supervise and direct the activities of all officers and employees of such related body;

(e) to oversee and administer the contracts of such related body;

(f) to prepare, recommend to Council and the board of directors of such related body for approval, and maintain and revise as necessary, an organization chart in respect of such related body;

(g) to identify, assess, monitor and report on financial reporting risks and fraud risks in respect of such related body;

(h) to monitor and report on the effectiveness of mitigating controls for the risks referred to in paragraph (g) taking into consideration the cost of implementing those controls;

(i) to perform any other duties of a senior officer of a related body under this law; and

(j) to carry out any other activities specified by Council or the board of directors of such related body that are not contrary to the FMA or inconsistent with the senior officer's duties specified in this law.

(6) The senior officer of a related body may assign the performance of any of the senior officer's duties or functions

(a) to an officer or employee of the Siksika Nation; and

(b) with the approval of Council and the board of directors of the related body, to a contractor or agent of the Siksika Nation or to a senior officer of another related body.

(7) Any assignment of duties or functions under subsection (6) does not relieve the senior officer of a related body of the responsibility to ensure that these duties or functions are carried out properly.

Chief Financial Officer

18. (1) Council must designate an employee of the Siksika Nation as the chief financial officer of the Siksika Nation, and may set the terms and conditions associated with such position.

(2) The chief financial officer shall act as the senior administrative officer of treasury board, and shall assist treasury board in carrying out its duties in accordance with this law.

(3) The chief financial officer shall be an employee of, or contractor to, the Siksika Nation and his or her hiring and dismissal shall be in accordance with an employment contract, or contract for services, and in compliance with the personnel policies and procedures of the Siksika Nation tribal administration as approved by council from time to time.

(4) Reporting to the tribal administration senior officer, the chief financial officer is responsible for the day-to-day management of the financial administration systems of the Siksika Nation and the agencies of the Siksika Nation, including the following duties:

(a) to ensure the financial administration systems, policies, procedures, directions and internal controls are appropriately designed and operating effectively;

(b) to administer and maintain all accounts of the Siksika Nation including the local revenue account;

(c) to prepare the draft annual budgets and any draft amendments to the component of the annual budget respecting the Siksika Nation's local revenue account;

(d) to prepare the monthly financial information required in section 68, the quarterly financial statements required in section 69, and the draft annual financial statements required in section 70;

(e) to prepare the financial components of reports to Council and of any short, medium and long term plans, projections and priorities referred to in subsection 14(1);

(f) to actively monitor compliance with any agreements and funding arrangements entered into by the Siksika Nation, each agency of the Siksika Nation and, as applicable, each related body;

(g) to administer and supervise the preparation and maintenance of financial records and the financial administration reporting systems of the Siksika Nation, each agency of the Siksika Nation and, as applicable, each related body;

(h) to administer and supervise the maintenance of the records of all receipts and expenditures of the Siksika Nation, each agency of the Siksika Nation and, as applicable, each related body, to facilitate the annual audit;

(i) to actively monitor compliance with the FMA, this law and any other applicable Siksika Nation law, applicable standards and any policies, procedures and directions of Council respecting the financial administration of the Siksika Nation, each agency of the Siksika Nation and each related body, other than those matters that are the responsibility of the tax administrator under the FMA, this law or another Siksika Nation law;

(j) to prepare or provide any documentation and financial information required by Council and by treasury board to discharge its responsibilities;

(k) to evaluate the financial administration systems of the Siksika Nation, each agency of the Siksika Nation and, as applicable, each related body, and recommend improvements;

(l) to develop and recommend procedures for the safeguarding of assets and to ensure approved procedures are followed;

(m) to develop and recommend procedures for identifying and mitigating financial reporting and fraud risks and to ensure approved procedures are followed;

(n) to perform any other duties of the chief financial officer under this law; and

(o) to carry out any other activities specified by Council, the tribal administration senior officer or treasury board if they are not contrary to the FMA or inconsistent with the chief financial officer's duties under this law.

(5) In the course of discharging his or her responsibilities under this law, the chief financial officer must, working in conjunction with the tribal administration senior officer and the senior officers of each related body, recommend to Council for approval and implementation human resource policies and procedures that facilitate effective internal financial administration controls.

(6) With the approval of the tribal administration senior officer, the chief financial officer may assign the performance of any of the duties or functions of the chief financial officer to any officer, employee, contractor, consultant or agent of the Siksika Nation or of any related body but any such assignment does not relieve the chief financial officer of the responsibility to ensure that these duties or functions are carried out properly.

Tax Administrator

19. (1) The tax administrator reports to the chief financial officer in respect of the performance of any of the tax administrator's duties or functions under this law, provided that if the tax administrator is the same individual as the chief financial officer, then the tax administrator shall report to the chairperson of treasury board.

(2) With the approval of the chairperson of treasury board and the chief financial officer, or with the approval of treasury board, the tax administrator may assign the performance of any of the duties or functions of the tax administrator under this law to any officer, employee, contractor, consultant or agent of the Siksika Nation or of any related body but any such

assignment does not relieve the tax administrator of the responsibility to ensure that these duties or functions are carried out properly.

Organizational structure

20. (1) Council must establish and maintain a current organization chart for the governance, management and administrative systems of the Siksika Nation and its related bodies.

(2) The organization chart under subsection (1) must include the following information:

(a) all governance, management and administrative systems of the Siksika Nation and its related bodies;

(b) the organization of the systems described in paragraph (a) including the linkages between them;

(c) the specific roles and responsibilities of each level of the organization of the systems described in paragraph (a);

(d) all governance, management and administrative positions at each level of the organization of the systems described in paragraph (a) including:

(i) the membership on Council, treasury board and all other committees of Council and the Siksika Nation;

(ii) the tribal administration senior officer, the chief financial officer, the tax administrator, the senior officer of each related body and the other officers of the Siksika Nation and its related bodies; and

(iii) the principal lines of authority and the responsibility between Council, treasury board and other committees referred to in subparagraph (i) and the officers referred to in subparagraph (ii).

(3) On request, the tribal administration senior officer must provide a copy of the organization chart under subsection (1) to a Councillor, a member of treasury board, a member of a committee referred to in subparagraph (2)(d)(i), an officer, an employee or agent of the Siksika Nation or its related bodies and a member of the Siksika Nation.

(4) In the course of discharging his or her responsibilities under this law, the tribal administration senior officer must (in respect of the Siksika Nation tribal administration) and each senior officer of a related body must (in respect of such related body), working in conjunction with the chief financial officer, recommend to Council for approval and implementation human resource policies and procedures that facilitate effective internal financial administration controls.

(5) Council must take all reasonable steps to ensure that the Siksika Nation hires or retains qualified and competent personnel to carry out the financial administration activities of the Siksika Nation and its related bodies.

(6) Without in any way limiting the generality of subsection (5), Council shall have the right to require that background security clearances, criminal record and credit checks, and other due diligence procedures as may be recommended by treasury board be included as part of the hiring process to ensure that only qualified and competent personnel are retained to carry out the financial administration activities of the Siksika Nation and its related bodies.

(7) Council may at any time elect to appoint, on a permanent or a part-time basis, an internal Siksika auditor to conduct an internal audit of the Siksika Nation as well as its related bodies on any basis determined by Council (including an audit of the standards and performance of the Siksika Nation's financial administration systems and controls, and those of its related bodies).

(8) If Council elects to appoint internal Siksika auditor, such auditor shall have the same powers and the right to access information in the same manner as the auditor of the Siksika Nation.

Division Four – Conduct Expectations

Conduct of Councillors

21. (1) When exercising a power, duty or responsibility relating to the financial administration of the Siksika Nation or of a related body, a Councillor must

(a) comply with this law, any other applicable Siksika Nation law and any applicable standards;

(b) act honestly, in good faith and in the best interests of the Siksika Nation;

(c) exercise the care, diligence and skill that a reasonably prudent individual would exercise in comparable circumstances; and

(d) avoid conflicts of interest and comply with the rules and procedures applicable to Councillors set forth in Schedule "A" to this law.

(2) If it has been determined under this law or by a court of competent jurisdiction that a Councillor has contravened this section, Council must post a public notice of the details of the determination for a period of not less than 31 days as soon as practicable after the contravention was determined.

Conduct of officers, employees, contractors, etc

22. (1) This section applies to

(a) an officer, employee, contractor and agent of the Siksika Nation or its related bodies;

(b) each person acting under the delegated authority of Council, the Siksika Nation and each related body; or

(c) a member of treasury board or a member of a committee of Council or the Siksika Nation who is not a Councillor.

(2) When a person is exercising a power, duty or responsibility relating to the financial administration of the Siksika Nation or its related bodies, that person must

(a) comply with this law, any other applicable Siksika Nation law and any applicable standards (including standards under the FMA);

(b) comply with all policies, procedures and directions of Council; and

(c) avoid conflicts of interest and comply with the rules and procedures applicable to officers, employees, contractors and agents of the Siksika Nation set forth in Schedule "A" to this law.

(3) Council must incorporate the relevant provision of this section into

(a) the terms of employment or appointment of every officer or employee of the Siksika Nation and each related body;

(b) the terms of every contract of a contractor of the Siksika Nation and each related body;

(c) the terms of appointment of every member of treasury board;

(d) the terms of appointment of every member of a committee who is not a Councillor; and

(e) the terms of appointment of every agent of the Siksika Nation.

(4) If a person contravenes subsection (2), the following actions may be taken:

(a) an officer or employee may be disciplined including dismissal;

(b) a contractor's contract may be terminated;

(c) the appointment of a member of treasury board or of a committee may be revoked; and

(d) the appointment of an agent or officer may be revoked.

