Big Grassy First Nation

Financial Administration Law

2023

TABLE OF CONTENTS

PART I - Citation **1**

PART II - Interpretation and Application **1**

PART III - Administration **4**

DIVISION 1 - Council *4*

DIVISION 2 - Finance and Audit Committee *5*

DIVISION 3 - Officers and Employees *7*

DIVISION 4 - Conduct Expectations *10*

PART IV - Financial Management **11**

DIVISION 1 - Financial Plans and Annual Budgets *11*

DIVISION 2 - Revenues and Expenditures *13*

DIVISION 3 - Borrowing *14*

DIVISION 4 - Risk Management *15*

DIVISION 5 - Financial Reporting *17*

DIVISION 6 - Information and Information Technology *21*

PART V - Tangible Capital Assets **21**

PART VI - Reporting Breaches **23**

PART VII - Miscellaneous **24**

WHEREAS:

A. Pursuant to section 9 of the *First Nations Fiscal Management Act,* the Council of Big Grassy First Nation ("BGFN") may make laws respecting the financial administration of the First Nation;

B. The Anishinaabeg have inherent authority and in particular, BGFN's Chief and Council hold the inherent jurisdiction to govern their community and to ensure that their government's administration is transparent and managed in a financially responsible manner, and;

C. The Council of BGFN considers it to be in the best interests of the BGFN to make a law for such purposes;

NOW THEREFORE the Council of BGFN enacts as follows:

PART I - Citation

Citation

1. This Law may be cited as the *Big Grassy First Nation Financial Administration Law, 2023.*

PART II - Interpretation and Application

Definitions

2. (1) Unless the context indicates the contrary, in this Law,

"Act" means the *First Nations Fiscal Management Act*;

"annual financial statements" means the annual financial statements of the BGFN referred to in Division 5 of Part IV;

"auditor" means the auditor of BGFN appointed under section 56;

"BCR" means a Band Council Resolution duly passed by the Council of BGFN;

"BGFN" means Big Grassy, as scheduled to the Act, also referred to as Big Grassy First Nation or Big Grassy River First Nation;

"BGFN law" means any law, including any by-law or code of BGFN made by the Council or the membership of BGFN;

"borrowing member" means a First Nation that is a borrowing member under the Act;

"budget" means the annual budget of BGFN that has been approved by the Council;

"code" means a code adopted by BGFN under the *First Nations Oil and Gas and Moneys Management Act* or a land code adopted by BGFN under the *First Nations Land Management Act*;

"Council" means the Council of BGFN and includes the Chief of BGFN;

"Council chair" means the person appointed or elected to act as the chair of the Council;

"councillor" means a member of the Council of BGFN and includes the Chief of BGFN;

"Director of Finance" means the person appointed Director of Finance under section 18;

"Director of Operations" means the person appointed Director of Operations under section 17;

"Finance and Audit Committee" means the Finance and Audit Committee established under section 11;

"financial administration" means the management, supervision, control and direction of all matters relating to the financial affairs of BGFN;

"'financial assets" means all money, and other financial assets of BGFN;

"financial competency" means the ability to read and understand financial statements that present accounting issues reasonably expected to be raised by BGFN's financial statements;

"financial institution" means the First Nations Finance Authority, a bank, credit union or caisse populaire;

"financial records" means all records respecting the financial administration of BGFN, including the minutes of meetings of the Council and the Finance and Audit Committee;

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

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

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

"fiscal year" means the fiscal year of BGFN set out in section 24;

"FMB" means the First Nations Financial Management Board established under the Act;

"FMB standards" means the standards established from time to time by the FMB under the Act;

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

"local revenue account" means an account with a financial institution into which local revenues are deposited separately from other moneys of BGFN;

"local revenue law" means a local revenue law made by BGFN under the Act;

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

"multi-year financial plan" means the plan referred to in section 26;

"officer" means the Director of Operations, Director of Finance, tax administrator and any other employee of BGFN designated by the Council as an officer;

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

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

"special purpose report" means a report described in section 55;

"standards" means the standards established from time to time under the Act;

"strategic plan" means the plan referred to in section 25; and

"tax administrator" means the person appointed tax administrator under section 19 or BGFN's local revenue laws.