PART THREE – FINANCIAL MANAGEMENT

Division One – Financial Plans and Annual Budgets

Fiscal year

23. The fiscal year of the Siksika Nation is April 1 to March 31 of the following year.

Multi-year financial plan

24. No later than March 31 of each year Council must approve a multi-year financial plan that

(a) has a planning period of five (5) years comprised of the current fiscal year and the four (4) succeeding fiscal years;

(b) is based on the projections of revenues, expenditures and transfers between accounts;

(c) sets out projected revenues, segregated by significant category;

(d) sets out projected expenditures, segregated by significant category;

(e) in respect of transfers between accounts, sets out the amounts from the tangible capital asset reserve account;

(f) shows all categories of restricted cash; and

(g) indicates whether in any of the five (5) years of the plan a deficit or surplus is expected from the projection of revenues and expenditures for that year.

Content of annual budget

25. (1) The annual budget must encompass all the operations for which the Siksika Nation (including its related bodies) is responsible and must identify

(a) anticipated revenues, segregated by significant category, with estimates of the amount of revenue from each category;

(b) anticipated expenditures, segregated by significant category, with estimates of the amount of expenditure for each category; and

(c) any anticipated annual and accumulated surplus or annual and accumulated deficit and the application of year end surplus.

(2) The revenue category of moneys derived from the Siksika Nation's lands must be shown separately in the annual budget from other revenues and must include a sub-category for revenues from natural resources obtained from the Siksika Nation's lands.

Budget and planning process schedule

26. (1) On or before January 31 of each year the chief financial officer must prepare and submit to treasury board for review a draft annual budget and a draft multi-year financial plan for the next fiscal year.

(2) On or before February 15 of each year treasury board must review

(a) the draft annual budget and recommend an annual budget to Council for approval; and

(b) the draft multi-year financial plan and recommend a multi-year financial plan to Council.

(3) On or before March 31 of each year Council must review and approve the annual budget for the Siksika Nation for the next fiscal year.

(4) On or before June 15 of each year the chief financial officer must prepare and submit to treasury board for review a draft amendment of the component of the annual budget respecting the Siksika Nation's local revenue account.

(5) On or before June 30 of each year, treasury board must review the draft amendment of the component of the annual budget respecting the Siksika Nation's local revenue account and recommend an amendment to the annual budget to Council for approval.

(6) No later than July 15 of each year Council must approve the amendment of the component of the annual budget respecting the Siksika Nation's local revenue account.

Additional requirements for budget deficits

27. If a draft annual budget in respect of the Siksika Nation (or of any related body) contains a proposed deficit, Council must ensure that

(a) the multi-year financial plan of the Siksika Nation demonstrates how and when the deficit will be addressed and how it will be serviced; and

(b) the deficit does not have a negative impact on the credit worthiness of the Siksika Nation or of any related body.

Amendments to annual budgets

28. (1) The annual budget of the Siksika Nation (or of any related body) must not be changed without the approval of Council.

(2) Subject to subsection 26(6) and section 36, unless there is a substantial change in the forecasted revenues or expenses of the Siksika Nation (or of any related body) or in the expenditure priorities of Council, Council must not approve a change to the annual budget of the Siksika Nation or of any related body.

Local revenue account budget requirements

29. Despite any other provisions of this law, any part of a budget relating to the local revenue account must be prepared, approved and amended in accordance with applicable provisions of the FMA and of the First Nations Tax Commission standards.

Policy for Siksika Nation information or involvement

30. (1) Council must establish policies or procedures or give directions respecting the means by which members of the Siksika Nation must be informed about or involved in consideration of

(a) the annual budget, including any component of the annual budget respecting the Siksika Nation's local revenue account;

(b) the multi-year financial plan; and

(c) budget deficits or extraordinary expenditures.

(2) Council must post a public notice of each open Council meeting when each of the following is presented for approval:

(a) the multi-year financial plan;

(b) the annual budget;

(c) an amendment to the annual budget.

(3) Members of the Siksika Nation may attend that part of the Council meeting when the matters referred to in subsection (2) are being considered.

Division Two - Financial Institution Accounts

Financial institution accounts

31. (1) No account may be opened for the receipt and deposit of money of the Siksika Nation or any agency of the Siksika Nation unless the account is

(a) in the name of the Siksika Nation;

(b) opened in a financial institution; and

(c) authorized by treasury board or by the chief financial officer, or pursuant to any other law of the Siksika Nation.

(2) The Siksika Nation must establish the following accounts in a financial institution:

(a) a general account for money from any sources other than those described in paragraphs (b) to (e);

(b) a local revenue account for money from local revenues;

(c) a trust account if the Siksika Nation has money held in trust;

(d) a land and resources account for money from revenues from the Siksika Nation's lands; and

(e) a tangible capital asset reserve account for money set aside for purposes of section 84.

(3) The Siksika Nation may, if approved by treasury board or by Council, establish any other accounts not referred to in subsection (2) as may be required pursuant to any other law of the Siksika Nation (including any law relating to the Siksika Heritage Trust), or as may be necessary and appropriate to manage the Siksika Nation's financial assets.

(4) No account may be opened for the receipt and deposit of money of any related body unless the account is

(a) opened in the name of the related body;

(b) opened in a financial institution; and

(c) authorized by the senior officer of the related body in conjunction with treasury board or the chief financial officer, or pursuant to any other law of the Siksika Nation.

(5) Each related body must establish the following accounts in a financial institution:

(a) a general account for money from any sources other than those described in paragraph (b); and

(b) a trust account if the related body has money held in trust.

(6) A related body may establish any other accounts not referred to in subsection (5) as may be required pursuant to any other law of the Siksika Nation, or as may be approved by treasury board or the chief financial officer as being necessary and appropriate to manage the financial assets of the related body.

Accounts management

32. (1) The chief financial officer must ensure the safekeeping of all money received by the Siksika Nation and any agency of the Siksika Nation.

(2) The chief financial officer

(a) must deposit all money received by the Siksika Nation as soon as practicable (and in any event within two (2) business days) into the appropriate accounts described in section 31; and

(b) must not authorize payment of money from an account described in section 31 unless the payment relates to the subject matter for which the account was established and is otherwise authorized or permitted under this law or another Siksika Nation law.

(3) The senior officer of each related body must ensure the safekeeping of all money received by the related body.

(4) The senior officer of each related body

(a) must deposit all money received by the related body as soon as practicable (and in any event within two (2) business days) into the appropriate accounts described in section 31; and

(b) must not authorize payment of money from an account described in section 31 unless the payment relates to the subject matter for which the account was established and is otherwise authorized or permitted under this law, another Siksika Nation law, an agreement approved by Council, or by treasury board.

Division Three – Expenditures

Prohibited expenditures

33. (1) Money or financial assets in a trust account must not be used for a purpose other than the purposes permitted under the terms of the trust.

(2) Money in a local revenue account must not be used for any purpose other than the purposes permitted under a local revenue law.

(3) Money in a tangible capital asset reserve account must not be used for any purpose other than that described in Part Four.

Prohibited agreements

34. The Siksika Nation (including any related body) must not enter into an agreement or undertaking that requires the Siksika Nation to expend money that is not authorized by, or that contravenes, this law or another Siksika Nation law.

No expenditure without appropriation

35. (1) Subject to subsection 36(1), money must not be paid out of any account unless the expenditure is authorized under an appropriation or pursuant to another Siksika Nation law.

(2) Subsection (1) does not apply to expenditures from a trust account where the expenditure is authorized under the terms of the trust.

Emergency expenditures

36. (1) The tribal administration senior officer, treasury board, the chairperson of treasury board, or the chief financial officer may approve an expenditure for an emergency purpose that was not anticipated in the budget if the expenditure is not expressly prohibited by or under this law or another Siksika Nation law.

(2) Council must establish policies or procedures or give directions regarding the authorization of expenditures for emergency purposes under subsection (1) and the establishment of a process by which the members of the Siksika Nation are to be informed about or involved in emergency expenditures.

(3) The expenditure under subsection (1) must be reported to Council as soon as practicable and Council must amend the budget to include the expenditure.

(4) Subsection (1) does not give the tribal administration senior officer, treasury board, the chairperson of treasury board, or the chief financial officer the authority to borrow for the purpose of making an expenditure for an emergency purpose.

Appropriations

37. (1) An amount that is appropriated in a budget must not be expended for any purpose other than that described in the appropriation.

(2) The total amount expended by the Siksika Nation in relation to an appropriation must not exceed the amount specified in the budget for the Siksika Nation for that appropriation.

(3) Every person who is responsible for managing an appropriation must establish and maintain a current record of commitments chargeable to that appropriation.

Payments after fiscal year end

38. (1) Money appropriated in a budget for a fiscal year must not be expended after the end of the fiscal year except to discharge a liability incurred in that fiscal year.

(2) If the liabilities for an appropriation under subsection (1) exceed the unexpended balance of the appropriation at the end of the fiscal year, the excess must be

(a) charged against a suitable appropriation for the following fiscal year; and

(b) reported in the financial statements for the fiscal year in which the liability was incurred.

Requisitions for payment

39. (1) No money may be paid out of any account without a requisition for payment as required under this section.

(2) No requisition may be made or given for a payment of money unless it is a lawful charge against an appropriation or an authorized use of money in a trust.

(3) No requisition may be made or given for payment of money that results in expenditures from a trust account in excess of the unexpended balance of the trust account.

(4) No requisition may be made or given for payment of money that reduces the balance available in an appropriation or trust account so that it is not sufficient to meet the commitments chargeable against it.

(5) A requisition may apply to one or more expenditures chargeable against one or more appropriations.

(6) A requisition must identify the appropriation or trust account out of which payment is to be made and must include a statement certifying that the expenditure is not prohibited under this section and that it is

(a) in accordance with the appropriation identified in the certified statement; or

(b) allowed without the authority of an appropriation under this law or another Siksika Nation law.

(7) If a requisition is for the payment of performance of work or services or the supply of goods, the requisition must include a statement certifying that

(a) the work or services have been performed or the goods supplied, any conditions in an agreement respecting the work, services or goods have been met and the price charged or amount to be paid is in accordance with an agreement or, if not specified by agreement, is reasonable; or

(b) if payment is to be made before completion of the work or services, delivery of the goods or satisfaction of any conditions in an agreement, the payment is in accordance with the agreement.

(8) The tribal administration senior officer or the chief financial officer must authorize payment out of, or sign a requisition for payment from, a trust account.

(9) The tax administrator must authorize payment out of a local revenue account.

(10) Subject to subsection (9), the tribal administration senior officer or chief financial officer may authorize a payment out of, or sign a requisition for, payment from any appropriation.

(11) Subject to subsections (8) and (9), a person who is responsible for managing an appropriation may authorize payment out of, or sign a requisition for, payment from the appropriation.

(12) Council may from time to time establish policies and procedures governing a tendering process as well as a procurement process to be followed by the Siksika Nation, which policies and procedures shall be recommended by treasury board and approved by Council. Pending the establishment of such policies and procedures the following shall apply:

(a) any requisition (including any purchase order respecting the procurement of goods or services) over fifteen thousand dollars ($15,000), or such greater amount as may from time to time be approved by Council, shall require authorization by the chief financial officer in addition to the signature of the relevant senior manager of the Siksika Nation tribal administration agency proposing the purchase;

(b) all purchase orders or contracts valued at over fifty thousand dollars ($50,000) shall be tendered;

(c) if the purchase order or contract is valued at more than fifty thousand dollars ($50,000) but less than five hundred thousand dollars ($500,000), the tender may be by invitation;

(d) if the purchase order or contract is valued at more than five hundred thousand dollars ($500,000) the tender must be public;

(e) in emergency situations telephone or facsimile bids up to fifty thousand dollars ($50,000) may be accepted, provided that a written confirmation follows from the bidder and a record of all telephone bids is kept;

(f) invitations to tender and public tenders shall include:

(i) the time and date of closing;

(ii) sufficient details from which comparable bids can be made;

(iii) the time, date, and place tenders are to be opened; and

(iv) amount of security deposit if required;

(g) except in emergency situations, the tendering period is not to be less than five (5) working days;

(h) all tenders are to be returned sealed and addressed to the Siksika Nation, clearly marked "*Tendered for.....*" and the time and date of receipt is to be recorded on the unopened envelope of tender when received;

(i) all tenders received shall be opened in public and in the presence of the senior manager, senior officer, or other person responsible for the tender process;

(j) the name of the tender, project, date of bid and amount shown must be recorded;

(k) the lowest tender received shall normally be accepted unless the person or body authorized to accept the tender deems it in the best interests of the Siksika Nation to accept a higher tender because the higher tender:

(i) provides a better quality product or better service,

(ii) provides economic benefits to the Siksika Nation or its members, or

(iii) provides a joint venture or other economic development opportunity for the Siksika Nation,

and acceptance of such higher tender has been approved by treasury board, or by Council pursuant to a resolution;

(l) where other than the lowest tender is accepted, the reasons for such acceptance are to be recorded in writing, signed and dated by the person or body authorized to make the decision;

(m) subject to this law, tenders shall comply with the tendering and procurement policies and procedures approved by treasury board or by Council to govern such activity; and

(n) upon acceptance of a tender for the performance of work, goods, or services, a contract is to be signed by both parties and provided to the chief financial officer, and disbursements or payment on any contract shall be made without supporting documentation, including such documentation as may be required pursuant to the policies of treasury board or of Council.

Form of payment

40. Payments by the Siksika Nation may be made by cheque, draft, electronic transfer or other similar instrument signed by any two (2) of the persons referred to in subsections 39(8) to (10).

Division Four – General Matters

Advances

41. (1) The tribal administration senior officer (in respect of the Siksika Nation tribal administration), the senior officer of a related body (in respect of such related body), or the chief financial officer may approve an advance to prepay expenses that are chargeable against an appropriation in the current fiscal year or an appropriation in the next fiscal year.

(2) The tax administrator may approve an advance to prepay expenses that are chargeable against an appropriation from the local revenue account in the current fiscal year or an appropriation from that account in the next fiscal year.

Holdbacks

42. If the Siksika Nation or a related body, as the case may be, withholds an amount payable under an agreement, the payment of the amount withheld must be charged to the appropriation from which the agreement must be paid even if the fiscal year for which it was appropriated has ended.

Deposit money

43. (1) Money received by the Siksika Nation as a deposit to ensure the doing of any act or thing must be held and disposed of in accordance with

(a) the agreement under which the deposit has been paid; and

(b) in the absence of any provisions respecting that matter, any policy or directions of Council.

(2) Money received by a related body as a deposit to ensure the doing of any act or thing must be held and disposed of in accordance with

(a) the agreement under which the deposit has been paid; and

(b) in the absence of any provisions respecting that matter, any policy or directions of Council.

(3) Council must make policies or procedures or give directions in respect of the disposition of deposit money referred to in subsections (1) and (2).

Interest

44. (1) All interest earned on the accounts described in section 31, other than a trust account, local revenue account, or tangible capital asset reserve account, must be deposited in the general account referred to in section 31.

(2) All interest earned on

(a) a trust account must be retained in that account;

(b) the local revenue account must be retained in that account; and

(c) the tangible capital asset reserve account must be retained in that account.

(3) The Siksika Nation may charge interest at a rate set from time to time by Council on any debts or payments owed to the Siksika Nation or any related body that are overdue subject to applicable law, including the *Interest Act* (Canada).

Refunds

45. (1) Money received by the Siksika Nation or any related body that is paid or collected in error or for a purpose that is not fulfilled may be refunded in full or in part as circumstances require.

(2) Council must establish policies and procedures respecting the refund of money under subsection (1).

Write off of debts

46. All or part of a debt or obligation owed to the Siksika Nation, an agency of the Siksika Nation, or any related body may be written off:

(a) if approved by Council;

(b) if done (in relation to the Siksika Nation or an agency of the Siksika Nation) by treasury board, the tribal administration senior officer or the chief financial officer, under the authority of a policy or direction of Council; or

(c) if done (in relation to a related body) by treasury board, the senior officer of such related body, or the chief financial officer, under the authority of a policy or direction of Council.

Extinguishment of debts

47. All or part of a debt or obligation owed to the Siksika Nation, an agency of the Siksika Nation, or any related body may be forgiven only

(a) if approved by Council;

(b) if done (in relation to the Siksika Nation or an agency of the Siksika Nation) by treasury board, the tribal administration senior officer or the chief financial officer, under the authority of a policy or direction of Council; or

(c) if done (in relation to a related body) by treasury board, the senior officer of such related body, or the chief financial officer, under the authority of a policy or direction of Council.

Year end surplus

48. (1) Subject to subsections (2), (3) and (4) and subject to the terms of any funding or other agreement to which the Siksika Nation is a party, an operating surplus of the Siksika Nation at the end of the fiscal year must be paid into the general account described in section 31.

(2) An operating surplus in the local revenue account at the end of the fiscal year must be retained in that account.

(3) An operating surplus in the tangible capital asset reserve account at the end of the fiscal year must be retained in that account.

(4) If an agency of the Siksika Nation has an operating surplus in respect of a given fiscal year the agency may, by means of a written submission delivered to treasury board not later than fifteen (15) days following the expiration of the fiscal year in question, request that all or a portion of such operating surplus be retained for the completion of previously budgeted programs that are not completed, or for the completion of programs that were specifically budgeted in respect of more than one fiscal year.

(5) Unless treasury board has indicated, in writing, that all or any portion of the operating surplus referred to in subsection (4) may be retained, such surplus at the end of the fiscal year must be paid into the general account described in section 31.

Division Five – Borrowing

Limitations on borrowing

49. (1) Except as specifically authorized in this law or in a local revenue law, none of the Siksika Nation, an agency of the Siksika Nation, or any related body are permitted to borrow money or grant security.

(2) Subject to this law, if the Siksika Nation, an agency of the Siksika Nation, or any related body is authorized in this law to borrow money or grant security, Council may authorize the chief financial officer to borrow money or grant security

(a) as specifically approved by Council; or

(b) in accordance with the policies, procedures or directions made by Council.

Borrowing for ordinary operations

50. (1) The Siksika Nation or, with the approval of treasury board a related body, may incur trade accounts or other current liabilities payable within normal terms of trade for expenditures provided for in the budget for the fiscal year if the debt will be repaid from money appropriated under an appropriation for the fiscal year or is in respect of an expenditure that may be made without the authority of an appropriation under this law.

(2) The Siksika Nation may enter into agreements with financial institutions for overdrafts or lines of credit and, for the purpose of securing any overdrafts or lines of credit, may grant security

to the financial institution in a form, amount and on terms and conditions that Council approves.

(3) The Siksika Nation may enter into a general security agreement or a lease for the use or acquisition of lands, materials or equipment required for the operation, management or administration of the Siksika Nation.

(4) A related body may with the approval of treasury board enter into a general security agreement or a lease for the use or acquisition of lands, materials or equipment required for the operation, management or administration of the related body.

Financial agreements

51. (1) The Siksika Nation may enter into the following agreements in the name of the Siksika Nation:

(a) for the purpose of efficient management of the Siksika Nation's financial assets, agreements with financial institutions and related services agreements;

(b) for the purpose of reducing risks or maximizing benefits in relation to the borrowing, lending or investing of the Siksika Nation's financial assets, agreements with financial institutions respecting currency exchange, spot and future currency, interest rate exchange and future interest rates.

(2) Unless otherwise specified by Council, the chief financial officer may enter into any agreements referred to in subsection (1) on behalf of the Siksika Nation.

Borrowing for authorized expenditures

52. (1) If the general account described in section 31 is not sufficient to meet the expenditures authorized to be made from it and the chief financial officer or treasury board recommends that money be borrowed to ensure that the general account is sufficient for these purposes, the Siksika Nation may borrow an amount not exceeding a maximum amount specified by Council and to be repaid within a specified period of time.