(2) Except as otherwise provided in this Law, words and expressions used in this Law have the same meanings as in the Act.

(3) 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.

(4) All references to named enactments in this Law are to enactments of the Government of Canada.

Interpretation

3.(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 and non-binary persons and corporations and words importing male persons include female and non-binary persons and corporations;

(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" 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"; and

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

(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 the 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.

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 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 BGFN law, other than a code or a local revenue law, this Law prevails.

(2) If there is a conflict between this Law and the Act, the Act prevails.

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

Scope and Application

6. This Law applies to the financial administration of BGFN.

PART III - Administration

DIVISION 1 - Council

Responsibilities of Council

7.(1) The Council is responsible for all matters relating to the financial administration of BGFN whether or not they have been assigned or delegated to an officer, employee, committee, contractor or agent by or under this Law.

(2) Subject to paragraph 5(1)(f) of the Act, this Law and any other applicable BGFN law, the Council may delegate to any of its officers, employees, committees, contractors or agents any of its functions under this Law except the following:

(a) the approval of Council policies;

(b) the appointment of members, the chair and the vice-chair of the Finance and Audit Committee;

(c) the approval of budgets and financial statements of BGFN; and

(d) the approval of borrowing of BGFN.

Council Policies and Procedures

8.(1) Subject to subsection (2), the Council may establish policies and procedures respecting any matter relating to the financial administration of BGFN.

(2) The Council must establish policies and procedures respecting the acquisition, management and safeguarding of BGFN assets.

(3) The Council must not establish any policies and procedures relating to the financial administration of BGFN that are inconsistent with this Law, the Act, or GAAP – except as permitted in subsection 55(2) of this Law.

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

(5) The Council must ensure that all procedures made under this Law are:

(a) consistent with, and made under the authority of a policy approved by the Council, and

(b) approved by the Council or the Director of Operations.

(6) The Council must document all BGFN policies and procedures referred to in this Law and make them available to any person who is required to act in accordance with them or who may be directly affected by them.

(7) An operational binder for this Law will be created with interpretation notes and decision-making records, BCRs and motions within minutes, regarding the Law, in order to keep a documented history of its use and application.

Reporting of Remuneration and Expenses

9.(1) In this section,

"entity" means a corporation or a partnership, a joint venture or any other unincorporated association or organization, the financial transactions of which are consolidated in the annual financial statements of BGFN in accordance with GAAP;

"expenses" includes the costs of transportation, accommodation, meals, hospitality and incidental expenses; and

"remuneration" means any salaries, wages, commissions, bonuses, fees, honoraria and dividends and any other monetary and non-monetary benefits.

(2) Annually the Director of Finance must prepare a report separately listing the remuneration paid and expenses reimbursed by BGFN, and by any entity, to each councillor whether such amounts are paid to the councillor while acting in that capacity or in any other capacity.

DIVISION 2 - Finance and Audit Committee

Interpretation

10. In this Division, "Committee" means the Finance and Audit Committee.

Committee Established

11.(1) The Committee of BGFN is established to provide Council with advice and recommendations in order to support Council's decision-making process respecting the financial administration of BGFN. Chief and Council members hold a special fiduciary duty to BGFN as elected officials and bring that duty to the Committee as members of the Committee.

(2) The Council must appoint not less than three (3) members of the Committee, a majority of whom must have financial competency and all of whom must be independent.

(3) For purposes of this section, an individual is considered to be independent if the individual does not have a direct or indirect financial relationship with BGFN government that could, in the opinion of a member of BGFN, reasonably interfere with the exercise of independent judgment as a member of the Committee.

(4) The Council must establish policies and procedures:

(a) setting criteria to determine if an individual is eligible to be a member of the Committee and is independent;

(b) requiring confirmation, before appointment, that each potential member of the Committee is eligible to be a member and is independent and committed to the best interests of BGFN; and

(c) requiring each member of the Committee annually to sign a statement confirming that the member continues to meet the criteria referred to in paragraph (a).