(2) Despite the repayment terms specified in subsection (1), if the money borrowed under subsection (1) is no longer required for the purpose for which it was borrowed, the money must be repaid as soon as possible.

Borrowing member requirements

53. (1) This section only applies if the Siksika Nation is a "borrowing member" as defined under the FMA.

(2) The Siksika Nation must not obtain long term financing secured by property tax revenues from any person other than the First Nations Finance Authority.

(3) The Siksika Nation may only obtain long term financing from the First Nations Finance Authority as permitted under its local revenue law and the FMA.

(4) Money borrowed under subsection (2) may only be used for the purposes permitted under the FMA.

(5) Money borrowed by the Siksika Nation from the First Nations Finance Authority that is secured by other revenues may only be used for the purposes set out in section 4 of the *Financing Secured by Other Revenues Regulations* made under the FMA.

Borrowing for new capital projects

54. (1) Council must establish policies or procedures or give directions respecting the means by which members of the Siksika Nation must be informed about or involved in consideration of borrowing for new capital projects described in subsection 88(2).

(2) Council must post a public notice of each Council meeting when borrowing for new capital projects described in subsection 88(2) is presented for approval.

(3) Members of the Siksika Nation may attend that part of the Council meeting when the matters referred to in subsection (2) are being considered.

Borrowing for repayment of debts

55. Subject to this law and a local revenue law, the Siksika Nation may borrow money that is required for the repayment or refinancing of any debt of the Siksika Nation, other than a debt in relation to money borrowed under subsection 52(1) or a debt owed to the First Nations Finance Authority.

Use of borrowed money

56. (1) Subject to this section and any local revenue law, money borrowed by the Siksika Nation for a specific purpose must not be used for any other purpose.

(2) All or some of the money borrowed for a specific purpose by the Siksika Nation and not required to be used immediately for that purpose may be temporarily invested under subsection 62(1) until required for that purpose.

(3) If some of the money borrowed for a specific purpose is no longer required for that purpose, that money must be applied to repay the debt from the borrowing.

Execution of security documents

57. (1) Subject to subsection (2), security granted by the Siksika Nation must be signed by a Councillor designated by Council and by the chief financial officer.

(2) A security granted by the Siksika Nation in respect of local revenues must be signed by a Councillor designated by Council and by the tax administrator.

Operational controls

58. Council must establish policies or procedures or give directions respecting the establishment and implementation of an effective system of internal controls that ensures the orderly and efficient conduct of the Siksika Nation's operations and those of its related bodies.

Division Six - Risk Management

Limitation on business activity

59. (1) Subject to subsections (2) and (3), the Siksika Nation must not:

(a) carry on business as a proprietor;

(b) acquire an interest in a partnership as a general partner; or

(c) act as a trustee respecting property used for, or held in the course of, carrying on a business.

(2) The Siksika Nation may carry on a business that:

(a) is ancillary or incidental to the provision of programs or services or other functions of Siksika Nation governance; or

(b) derives income from the granting of a lease or license of or is in respect of

(i) an interest in, or natural resources on or under, the Siksika Nation's lands or lands owned in fee simple by or in trust for the Siksika Nation, or

(ii) any other property of the Siksika Nation.

(3) The Siksika Nation may carry on business activities through a related body for the primary purpose of profit if Council determines that the business activities

(a) do not result in a material liability for the Siksika Nation; or

(b) do not otherwise expose the Siksika Nation's financial assets, property or resources to significant risk.

(4) Council may impose terms and conditions on the conduct of any business activity permitted under this section in order to manage any risks associated with that activity.

(5) No related body of the Siksika Nation shall be established without the approval of Council, which approval shall only be provided following a review and recommendation to Council by treasury board.

(6) Council shall:

(a) ensure that when any related body is hereafter established or created, the articles, by-laws and other constating documents of such related body require the related body to comply with and be bound by all applicable provisions of this law; and

(b) take steps to ensure that the articles, by-laws and other constating documents of any existing related body be amended in order to require the related body to comply with and be bound by all applicable provisions of this law.

Guarantees and indemnities

60. (1) Neither the Siksika Nation nor any related body may give a guarantee unless Council has considered the report of the chief financial officer under subsection (2).

(2) Before Council authorizes a guarantee under subsection (1), the chief financial officer must prepare a report for Council and for treasury board identifying any risks associated with giving the guarantee and assessing the ability of the Siksika Nation, or the applicable related body, to honor the guarantee should it be required to do so.

(3) Neither the Siksika Nation nor any related body may give an indemnity unless it is:

(a) authorized under section 102;

(b) in the case of the Siksika Nation, necessary and incidental to or included in an agreement to which the Siksika Nation is a party;

(c) in the case of a related body, necessary and incidental to or included in an agreement to which the applicable related body is a party; or

(d) in relation to a security granted by the Siksika Nation, or the applicable related body, that is authorized under this law or another Siksika Nation law.

(4) Subject to a resolution described in section 102, Council must make policies and directions respecting guarantees and indemnities as follows:

(a) specifying circumstances under which an indemnity may be given without Council approval;

(b) designating the persons who may give an indemnity on behalf of the Siksika Nation and specifying the maximum amount of any indemnity which may be given by them;

(c) specifying any terms or conditions under which a guarantee or indemnity may be given; and

(d) specifying the records to be maintained of all guarantees and indemnities given by the Siksika Nation and any related body.

Authority to invest

61. (1) Except as specifically authorized in this law or another Siksika Nation law (including the Siksika Nation Revenue Account By-law and section 62 below), the Siksika Nation must not invest the Siksika Nation's financial assets.

(2) Council may authorize one or both of treasury board or the chief financial officer to invest the Siksika Nation's financial assets

(a) as specifically approved by Council; or

(b) in accordance with the policies, procedures or directions recommended by treasury board and approved by Council.

Approved investments

62. (1) Money in an account described in section 31 that is not immediately required for expenditures may be invested by the Siksika Nation in one or more of the following:

(a) securities issued or guaranteed by Canada, a province or the United States of America;

(b) fixed deposits, notes, certificates and other short term paper of, or guaranteed by a financial institution including swaps in United States of America currency;

(c) securities issued by the First Nations Finance Authority or by a local, municipal or regional government in Canada;

(d) commercial paper issued by a Canadian company that is rated in the highest category by at least two (2) recognized security-rating institutions;

(e) any class of investments permitted under an Act of a province relating to trustees;

(f) any other investments or class of investments prescribed by an investment policy adopted by Council; or

(g) any other investments or class of investments prescribed by regulation under the FMA.

(2) Subject to the terms of the trust, money held in trust that is not immediately required for expenditures may be invested by the Siksika Nation as permitted under the terms of the trust or under the laws of Alberta.

(3) If the Siksika Nation has established an investment account under section 31, the Siksika Nation may invest money in that account in

(a) a company that is incorporated under the laws of Canada or of a province or territory and in which the Siksika Nation is a shareholder;

(b) a trust in which the Siksika Nation is a beneficiary;

(c) a limited partnership in which the Siksika Nation is a partner; or

(d) a member investment program described in section 63.

(4) Despite any other provision in this section, the Siksika Nation may only invest the following in investments specified in subsection 82(3) of the FMA and in investments in securities issued by the First Nations Finance Authority:

(a) government transfer funds;

(b) local revenues; and

(c) other revenues, if the Siksika Nation has a loan from the First Nations Finance Authority secured by other revenues.

Permitted investments in Siksika Nation member activities

63. (1) The Siksika Nation may only make a loan to a member of the Siksika Nation or to an entity in which a member of the Siksika Nation has an interest if the loan is made from a program of the Siksika Nation that has been approved by Council and that meets the requirements of this section.

(2) Before Council establishes a program under this section, the chief financial officer must prepare a report for Council identifying any risks associated with the program and the costs of administering the program.

(3) A program referred to in subsection (1) must satisfy the following criteria:

(a) the program must be universally available to all members of the Siksika Nation;

(b) the terms and conditions of the program must be published and accessible to all members of the Siksika Nation;

(c) all loans made from the program and all payments received from those loans must be set out in an annual report that includes details about the amounts loaned, the purposes of the loans, the names of those receiving a loan and repayments of principal and interest on the loans; and

(d) all loans must be recorded in a written agreement that provides for proper security for repayment and sets out the terms for repayment of principal and interest.

(4) Council must make policies or procedures or give directions for the operation of any program referred to in this section.

Administration of investments and loans

64. (1) If the Siksika Nation is authorized to make an investment or loan under this law, the chief financial officer may do all things necessary or advisable for the purpose of making, continuing, exchanging or disposing of the investment or loan.

(2) If the Siksika Nation is authorized to make a loan under this law, Council must establish policies or procedures or give directions respecting the terms and conditions under which loans may

be made including a requirement that all loans be recorded in a written agreement that provides for proper security for repayment and sets out the terms for repayment of principal and interest.

Risk assessment and management

65. (1) Annually, and more often if necessary, the tribal administration senior officer must (in respect of the Siksika Nation tribal administration) identify and assess any significant risks to the Siksika Nation's financial assets, the Siksika Nation's tangible capital assets as defined in Part Four and the operations of the Siksika Nation.

(2) Annually, and more often if necessary, the tribal administration senior officer must report to treasury board on proposed plans to mitigate the risks identified in subsection (1) or, where appropriate, to manage or transfer those risks by agreement with others or by purchasing insurance.

(3) Annually, and more often if necessary, the senior officer of each related body (in respect of such related body) must identify and assess any significant risks to the related body's financial assets, and its tangible capital assets as defined in Part Four and the operations of the related body.

(4) Annually, and more often if necessary, the senior officer of each related body must report to treasury board on proposed plans to mitigate the risks identified in subsection (1) or, where appropriate, to manage or transfer those risks by agreement with others or by purchasing insurance.

Insurance

66. (1) On recommendation of treasury board, Council must procure and maintain in force all insurance coverage that is appropriate and commensurate with the risks identified in section 65 and any other risks associated with any assets, property or resources under the care or control of the Siksika Nation.

(2) Council may purchase and maintain insurance for the benefit of a Councillor or an officer or their personal representatives against any liability arising from that person being or having been a Councillor or an officer.

Division Seven – Financial Reporting

GAAP

67. All accounting practices of the Siksika Nation and its related bodies must comply with GAAP.

Monthly financial information

68. (1) At the end of each month the chief financial officer must prepare financial information respecting the financial affairs of the Siksika Nation and its related bodies in the form and with the content approved by Council on the recommendation of treasury board.

(2) The chief financial officer must provide the financial information in subsection (1) to Council and treasury board not more than forty-five (45) days following the end of the month for which the information was prepared.

(3) The tribal administration senior officer and the senior officers of each of the related bodies shall, in relation to their areas of authority, ensure that the chief financial officer is provided with all necessary financial information in a timely fashion so that the chief financial officer can meet his or her obligations to Council under this section.

Quarterly financial statements

69. (1) At the end of each quarter of the fiscal year the chief financial officer must prepare financial statements for the Siksika Nation and its related bodies for that quarter in the form and with the content approved by Council on the recommendation of treasury board.

(2) The chief financial officer must provide the quarterly financial statements in subsection (1) to Council and treasury board not more than forty-five (45) days after the end of the quarter of the fiscal year for which they were prepared.

(3) The quarterly financial statements in subsection (1) must be

(a) reviewed by treasury board and recommended to Council for approval; and

(b) reviewed and approved by Council.

(4) If the Siksika Nation has a loan from the First Nations Finance Authority that is secured by other revenues, the chief financial officer must

(a) account for and report on all other revenues of the Siksika Nation separately from other money of the Siksika Nation; and

(b) provide the First Nations Finance Authority or the First Nations Financial Management Board, on its request, with information respecting the other revenues account.

(5) The tribal administration senior officer and the senior officers of each of the related bodies shall, in relation to their areas of authority, ensure that the chief financial officer is provided with all necessary financial information in a timely fashion so that the chief financial officer can meet his or her obligations to Council under this section.

Annual financial statements

70. (1) At the end of each fiscal year the chief financial officer must prepare the annual financial statements of the Siksika Nation and it related bodies for that fiscal year in accordance with GAAP and to a standard that is at least comparable to that generally accepted for governments in Canada.

(2) The annual financial statements must be prepared in a form approved by Council on the recommendation of treasury board.

(3) The annual financial statements must include the following information:

(a) the financial information of the Siksika Nation, its agencies and all of its related bodies for the fiscal year;

(b) the financial information for the local revenue account that is required to meet the First Nations Financial Management Board standards respecting financial reporting of the local revenue account); and

(c) the revenue categories for the Siksika Nation's lands referred to in subsection 25(2).

(4) The annual financial statements must include the following special purpose reports:

(a) a report setting out all payments made to honor guarantees and indemnities for that fiscal year;

(b) a report setting out the information required in section 9;

(c) a report setting out all debts or obligations forgiven by the Siksika Nation and its related bodies;

(d) a report setting out the information required in paragraph 63(3)(c);

(e) if the Siksika Nation has a land code in force, a report setting out moneys of the Siksika Nation derived from Siksika Nation's lands, categorized and shown separately from other revenues and that includes a sub-category respecting revenues from natural resources obtained from any Siksika Nation's lands; and

(f) any other report required under the FMA or an agreement.

(5) The chief financial officer, together with the senior managers of each agency of the Siksika Nation, and the senior officers of each related body, shall have the financial records for their respective area for the preceding fiscal year completed and available for inspection by the auditor by not later than April 30 of each year.

(6) The chief financial officer must provide draft annual financial statements to treasury board for review within fifty (50) days following the end of the fiscal year for which they were prepared.

(7) Treasury board must present draft annual financial statements to Council for review within seventy (70) days following the end of the fiscal year for which they were prepared.

(8) The tribal administration senior officer and the senior officers of each of the related bodies shall, in relation to their areas of authority, ensure that the chief financial officer is provided with all necessary financial information in a timely fashion so that the chief financial officer can meet his or her obligations to Council under this section.

Audit requirements

71. (1) The annual financial statements of the Siksika Nation and all of its related bodies must be audited by the auditor.

(2) The auditor must conduct the audit of the annual financial statements in accordance with generally accepted auditing standards established by the Canadian Institute of Chartered Accountants.

(3) The auditor must conduct that part of the annual financial statements respecting the local revenue account in accordance with First Nations Financial Management Board standards for the audit of local revenue accounts and must report on that account separately from other accounts.

(4) When conducting the audit, the auditor must provide

(a) an audit opinion of the annual financial statements; and

(b) an audit opinion or review comments on the special purpose reports referred to in subsection 70(4).

Appointment of auditor

72. (1) The Siksika Nation must appoint an auditor for each fiscal year to hold office until the later of

(a) the end of the Council meeting when the audited annual financial statements for that fiscal year are being considered; or

(b) the date the auditor's successor is appointed.

(2) The terms and conditions of the appointment of the auditor must be set out in an engagement letter approved by treasury board and which is signed by the chief financial officer and the chairperson of treasury board. Such engagement letter must include the auditor's obligation to confirm that the annual financial statements and the audit of them comply with this law, the FMA and First Nations Financial Management Board standards.

(3) To be eligible for appointment as the auditor of the Siksika Nation or any of its related bodies, an auditor must

(a) be a member in good standing of the Canadian Institute of Chartered Accountants, the Certified General Accountants Association of Canada or the Society of Management Accountants of Canada and their respective counterparts in the Alberta;

(b) be licensed or otherwise authorized to practice public accounting in Alberta; and

(c) be independent of the Siksika Nation, its related bodies, Councillors and officers and members.

(4) If the auditor ceases to be independent, the auditor must as soon as practicable after becoming aware of the circumstances

(a) advise the Siksika Nation in writing of the circumstances; and

(b) eliminate the circumstances that resulted in loss of independence or resign as the auditor.

(5) The auditor shall also act as the auditor for each agency of the Siksika Nation and for each related body of the Siksika Nation, unless a different auditor is appointed, on an annual basis, by such related body with the prior approval of Council.

Auditor's authority

73. (1) To conduct an audit of the annual financial statements of the Siksika Nation and each related body, the auditor must be given access to

(a) all records of the Siksika Nation and its related bodies for examination or inspection and given copies of these records on request, including all books, records, accounts, vouchers, resolutions of Council, policies, laws, by-laws, codes, treasury board minutes and resolutions, copies of agreements, contracts and other documents; and

(b) any Councillor, officer, employee, contractor or agent of the Siksika Nation and its related bodies to ask any questions or request any information.

(2) On request of the auditor, every person referred to in paragraph (1)(b) must

(a) make available all records referred to in paragraph (1)(a) that are in that person's care or control; and

(b) provide the auditor with full information and explanation about the affairs of the Siksika Nation and its related bodies as necessary for the performance of the auditor's duties.

(3) The auditor must be given not less than ten (10) business days' prior written notice of

(a) every Council meeting where matters relating to the annual audit, including the approval of the annual financial statements, will be considered;

(b) every treasury board meeting; and

(c) every meeting of the members of the Siksika Nation where the financial administration of the Siksika Nation or its related bodies will be considered.

(4) Subject to subsection (6), the auditor may attend any meeting for which he or she must be given notice under this section or to which the auditor has been invited and must be given the opportunity to be heard at those meetings on any subject that concerns the auditor as auditor of the Siksika Nation or any of its related bodies.

(5) The auditor may call a meeting of treasury board to discuss any subject that concerns the auditor as auditor of the Siksika Nation or its related bodies.

(6) The auditor may be excluded from all or any part of a meeting of treasury board or Council by a recorded vote if the subject matter relates to the retaining or dismissal of the auditor.

Review of audited annual financial statements

74. (1) The audited annual financial statements must be provided to treasury board for its review and consideration not more than one hundred (100) days after the fiscal year end for which the statements were prepared.

(2) The auditor and treasury board shall present the audited annual financial statements to Council.

(3) Council must review and approve the audited annual financial statements not more than one hundred twenty (120) days after the fiscal year end for which the statements were prepared.

Access to annual financial statements

75. (1) Before the annual financial statements may be published or distributed, they must

(a) be approved by Council;

(b) be signed by

(i) the Chief of the Siksika Nation or the Council chairperson,

(ii) the chairperson of treasury board, and

(iii) the chief financial officer, and

(c) include the auditor's audit report of the annual financial statements and the auditor's audit opinion or review comments of the special purpose reports referred to in subsection 70(4).

(2) The audited annual financial statements and special purpose reports must be available for inspection by members of the Siksika Nation at the Tribal Administration building of the Siksika Nation in Siksika, Alberta during normal business hours.

(3) The chief financial officer shall retain a copy of the signed audited financial statements.

(4) The audit report relating to the local revenue account must be available for inspection by any person referred to in subsection 14(2) of the FMA at the Tribal Administration building of the Siksika Nation during normal business hours.

Annual Report

76. (1) Not later than one hundred and eighty (180) days after the end of each fiscal year, Council must prepare an annual report on the operations and financial performance of the Siksika Nation and its related bodies for the previous fiscal year.

(2) The annual report referred to in subsection (1) must include the following:

(a) a description of the services and operations of the Siksika Nation and its related bodies;

(b) a progress report on any established financial objectives and performance measures of the Siksika Nation and its related bodies; and

(c) the audited annual financial statements of the Siksika Nation and its related bodies for the previous fiscal year including special purpose reports.