(5) If the Committee consists of:

(a) three (3) members, at least one (1) of the Committee members must be a councillor; and

(b) four (4) or more members, at least two (2) of the Committee members must be councillors.

(6) Subject to subsection (7), the Committee members must be appointed to hold office for staggered terms of not less than thirty-six (36) consecutive months.

(7) A Committee member may be removed from office by the Council if:

(a) the member misses three (3) consecutively scheduled meetings of the Committee;

(b) the chair of the Committee recommends removal; or

(c) the member declares bankruptcy.

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

Chair and Vice-chair

12. (1) The Council must appoint a chair and a vice-chair of the Committee, one of whom must be a councillor.

(2) If Council appoints a non-councillor as chair of the Committee:

(a) Council must send to the chair notices and agendas of all Council meetings;

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

(c) the chair may attend and speak at Council meetings.

Committee Procedures

13.(1) The quorum of the Committee is fifty percent (50%) of the total number of Committee members, including at least one (1) councillor.

(2) Except where a Committee member is not permitted to participate in a decision because of a conflict of interest, every Committee member has one (1) vote in all Committee decisions.

(3) In the event of a tie vote in the Committee, the chair of the Committee may cast a second tiebreaking vote. If the chair is not a voting member because of a conflict of interest, the Chair shall appoint a temporary Chair for the matter prior to leaving the room.

(4) Subject to subsection (5), the Director of Operations and the Director of Finance must be notified of all Committee meetings and, subject to reasonable exceptions, must attend those meetings.

(5) The Director of Operations or the Director of Finance may be excluded from all or any part of a Committee meeting by a recorded vote if:

(a) the subject matter relates to a confidential personnel or performance issue respecting the Director of Operations or the Director of Finance; or

(b) it is a meeting with the auditor.

(6) The Committee must meet:

(a) at least once every quarter in each fiscal year as necessary to conduct the business of the Committee; and

(b) as soon as practicable after it receives the audited annual financial statements and report from the auditor.

(7) The Committee must provide minutes of its meetings to the Council and report to the Council on the substance of each Committee meeting as soon as practicable after each meeting.

(8) Subject to this Law and any directions given by the Council, the Committee may make rules for the conduct of its meetings.

(9) After consultation with the Director of Operations and the Committee, BGFN may retain a consultant to assist in the performance of any of the Committee's responsibilities.

Financial Planning Responsibilities

14.(1) The Committee must carry out the following activities in respect of the financial administration of BGFN:

(a) annually review and recommend to the Council for approval a strategic plan and a multi-year financial plan;

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

(c) on an ongoing basis, monitor the financial performance of BGFN against the budget and report any significant variations to the Council;

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

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

(f) carry out any other activities specified by the Council that are not contrary to the Act or inconsistent with the Committee's duties specified in this Law; and

(g) perform any other duties of the Committee under this Law.

(2) The Committee may make a report or recommendations to the Council on any matter respecting the financial administration of BGFN that is not otherwise specified to be its responsibility under this Law.

Audit and Oversight Responsibilities

15. The Committee must carry out the following audit and oversight activities in respect of the financial administration of BGFN:

(a) make recommendations to the Council on the selection, engagement and performance of an auditor;

(b) receive assurances on the independence of a proposed or appointed auditor;

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

(d) periodically review and make recommendations to the Council on policies and procedures on reimbursable expenses and perquisites of the councillors, officers and employees of the BGFN;

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

(f) conduct a review of this Law under section 80 and, where appropriate, recommend amendments to the Council; and

(g) periodically review and make recommendations to the Council on the terms of reference of the Committee.

Council Assigned Responsibilities

16. Subject to paragraph 14(1)(e), the Council may assign to the Committee or another committee of the Council any other matter respecting the financial administration of BGFN.

DIVISION 3 - Officers and Employees

Director of Operations

17. (1) The Council must appoint a person as Director of Operations of BGFN and may set the terms and conditions of that appointment.