(3) The annual report referred to in subsection (1) must

(a) be provided to the auditor at least twenty (20) days prior to its final printing and release by Council so that the auditor can ensure that there are no errors or omissions in relation to the audited financial statements and the other financial information (including any special purpose reports) contained therein;

(b) be provided to a member of the Siksika Nation as soon as practicable after a request in writing is made by such member; and

(c) be provided to

(i) the First Nations Financial Management Board as soon as practicable after the report's publication, if the Siksika Nation has a certificate issued by the First Nations Financial Management Board under subsection 50(3) of the FMA; and

(ii) the First Nations Finance Authority as soon as practicable after the report's publication, if the Siksika Nation is a borrowing member.

(4) Council must establish policies or procedures respecting, or give directions respecting, an accessible process and remedy available to Siksika Nation members who have requested but have not been provided with the annual report of the Siksika Nation including requiring

(a) the maintenance of a register for the annual report that identifies all members who have requested a copy of the annual report, the date each request was received and the date the annual report was provided to the member; and

(b) the tribal administration senior officer to report quarterly to treasury board on the steps taken to ensure compliance with subsection (3) and council policy made under this subsection.

Division Eight – Information and Information Technology

Ownership of records

77. (1) All records that are produced by or on behalf of the Siksika Nation or its related bodies or kept, used or received by any person on behalf of the Siksika Nation or its related bodies are the property of the Siksika Nation.

(2) Council must establish policies or procedures or give directions to ensure that the records referred to in subsection (1) remain the property of the Siksika Nation.

Operations manual

78. (1) The tribal administration senior officer (in relation to the Siksika Nation tribal administration) and the senior officer of each related body (in respect of such related body) must prepare and maintain a current operations manual respecting every element of the Siksika Nation's administrative systems, including any financial administration systems referred to in this law.

(2) The operations manual under subsection (1) must be made available to Councillors, members of treasury board and all other Council committees and officers and employees of the Siksika Nation and its related bodies.

(3) If any part of the operations manual under subsection (1) is relevant to the services being provided by a contractor or agent of the Siksika Nation or its related bodies, that part of the operations manual must be made available to the contractor or agent.

Record keeping and maintenance

79. (1) The tribal administration senior officer (in relation to the Siksika Nation tribal administration) and the senior officer of each related body (in respect of such related body) must ensure that all records of the Siksika Nation and such related body, as applicable, are prepared, maintained, stored and kept secure, including as required under this law or any other applicable law.

(2) No Siksika Nation's records or related body records may be destroyed or disposed of except as permitted by and in accordance with the policies, procedures and directions of Council.

(3) All financial records of the Siksika Nation must be stored for at least seven (7) years after they were created.

(4) Council must establish policies and procedures or give directions respecting access of any persons to Siksika Nation's records or related body records.

Account records

80. (1) The tax administrator must prepare, maintain, store and keep secure a complete set of all records respecting the local revenue system of the Siksika Nation, including all records referred to in section 5 of the *Local Revenue Management Implementation Regulations*.

(2) The chief financial officer must prepare, maintain, store and keep secure a complete set of all records respecting other revenues of the Siksika Nation, including all records referred to in section 5 of the *Local Revenue Management Implementation Regulations* as amended by the *Financing Secured by Other Revenues Regulations.*

Confidentiality of information

81. (1) No person may be given access to Siksika Nation's records or related body records containing confidential information except as permitted in accordance with the policies, procedures and directions adopted by Council.

(2) All persons who have access to Siksika Nation's records or related body records must comply with all policies, procedures or directions of Council respecting the confidentiality, control, use, copying or release of that record or information contained in those records.

Information technology

82. Council must establish policies or procedures or give directions respecting information technology used by the Siksika Nation in its operations and those of its related bodies to ensure the integrity of the Siksika Nation's financial administration system and its data base, and those of its related bodies.

PART FOUR – CAPITAL PROJECTS

Definitions

83. In this Part:

"capital project" means the construction, rehabilitation or replacement of the Siksika Nation's tangible capital assets and any other major capital projects funded by local revenues in which the Siksika Nation or any of its related bodies are investors;

"**Siksika Nation's tangible capital assets**" mean all non-financial assets of the Siksika Nation and its related bodies having physical substance that

(a) are held for use in the production or supply of goods and services, for rental to others, for administrative purposes or for the development, construction, maintenance or repair of other tangible capital assets;

(b) have useful economic lives extending beyond an accounting period;

(c) are to be used on a continuing basis; and

(d) are not for sale in the ordinary course of operations;

"life-cycle management program" means the program of inspection, review and planning for management of the Siksika Nation's tangible capital assets as described in section 87;

"rehabilitation" includes alteration, extension and renovation but does not include routine maintenance;

"replacement" includes substitution, in whole or in part, with another of the Siksika Nation's tangible capital assets.

Council general duties

84. Council must take reasonable steps to ensure that

(a) the Siksika Nation's tangible capital assets are maintained in a good and safe condition and to the same standard as a prudent owner of those assets;

(b) the rehabilitation or replacement of the Siksika Nation's tangible capital assets is in accordance with a life-cycle management program described in this Part; and

(c) capital projects for the construction of buildings or other improvements are financed, planned and constructed in accordance with procedures and to standards that generally apply to the financing, planning and construction of public buildings and other improvements of organized communities in Alberta.

Tangible capital assets reserve fund

85. Council must establish a tangible capital asset reserve fund for the purpose of funding expenditures for capital projects carried out under this Part.

Reports on capital projects

86. At each treasury board meeting, the tribal administration senior officer (in relation to the Siksika Nation tribal administration) and the senior officer of each related body (in respect of such related body) must report on the following subjects:

(a) year to date borrowings, loans and payments in respect of each capital project;

(b) the status of a capital project including

(i) a comparison of expenditures to date with the project budget,

(ii) a detailed description of any identified legal, financial, technical, scheduling or other problems, and

(iii) the manner in which a problem identified in subparagraph (ii) has been or will be addressed;

(c) steps taken to ensure compliance with section 89 for every capital project.

Life-cycle management program

87. (1) The tribal administration senior officer (in relation to the Siksika Nation tribal administration) and the senior officer of each related body (in respect of such related body) must establish and keep current a register of all the Siksika Nation's tangible capital assets that identifies each of these assets and includes the following information:

(a) location and purpose of the asset;

(b) ownership and restrictions over ownership of the asset;

(c) year of acquisition;

(d) last inspection date of the asset;

(e) expected life of the asset at the time of acquisition;

(f) assessment of condition of the asset and its remaining useful life;

(g) estimated residual value of the asset;

(h) insurance coverage for the asset; and

(i) any other information required by Council or by treasury board.

(2) On or before November 30 of each year, the tribal administration senior officer (in relation to the Siksika Nation tribal administration) and the senior officer of each related body (in respect of such related body) must arrange for the inspection and review of the state of each of the Siksika Nation's tangible capital assets to establish or update information respecting the following matters:

(a) its present use;

(b) its condition and state of repair;

(c) its suitability for its present use;

(d) its estimated remaining life;

(e) its estimated replacement cost;

(f) estimated dates and costs of its required future rehabilitation;

(g) a comparison of annual operating and maintenance costs, other than rehabilitation costs, for the last five (5) fiscal years;

(h) maintenance records for all periods up to the date of inspection; and

(i) property and liability insurance covering the capital asset and its use or operation.

(3) On or before December 31 of each year, the chief financial officer must prepare the following:

(a) a schedule of annual routine maintenance, other than rehabilitation, for each of the Siksika Nation's tangible capital assets for the next fiscal year;

(b) five (5), ten (10) and thirty (30) year forecasts of the estimated cost for rehabilitation or replacement of the Siksika Nation's tangible capital assets;

(c) the proposed budget for rehabilitation of the Siksika Nation's tangible capital assets for the next fiscal year, setting out

(i) each proposed rehabilitation project and its schedule,

(ii) the estimated cost, including contingencies of each proposed rehabilitation project, and

(iii) the estimated amounts and timing of money that is required to carry out each proposed rehabilitation project;

(d) the proposed budget for replacement of the Siksika Nation's tangible capital assets for the next fiscal year setting out

(i) each proposed replacement project and its schedule,

(ii) the description of each asset to be replaced,

(iii) the estimated cost, including contingencies, of each proposed replacement project, and

(iv) the reasons why each proposed acquisition should be regarded as a replacement for the capital asset to be replaced.

Review by Treasury Board

88. (1) On or before January 15 of each year, treasury board must review the information, schedules and budget prepared under section 87 for the following purposes:

(a) to identify any means to reduce the costs of each rehabilitation or replacement project included in the proposed budgets;

(b) to know the effect that each rehabilitation or replacement project included in the proposed budgets will have on the annual operating costs and routine maintenance costs in future years; and

(c) to determine whether any significant savings might be effected by coordinating the scheduling of projects, deferring any projects or carrying out rehabilitation projects rather than replacement projects.

(2) On or before January 15 of each year, treasury board must review any plans for new construction of Siksika Nation's tangible capital assets including the proposed schedule, budget and impact on annual operating costs and routine maintenance costs in future years.

Capital projects – contracts and tenders

89. (1) Council must establish policies or procedures or give directions respecting the management of capital projects including the following:

(a) project planning, design, engineering, safety and environmental requirements;

(b) project costing, budgeting, financing and approval;

(c) project and contractor bidding requirements;

(d) tender, contract form and contract acceptance;

(e) course of construction insurance;

(f) project performance guarantees and bonding;

(g) project control, including contract management; and

(h) holdbacks, work approvals, payment and audit procedures.

(2) All Siksika Nation capital projects must be managed in accordance with the policies, procedures or directions referred to in subsection (1).

Capital project consultants

90. The services of a professional engineer or other consultant may be retained to assist any of the tribal administration senior officer, the senior officers of related bodies, the chief financial officer, treasury board or Council to carry out their obligations under this Part.

Policy for information or involvement of members

91. Council must establish policies or procedures or give directions for

(a) the provision of information to members of the Siksika Nation respecting capital projects; or

(b) the involvement of members of the Siksika Nation in consideration of capital projects.

PART FIVE – BORROWING MEMBER REQUIREMENTS

Application

92. This Part applies to the Siksika Nation and its related bodies if the Siksika Nation is a borrowing member as defined in the FMA.

Compliance with standards

93. (1) For as long as the Siksika Nation is a borrowing member or has a certificate issued by the First Nations Financial Management Board under subsection 50(3) of the FMA, the Siksika Nation and its related bodies must comply with all the applicable First Nations Financial Management Board standards.

(2) If Council becomes aware that the Siksika Nation or any of its related bodies is not complying with a First Nations Financial Management Board standard referred to in subsection (1), Council must as soon as practicable take the any required actions to bring the Siksika Nation into compliance with the First Nations Financial Management Board standard.

PART SIX – LAND MANAGEMENT

Application

94. This Part only applies to the Siksika Nation and it related bodies from and after the date (if any) that the *First Nations Land Management Act* is adopted by and has application to the

Siksika Nation, and if the Siksika Nation has a land code under the *First Nations Land Management Act.*

Obligations

95. (1) The Siksika Nation and its related bodies must comply with the *First Nations Land Management Act* and any land code made by the Siksika Nation as required or permitted under that Act.

(2) The council must establish and implement a policy that provides a method consistent with the requirements of the Siksika Nation's land code for being accountable to members of the Siksika Nation for the management of Siksika Nation's lands and for moneys earned from those lands to satisfy paragraph 6(1)(e) of the *First Nations Land Management Act*.

PART SEVEN – OIL AND GAS AND MONEYS MANAGEMENT

Application

96. This Part only applies to the Siksika Nation and its related bodies from and after the date (if any) that *First Nations Oil and Gas and Moneys Management Act* is adopted by and has application to the Siksika Nation, and if the Siksika Nation has a financial administration code under the *First Nations Oil and Gas and Moneys Management Act.*

Obligations

97. The Siksika Nation and its related bodies must comply with the *First Nations Oil and Gas and Moneys Management Act* and any financial administration code made by the Siksika Nation as required or permitted under that Act.

PART EIGHT - MISCELLANEOUS

Reports of breaches and financial irregularities, etc.

98. (1) Subject to subsections (2) and (3), if any person has reason to believe that

(a) an expenditure, liability or other transaction of the Siksika Nation or any related body is not authorized by or under this law or another Siksika Nation law;

(b) there has been a theft, misappropriation or other misuse or irregularity in the funds, accounts, assets, liabilities and financial obligations of the Siksika Nation or any related body;

(c) a provision of this law has been contravened; or

(d) a person has failed to comply with Schedule "A" to this law,

the person may disclose the circumstances to the chief financial officer or to the chairperson of treasury board.

(2) If the Chief or any Councillor becomes aware of any circumstances described under subsection (1), the Chief or Councillor must report them to the chief financial officer and to the chairperson of treasury board.

(3) If an officer, employee, contractor or agent of the Siksika Nation or a related body becomes aware of any circumstances described under subsection (1), the officer, employee, contractor or agent, as the case may be, must report them to the chief financial officer or to the chairperson of treasury board.

Inquiry into report

99. (1) If a report is made to the chief financial officer or to the chairperson of treasury board under section 98, the chief financial officer or the chairperson of treasury board, as the case may be, must inquire into the circumstances reported and report the findings to the treasury board as soon as practicable.

(2) Treasury board may make a further inquiry into any findings reported to it under this section but, in any event, must make a report to Council respecting any circumstances reported to treasury board under this section including treasury board's recommendations, if any.

Protection of parties

100. (1) All reasonable steps must be taken by the chairperson of treasury board, the chief financial officer, the members of treasury board and by Council to ensure that the identity of the person who makes a report under section 98 is kept confidential to the extent practicable in all the circumstances.

(2) A person who makes a report in good faith under section 98 must not be subjected to any form of reprisal by the Siksika Nation or a related body or by a Councillor, officer, employee, contractor or agent of the Siksika Nation or a related body as a result of making that report.

(3) The treasury board, the chief financial officer and the chairperson of treasury board must take all necessary steps to ensure that subsection (2) is not contravened and must report any contravention or suspected contravention to Council.

(4) Council must establish policies or procedures or give directions

(a) for the recording and safeguarding of reports made under section 98 and any records prepared during the inquiry or investigation into those reports;

(b) for the inquiry or investigation into reports made under section 98; and

(c) concerning the fair treatment of a person against whom a report has been made under section 98.

Liability for improper use of money

101. (1) A Councillor who votes for a resolution authorizing an amount to be expended, invested or used contrary to this law or the Siksika Nation's local revenue law is personally liable to the Siksika Nation for that amount.

(2) Subsection (1) does not apply if the Councillor relied on information provided by an officer or employee of the Siksika Nation or of a related body and the officer or employee was guilty of dishonesty, gross negligence or malicious or willful misconduct when providing the information.

(3) An amount owed to the Siksika Nation under subsection (1) may be recovered for the Siksika Nation by the Siksika Nation, a member of the Siksika Nation or a person who holds a security under a borrowing made by the Siksika Nation.

(4) It is a good defence to any action brought against an officer or employee of the Siksika Nation for unauthorized expenditure, investment or use of Siksika Nation financial assets if it is proved that the officer or employee gave a written and signed warning to Council that in his or her opinion, the expenditure, investment or use would be unlawful.

Indemnification against proceedings

102. (1) In this section:

"indemnification" means the payment of amounts required or incurred

(a) to defend an action or prosecution brought against a person in connection with the exercise or intended exercise of the person's powers or the performance or intended performance of the person's duties or functions; or

(b) to satisfy a judgment, award or penalty imposed in an action or prosecution referred to in paragraph (a);

"Siksika Nation official" means a current or former Councillor, officer or employee of the Siksika Nation or a director, officer or employee of a related body.

(2) Subject to subsection (3), Council may by resolution provide for the indemnification of a named Siksika Nation official, a category of Siksika Nation official or all Siksika Nation officials in accordance with the terms specified in the resolution.

(3) Council may not pay a fine that is imposed as a result of a Siksika Nation official's conviction for an offence unless the offence is a strict or absolute liability offence.

Periodic review of law

103. (1) By not later than September 30, 2014 and thereafter on a regular, periodic basis established by a policy of Council, treasury board must conduct a review of this law

(a) to determine if it facilitates effective and sound financial administration of the Siksika Nation and its related bodies; and

(b) to identify any amendments to this law that may better serve this objective.

(2) Council must establish policies or procedures or give directions for

(a) the provision of information to members of the Siksika Nation respecting any proposed amendment of this law; or

(b) the involvement of members of the Siksika Nation in consideration of an amendment to this law.

(3) Council must post a public notice of each Council meeting when a proposed amendment to this law is presented for approval.

(4) Members of the Siksika Nation may attend that part of the Council meeting when the matter referred to in subsection (3) is being considered.

Provision of law to First Nations Finance Authority

104. If the Siksika Nation intends to apply to become a borrowing member, Council must provide a copy of this law to the First Nations Finance Authority as soon as practicable after the First Nations Financial Management Board approves the law.

Coming into force

105. This law shall come into force on the day after the date it has been approved by the First Nations Financial Management Board under section 9 of the FMA.

106. The *Financial Administration Law, 2010* shall be repealed in its entirety and replaced by this law as of the day this law comes into force.

SCHEDULE A – AVOIDING AND MITIGATING CONFLICTS OF INTEREST

INTERPRETATION

Interpretation

1. (1) In this Schedule, "this law" means the Siksika Nation Financial Administration Law to which this Schedule is attached and forms a part.

(2) Except as otherwise expressly provided in this Schedule, words and expressions used in this Schedule have the same meanings as in this law.

(3) Sections 2 and 4 of this law apply to this Schedule.

(4) If there is a conflict between a provision of this Schedule and this law, the provision of this law applies and prevails.

Definition of conflict of interest

2. (1) In this Schedule, an individual has a "conflict of interest" when the individual exercises a power or performs a duty or function and at the same time knows or ought reasonably to have known that in the exercise of the power or performance of the duty or function there is an opportunity to benefit the individual's private interests.

(2) In this Schedule, an individual has an "apparent conflict of interest" if a reasonably well informed person would perceive that the individual's ability to exercise a power or perform a duty or function of their office or position must be affected by the individual's private interests.

(3) In this Schedule, an individual's "private interests" mean the individual's personal and business interests and include the personal and business interests of

(a) the individual's spouse;

(b) a person under the age of eighteen (18) years in respect of whom the individual or the individual's spouse is a parent or acting in a parental capacity;

(c) a person in respect of whom the individual or the individual's spouse is acting as guardian;

(d) a person, other than an employee, who is financially dependent upon the individual or the individual's spouse or on whom the individual is financially dependent; and

(e) an entity in which the individual or the individual in combination with any other person described in this subsection has a controlling interest.

(4) Despite subsections (1) and (2), an individual's private interests do not give rise to a conflict of interest if those interests

(a) are the same as those of a broad class of members of the Siksika Nation; or

(b) are so remote or insignificant that they could not be reasonably regarded as likely to influence the individual in the exercise of a power or performance of a duty or function.

PART ONE – COUNCILLORS AND COMMITTEE MEMBERS

Application

3. This Part applies to all Councillors of the Siksika Nation and, where applicable, to all members of a committee of Council and of treasury board.

General obligations

4. (1) Councillors must avoid circumstances that could result in Councillor having a conflict of interest or an apparent conflict of interest.

(2) Councillors must avoid placing themselves in circumstances where their ability to exercise a power or perform a duty or function could be influenced by the interests of any person to whom they owe a private obligation or who expects to receive some benefit or preferential treatment from them.

Disclosure of interests

5. (1) In paragraph (2)(b) "real property" includes an interest in the Siksika Nation's reserve lands held under

(a) a certificate of possession under the *Indian Act*; or

(b) the Siksika Nation's traditional land holding system pursuant to a band council resolution.