(2) Reporting to the Council, the Director of Operations is responsible for leading the planning, organization, implementation and evaluation of the overall management of all the day-to-day operations of BGFN, including the following duties:

(a) to prepare and recommend to the Council for approval, descriptions of the powers, duties and functions of all employees of BGFN;

(b) to oversee, supervise and direct the activities of all officers and employees of BGFN;

(c) to oversee, update when necessary, and administer the contracts of BGFN;

(d) to identify, assess, monitor and report on financial reporting risks and risk of fraud;

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

(f) to perform any other duties of the Director of Operations under this Law; and

(g) to carry out any other activities specified by the Council that are not contrary to the Act or inconsistent with the Director of Operations' duties specified in this Law.

(3) The Director of Operations may assign the performance of any of the Director of Operations' duties or functions, (except the approval of procedures made under this Law):

(a) to an officer or employee of BGFN, and

(b) with the approval of the Council, to a contractor or agent of BGFN.

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

Director of Finance

18.(1) The Council must appoint a person as Director of Finance of BGFN and may set the terms and conditions of that appointment.

(2) Reporting to the Chief and Council, the Director of Finance is responsible for the day-to-day management of the systems of the financial administration of BGFN, including the following duties:

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

(b) to administer and maintain all charts of accounts of BGFN;

(c) to prepare the draft annual budgets and, with advice and input from the tax administrator, to prepare any draft amendments to the component of the budget respecting BGFN's local revenues;

(d) to prepare the monthly financial information required in section 51, the quarterly financial statements required in section 52 and the draft annual financial statements required in sections 53 and 54;

(e) to prepare the financial components of reports to the Council and of the multi-year financial plan;

(f) to actively monitor compliance with any agreements and funding arrangements entered into by BGFN;

(g) to administer and supervise the preparation and maintenance of financial records and the financial administration reporting systems;

(h) to actively monitor compliance with the Act, this Law, any other applicable BGFN law, applicable standards and any policies and procedures respecting the financial administration of BGFN;

(i) to evaluate the financial administration systems of BGFN and recommend improvements;

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

(k) to develop and recommend procedures to Council for identifying and mitigating financial reporting and risk of fraud and to ensure approved procedures are followed;

(l) to perform any other duties of the Director of Finance under this Law; and

(m) to carry out any other activities specified by the Chief and Council that are not contrary to the Act or inconsistent with the Director of Finance's duties under this Law.

(3) With the approval of the Chief and Council, the Director of Finance may assign the performance of any of the duties or functions of the Director of Finance to any officer, employee, contractor or agent of BGFN, but this assignment does not relieve the Director of Finance of the responsibility to ensure that these duties or functions are carried out properly.

Tax Administrator

19.(1) If BGFN is collecting local revenues, the Council must appoint a person as tax administrator of BGFN and may set the terms and conditions of that appointment.

(2) Reporting to the Director of Finance, the tax administrator is responsible for performing the tax administrator's duties or functions under BGFN's local revenue laws, the Act and this Law.

(3) In addition to any duties or functions under BGFN's local revenue laws and the Act, the tax administrator is responsible for the following:

(a) to manage local revenues and the local revenue account on a day-to-day basis;

(b) to recommend to the Director of Finance the draft and amended budgets for the component of the budget respecting local revenues;

(c) to recommend to the Director of Finance the local revenues components of the multi-year financial plan;

(d) on request, to provide advice to the Director of Operations, Director of Finance, Finance and Audit Committee and the Council respecting local revenues matters;

(e) to monitor compliance with the Act, BGFN's local revenue laws and this Law in the administration of local revenues and the local revenue account; and

(f) to perform any other duties of the tax administrator under this Law.

(4) With the approval of the Director of Operations, the tax administrator may assign the performance of any of the duties or functions of the tax administrator to any officer, employee, contractor or agent of BGFN, but this 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) The Council must establish and maintain a current organization chart for the governance, management and administrative systems of BGFN.

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

(a) all governance, management and administrative systems of BGFN;

(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); and

(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 the Council, Finance and Audit Committee and all other committees of the Council and BGFN;

ii. the Director of Operations, the Director of Finance, the tax administrator and other officers of BGFN; and

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

(3) On request, the Director of Operations must provide a copy of the organization chart under subsection (1) to a councillor, a member of a committee referred to in subparagraph (2)(d)(i), an officer, employee or contractor or agent of the BGFN and a member of BGFN.

(4) In the course of discharging his or her responsibilities under this Law, the Director of Operations must recommend to the Council for approval and implementation human resource policies and procedures that facilitate effective internal financial administration controls.

(5) The Council must take all reasonable steps to ensure that BGFN hires or retains qualified and competent personnel to carry out the financial administration activities of BGFN.

DIVISION 4 - Conduct Expectations

Policy/Procedure for Conflicts of Interest

21.(1) The Council must establish policies and procedures for the avoidance, mitigation and disclosure of actual or potential conflicts of interest by councillors, officers, employees, committee members, contractors and agents.

(2) The policies and procedures referred to in subsection (1) must provide for the following:

(a) defining private interests that could result in a conflict of interest;

(b) keeping records of all disclosures and declarations made relating to actual or potential conflicts of interest;

(c) specifying restrictions on the acceptance of gifts and benefits that might reasonably be seen to have been offered in order to influence the making of a decision;

(d) prohibiting any person who has a conflict of interest from attempting to influence a decision or from participating in the making of a decision respecting the matter in which the person has a conflict of interest; and

(e) specifying how any undisclosed or any alleged but not admitted conflicts of interest of councillors are to be addressed.

Conduct of Councillors

22.(1) When exercising a power, duty or responsibility relating to the financial administration of BGFN, a councillor must:

(a) comply with this Law, the Act, any other applicable BGFN law, policies, procedures and any applicable standards,

(b) act honestly, in good faith and in the best interests of BGFN,

(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 applicable policy and procedure made under section 21.

(2) Annually a councillor must file with the Director of Operations a written disclosure of his or her private interests which could result in a conflict of interest.

(3) If a councillor believes he or she has a conflict of interest, the councillor must disclose the circumstances to the council in writing as soon as practicable.

(4) If it has been determined under this Law or by a court of competent jurisdiction that a councillor has contravened this section, the Council may take any or all of the following actions:

(a) remove the councillor from their assigned administrative responsibilities or portfolio;

(b) withhold the councillor's compensation or honoraria for any appropriate period of time;

(c) record the Council's displeasure in the Council minutes;

(d) take any other appropriate action authorized under any other BGFN law, code or policy;

(e) use any legal means available to it to remedy the situation.

(5) For greater certainty, no member of Council may, under any circumstances, ignore or unreasonably delay the application of this Law for a purpose other than the best interests of BGFN.

Conduct of Officers, Employees, Contractors, etc.

23.(1) This section applies to

(a) an officer, employee, contractor and agent of BGFN,

(b) a person acting under the delegated authority of the Council or BGFN; and

(c) a member of a committee of the Council or BGFN who is not a councillor.

(2) If a person is exercising a power, duty or responsibility relating to the financial administration of BGFN, that person must:

(a) comply with this Law, the Act, any other applicable BGFN law and any applicable standards;

(b) comply with all policies and procedures of BGFN; and

(c) avoid conflicts of interest and comply with any the applicable policy and procedure made under section 21.

(3) If an officer, employee, committee member, contractor or agent believes he or she has a conflict of interest, that person must disclose the circumstances in writing as soon as practicable to the Director of Operations or, in the case of the Director of Operations, to the chair of the Finance and Audit Committee.

(4) The Council must incorporate the relevant provisions of this section into the following:

(a) the terms of employment or appointment of every officer or employee of BGFN;

(b) the terms of every contract of a contractor of BGFN;

(c) the terms of appointment of every member of a committee who is not a councillor; and

(d) the terms of appointment of every agent of BGFN.

(5) If a person contravenes a provision of this subsection, 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 a committee may be revoked;

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

(e) the Council may use any legal means available to it to remedy the situation.

PART IV - Financial Management

DIVISION 1 - Financial Plans and Annual Budgets

Fiscal Year

24. The fiscal year of BGFN is April 1 to March 31 of the following year.

Strategic Plan

25.(1) The Council must:

(a) approve a strategic plan that sets out the long-term vision for BGFN and its members; and

(b) review the strategic plan on a regular, periodic basis and revise it as necessary.