(2) A Councillor must file a written disclosure of the following information with the chief financial officer:

(a) the names of the Councillor's spouse and any persons or entities referred to in subsection 2(3);

(b) the employer of the Councillor and the Councillor's spouse;

(c) real property owned by the Councillor or the Councillor's spouse; and

(d) business interests and material investments of the Councillor or the Councillor's spouse, including in an entity referred to in paragraph 2(3)(e).

(3) A Councillor must file a written disclosure under subsection (2) on the following occasions:

(a) within thirty (30) days of being elected to Council;

(b) as soon as practical after a material change in the information previously disclosed; or

(c) on April 15 of each year that the Councillor holds office.

(4) The chief financial officer must establish and maintain a register of all information disclosed by a Councillor under this section and section 6.

(5) On request of a member of the Siksika Nation or any person engaged in any aspect of the financial administration of the Siksika Nation, the chief financial officer must permit that member or person to view the register referred to in subsection (4).

Gifts and benefits

6. (1) A Councillor or a person referred to in paragraphs 2(3)(a) to (d) in relation to that Councillor must not accept a gift or benefit that might reasonably be seen to have been given to influence the Councillor in the exercise of the Councillor's powers or performance of the Councillor's duties or functions.

(2) Despite subsection (1), a gift or benefit may be accepted if the gift or benefit

(a) would be considered within

(i) normal protocol exchanges or social obligations associated with the Councillor's office,

(ii) normal exchanges common to business relationships, or

(iii) normal exchanges common at public cultural events of the Siksika Nation,

(b) is of nominal value;

(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 Siksika Nation to another person.

(3) Where a gift with a value greater than two hundred fifty dollars ($250.00) is given to a Councillor or a person referred to in subsection (1), the Councillor must make a written disclosure of the gift to the chief financial officer under section 5 and the gift must be treated as the property of the Siksika Nation.

(4) Subsection (3) does not apply to a gift received during a public cultural event of the Siksika Nation.

Confidential information

7. (1) Councillors must keep confidential all information that the Councillors receive while performing their duties or functions unless the information is generally available

(a) to members of the public; or

(b) to members of the Siksika Nation.

(2) Councillors must only use confidential information referred to in subsection (1) for the specific purposes for which it was provided to the Councillors.

(3) Councillors must not make use of any information received in the course of exercising their powers or performing their duties or functions to benefit the Councillor's private interests or those of relatives, friends or associates.

Procedure for addressing conflict of interest

8. (1) As soon as a Councillor becomes aware of circumstances in which the Councillor has a conflict of interest, the Councillor must disclose the circumstances of the conflict of interest at the next Council meeting.

(2) A Councillor must leave any part of a Council meeting where the circumstances in which the Councillor has a conflict of interest are being discussed or voted on.

(3) The minutes of a Council meeting must record the Councillor's disclosure under subsection (1) and note the Councillor's absence from the Council meeting when the circumstances in which the Councillor has a conflict of interest were being discussed or voted on.

(4) A Councillor must not take part in any discussions or vote on any decision respecting the circumstances in which the Councillor has a conflict of interest.

(5) A Councillor must not influence or attempt to influence in any way before, during or after a Council meeting any discussion or vote on any decision respecting the circumstances in which the Councillor has a conflict of interest.

Procedure for undisclosed conflict of interest

9. (1) If a Councillor has reason to believe that another Councillor has a conflict of interest or an apparent conflict of interest in respect of a matter before Council, the Councillor may request clarification of the circumstances at a Council meeting.

(2) If, as a result of a clarification discussion under subsection (1), a Councillor is alleged to have a conflict of interest or an apparent conflict of interest and the Councillor does not acknowledge the conflict of interest or apparent conflict of interest and take the actions required under section 8, Council must determine whether the Councillor has a conflict of interest or an apparent conflict of interest before Council considers the matter referred to in subsection (1).

(3) The minutes of Council meeting must record any determination made by Council under subsection (2).

(4) If Council determines under subsection (2) that a Councillor has a conflict of interest or an apparent conflict of interest, the Councillor must comply with section 8.

Obligations of treasury board members

10. (1) This section applies to all members of treasury board and each member of a treasury board committee or committee of Council, as applicable.

(2) Sections 4 and 6 to 9 apply to each member of treasury board and each member of a treasury board committee or committee of Council, as applicable, and all references in those sections to

(a) a Councillor are considered to be references to a member of treasury board and each member of a treasury board committee or committee of council, as applicable; and

(b) a Council meeting are considered to be references to a meeting of treasury board, a treasury board committee or committee of Council, as applicable.

PART TWO – OFFICERS AND EMPLOYEES

Application

11. This Part applies to all officers and employees of the Siksika Nation and of each related body.

General obligations

12. (1) In the performance of their duties and functions, an officer or employee must act honestly and in good faith and in the best interests of the Siksika Nation.

(2) An officer or employee must avoid circumstances that could result in the officer or employee having a conflict of interest or an apparent conflict of interest.

(3) An officer or employee must avoid placing themselves in circumstances where their ability to exercise a power or perform a duty or function of their office or position could be influenced by the interests of any person to whom they owe a private obligation or who expects to receive some benefit or preferential treatment from them.

(4) The chief financial officer must ensure that every officer and employee of the Siksika Nation is informed of their obligations under this Part and must take steps to ensure that employees comply with these obligations.

(5) The senior officer of each related body must ensure that every officer and employee of that related body is informed of their obligations under this Part and must take steps to ensure that such officers and employees comply with these obligations.

Disclosure of conflict of interest

13. If an officer or employee believes he or she has a conflict of interest, the officer or employee must

(a) disclose the circumstances in writing as soon as practical to the chief financial officer or, in the case of the chief financial officer, to the chairperson of treasury board; and

(b) refrain from participating in any discussions or decision-making respecting the circumstances of the conflict of interest until advised by the chief financial officer or the chairperson of treasury board, as the case may be, on actions to be taken to avoid or mitigate the conflict of interest.

Gifts or benefits

14. (1) An officer or employee or a member of their family must not accept a gift or benefit that might reasonably be seen to have been given to influence the officer or employee in the exercise of their powers or performance of their duties or functions.

(2) Despite subsection (1), a gift or benefit may be accepted if the gift or benefit

(a) would be considered within

(i) normal exchanges common to business relationships, or

(ii) normal exchanges common at public cultural events of the Siksika Nation,

(b) is of nominal value;

(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 Siksika Nation to another person.

Outside employment and business interests

15. (1) If an officer or employee is permitted under their terms of employment to have outside employment or business interests, the officer or employee must disclose these employment or business interests in writing to the chief financial officer or, in the case of the chief financial officer, to the chairperson of treasury board.

(2) An officer or employee must ensure that any permitted outside employment or business interests do not unduly interfere with the exercise of their powers or performance of their duties and functions and that these activities are conducted on their own time and with their own resources.

Confidential information

16. (1) An officer or employee must keep confidential all information that the officer or employee receives while exercising their powers or performing their duties or functions unless the information is generally available

(a) to members of the public; or

(b) to members of the Siksika Nation.

(2) An officer or employee must only use any confidential information referred to in subsection (1) for the specific purposes for which it was provided to the officer or employee.

(3) An officer or employee must not make use of any information received in the course of exercising their powers or performing their duties or functions to benefit the officer or employee's private interests or those of relatives, friends or associates.

Siksika Nation property and services

17. (1) Officers and employees must not use any personal property or services of the Siksika Nation or any related body for any purposes unrelated to performance of their duties or functions unless that use is otherwise acceptable under the policies or directions of Council.

(2) Officer and employees must not acquire any personal property of the Siksika Nation or any related body unless it is done in accordance with policies or directions of Council.

PART THREE – CONTRACTORS AND AGENTS

Application

18. (1) This Part applies to all contractors and agents of the Siksika Nation and each related body, other than a person who has an employment contract with the Siksika Nation or a related body.

(2) In this Part, a reference to a contractor or an agent includes a reference to each employee or agent of the contractor or agent who is engaged to perform duties or functions under the contract or agency agreement with the Siksika Nation or a related body.

Contractor or agent acting as officer or employee

19. If a contractor or agent is retained to exercise the powers or perform the duties or functions of an officer or employee, the contractor or agent must comply with Part Two of this Schedule as if the contractor or agent were an officer or employee of the Siksika Nation.

General obligations

20. (1) A contractor or agent must act at all times with integrity and honesty

(a) in its dealings with the Siksika Nation and each related body; and

(b) in its dealing with any third party when the contractor or agent is representing or acting on behalf of the Siksika Nation or a related body.

(2) A contractor or agent must not attempt to obtain preferential treatment from the Siksika Nation or a related body by offering gifts or benefits that a Councillor, Committee member, officer or employee is prohibited from accepting under this Schedule.

(3) A contractor or agent must ensure that every employee or agent of the contractor or agent who is engaged to perform duties or functions under the contract with the Siksika Nation or a related body is informed of their obligations under this Part and must take steps to ensure that these employees or agents comply with these obligations.

Confidential information

21. (1) A contractor or agent must keep confidential all information that the contractor or agent receives in the course of performing his or her duties or functions unless the information is generally available to members of the public.

(2) A contractor or agent must only use any confidential information referred to in subsection (1) for the specific purposes for which it was provided to the contractor or agent.

(3) A contractor or agent must not make use of any information received in the course of performing its duties or functions to benefit the contractor's or the agent's interests or those of their respective relatives, friends or associates.

Business opportunities

22. A contractor or agent must not take advantage of a business or investment opportunity being considered by the Siksika Nation or a related body and which the contractor or agent becomes aware of while performing services for the Siksika Nation or a related body unless the Siksika Nation and its related bodies have determined not to pursue the opportunity.

Siksika Nation property and services

23. If a contractor or agent has been provided the use of any property or services of the Siksika Nation or a related body in order to perform services for the Siksika Nation or a related body, the contractor or agent must not use the property or services for any purposes unrelated to performance of those services.