(2) The Council must take the strategic plan into account when making financial decisions which will impact members of BGFN or BGFN's financial assets.

Multi-year Financial Plan

26.(1) The multi-year financial plan referred to in this section is to be used by BGFN for the purpose of informing its financial decision-making in a manner that is consistent with and supports the vision of the strategic plan.

(2) The multi-year financial plan must comply with the following:

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

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

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

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

(e) indicate 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.

(3) On or before January 31 of each year, the Director of Finance must prepare and submit to the Finance and Audit Committee for review a draft multi-year financial plan for the next fiscal year.

(4) On or before February 15 of each year, the Finance and Audit Committee must review the draft multi-year financial plan prepared by the Director of Finance and recommend a multi-year financial plan to the Council for approval.

(5) No later than March 31 of each year, the Council must approve a multi-year financial plan for the next fiscal year.

Annual Budget

27.(1) The annual budget must encompass all the operations for which BGFN 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) On or before January 31 of each year, the Director of Finance must prepare and submit to the Finance and Audit Committee for review a draft annual budget for the next fiscal year.

(3) On or before February 15 of each year, the Finance and Audit Committee must review the draft annual budget prepared by the Director of Finance and recommend an annual budget to the Council for approval.

(4) On or before March 31 of each year, the Council must review and approve the budget for the next fiscal year.

(5) On or before June 15 of each year, the Director of Finance must prepare and submit to the Finance and Audit Committee for review a draft amendment of the component of the budget respecting BGFN's local revenues.

(6) On or before June 30 of each year, the Finance and Audit Committee must review the draft amendment of the component of the budget respecting BGFN's local revenues and recommend an amendment to the budget to the Council for approval.

(7) No later than July 15 of each year, the Council must approve the amendment of the component of the budget respecting BGFN's local revenues.

Additional Requirements for Budget Deficits

28. If a draft annual budget contains a proposed deficit, the Council must ensure that:

(a) no portion of the proposed deficit originates in or relates to local revenues;

(b) the multi-year financial plan demonstrates how and when the deficit will be addressed and how it will be serviced; and

(c) the deficit does not have a negative impact on the credit worthiness of BGFN.

Amendments to Budgets

29.(1) The Council must approve any change to the budget.

(2) Subject to subsection 27(7) and any emergency expenditure referred to in paragraph 35(c), unless there is a substantial and unforeseen change in the forecasted revenues or expenses of BGFN or in the expenditure priorities of the Council, the Council must not approve a change to the annual budget of BGFN.

Local Revenues Budget Requirements

30. Despite any other provisions of this Law, any part of a budget relating to local revenues must be prepared, approved and amended in accordance with applicable provisions of the Act and of the First Nations Tax Commission standards.

Policy for BGFN Information or Involvement

31. The Council must establish policies and procedures respecting the means by which members of BGFN must be informed about or involved in consideration of:

(a) the strategic plan;

(b) the multi-year financial plan;

(c) the proposed annual budget, including

i. any budget deficits, and

ii. any component of the annual budget respecting BGFN's local revenues; and

(d) extraordinary expenditures.

DIVISION 2 - Revenues and Expenditures

Financial Institution Accounts

32.(1) BGFN must establish a separate local revenue account in a financial institution for money from local revenues.

(2) BGFN may establish any other accounts not referred to in subsection (1) as may be necessary and appropriate to manage BGFN's financial assets.

Local Revenue Expenditures

33. Money in a local revenue account must not be used for any purpose other than that authorized in a local revenue law or as permitted under section 13.1 of the Act.

Budget Approved Expenditures

34. BGFN may only expend BGFN funds if the expenditure has been approved in the budget in effect at the time of the expenditure.

Required Policies and Procedures

35. The Council must establish policies and procedures respecting the following matters:

(a) effective management and control of all BGFN cash, funds and revenues, including internal controls for financial institution accounts and asset management;

(b) effective management of all BGFN expenditures, including internal controls for financial institution accounts and the procurement of goods and services;

(c) an emergency purpose budget and all expenditures for an emergency purpose which was not anticipated in the budget but which is not expressly prohibited by or under this Law or another BGFN law;

(d) management of any payroll or travel advances, holdbacks, deposits and refunds;

(e) collection and charging of interest;

(f) writing off and extinguishing debts; and

(g) fiscal year-end surpluses.

DIVISION 3 - Borrowing

Policies/Procedures for Borrowing

36.(1) The Council must establish policies and procedures respecting the incurring of debt, granting security, debt management and use of borrowed funds by BGFN.

(2) The Council may approve the borrowing of money by BGFN in accordance with the policies and procedures of BGFN and this Law.

Borrowing Member Requirements

37.(1) This section applies if BGFN is a borrowing member.

(2) If BGFN has obtained long-term financing secured by property taxes from the First Nations Finance Authority, BGFN must not subsequently obtain long-term financing secured by property tax revenues from any other person.

(3) BGFN may only obtain long-term financing from the First Nations Finance Authority as permitted under its local revenue law and the Act.

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

(5) Money borrowed by BGFN 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 Act.

Borrowing for New Capital Projects

38. The Council must establish policies and procedures respecting the means by which members of BGFN must be informed about or involved in consideration of borrowing for new capital projects described in Part V.

Execution of Security Documents

39.(1) Subject to subsection (2), a security granted by BGFN must be signed by a councillor designated by the Council and by either the Director of Operations or the Director of Finance.

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

DIVISION 4 - Risk Management

Management of Business Activity

40.(1) If BGFN intends to carry out for-profit activities, the Council must establish policies and procedures, including on the use of appropriate legal vehicles, such as a separate corporate entity, respecting the limitation or management of the risks associated with BGFN carrying on those activities.

(2) The Council may approve BGFN carrying on for-profit activities in accordance with the policies and procedures established by the Council.

Guarantees and Indemnities

41.(1) BGFN must not give a guarantee unless the Council has considered the report of the Director of Finance under subsection (2).

(2) Before the Council authorizes a guarantee under subsection (1), the Director of Finance must prepare a report for Council identifying any risks associated with giving the guarantee and assessing the ability of BGFN to honour the guarantee should it be required to do so.

(3) BGFN must not give an indemnity unless it is:

(a) authorized under section 76;

(b) necessary and incidental to and included in another agreement to which BGFN is a party; or

(c) in relation to a security granted by BGFN that is authorized under this Law or another BGFN law.

(4) Subject to a resolution described in section 76, the Council must make policies and procedures 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 BGFN 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 BGFN.

Investments

42.(1) BGFN may invest BGFN's financial assets under the conditions set out in this Law or in another BGFN law.

(2) If BGFN intends to invest BGFN's financial assets, the Council must first approve an investment management strategy.

(3) The Council must establish policies and procedures respecting the development, approval and periodic review of an investment management strategy for BGFN's financial assets.

(4) If BGFN is authorized to invest BGFN's financial assets, the Council may authorize the Director of Finance to invest BGFN's financial assets

(a) as specifically approved by the Council, or

(b) in accordance with the investment management strategy approved by the Council under subsection (2).

(5) Despite any other provision in this Law, BGFN may only invest the following funds in investments specified in paragraph 82(3)(a), (b), (c) or (d) of the Act and in investments in

securities issued by the First Nations Finance Authority or a municipal finance authority established by a province:

(a) government transfer funds; and

(b) local revenues.

(6) The Council must establish policies and procedures identifying the financial institutions or types of financial institutions in which BGFN may invest its funds.

Loans

43.(1) The Council must establish policies and procedures respecting BGFN lending BGFN's financial assets including actions to ensure effective management and collection of these loans.

(2) The Council may approve the lending of BGFN's financial assets in accordance with the policies and procedures of BGFN.

(3) All lending to separate entities, such as corporate ventures or business, must be guided by existing policy including necessary requirements, such as rates of return, a loan agreement and other legal measures.

Permitted Loans to BGFN Members

44.(1) BGFN may make a loan to a member of BGFN if:

(a) the loan is made from a program approved by the Council; and

(b) the program provides for universal accessibility to members, has published terms and conditions, and is transparent.

(2) If BGFN intends to make loans to members of BGFN, the Council must make policies and procedures for the effective management and operation of the program referred to in this section.

(3) The Council may approve the making of loans to members of the BGFN in accordance with the policies and procedures referred to in subsection (2).

Risk Assessment and Management

45.(1) Annually, and more often if necessary, the Director of Operations must identify and assess any significant risks to BGFN's financial assets, BGFN's tangible capital assets as defined in Part V and the operations of BGFN.

(2) Annually, and more often if necessary, the Director of Operations must report to the Finance and Audit Committee 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

46.(1) On recommendation of the Finance and Audit Committee, the Council must procure and maintain in force all insurance coverage that is appropriate and commensurate with the risks identified in section 45 and any other risks associated with any assets, property or resources under the care or control of BGFN.

(2) The 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.

Risk of Fraud

47. The Council must establish policy and procedures for the identification and assessment of the risk of fraud in BGFN.

Operational Controls

48. The Council must establish policies and procedures respecting the establishment and implementation of an effective system of internal controls that ensures the orderly and efficient conduct of BGFN's operations.

DIVISION 5 - Financial Reporting

GAAP

49. All accounting practices of BGFN must comply with GAAP.

Separate Accounting

50.(1) The Director of Finance must account for local revenues of BGFN separately from other moneys of BGFN.

(2) If BGFN has a loan from the First Nations Finance Authority that is secured by other revenues, the Director of Finance must:

(a) account for all other revenues of BGFN separately from other moneys of BGFN; and

(b) provide the First Nations Finance Authority or the FMB, on its request, with accounting information respecting the other revenues.

Monthly Financial Information

51.(1) The Director of Finance must prepare monthly financial information respecting the financial affairs of BGFN in the form and with the content approved by the Council on the recommendation of the Finance and Audit Committee.

(2) The Director of Finance must provide the financial information in subsection (1) to the Director of Operations within a reasonable period of time following the end of the month for which the information was prepared.

Quarterly Financial Statements

52.(1) At the end of each quarter of the fiscal year, the Director of Finance must prepare financial statements for BGFN for that quarter in the form and with the content approved by the Council on the recommendation of the Finance and Audit Committee.

(2) The Director of Finance must provide the quarterly financial statements in subsection (1) to the Council and the Finance and Audit Committee 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 the Finance and Audit Committee and recommended to Council for approval; and

(b) reviewed and approved by the Council.

Annual Financial Statements

53.(1) This section does not apply to the annual financial statements respecting local revenues referred to in section 54.

(2) At the end of each fiscal year the Director of Finance must prepare the annual financial statements of BGFN for that fiscal year in accordance with GAAP.

(3) The annual financial statements must be prepared in a form approved by the Council on the recommendation of the Finance and Audit Committee.

(4) The annual financial statements must include all the financial information of the BGFN for the fiscal year.

(5) The Director of Finance must provide draft annual financial statements to the Finance and Audit Committee for review within a reasonable period of time following the end of the fiscal year for which they were prepared.

(6) The Finance and Audit Committee must present draft annual financial statements to the Council for review within a reasonable period of time following the end of the fiscal year for which they were prepared.

(7) For purposes of this section, a reasonable period of time means a period of time which will allow the annual financial statements to be audited within the time required in subsection 58(1).

Local Revenues Annual Financial Statements

54.(1) The Director of Finance must prepare, at least once each calendar year, separate annual financial statements respecting BGFN's local revenues in accordance with the FMB's *Local Revenue Financial Reporting Standards.*

(2) The Council must establish policies and procedures respecting the annual preparation, review, audit and approval of the annual financial statements referred to in subsection (1) including any required deadlines for completing these activities.

(3) The policies and procedures referred to in subsection (2) must be consistent with any requirements of the FMB's *Local Revenue Financial Reporting Standards.*

(4) The provisions of this Law, including this section, respecting separate annual financial statements for local revenues do not apply if FMB's *Local Revenue Financial Reporting Standards* permit BGFN to report on its local revenues in its audited annual financial statements as a distinct segment of the activities that appear in those statements and BGFN chooses to report on its local revenues in that manner.

Special Purpose Reports

55.(1) The Director of Finance must prepare the following special purpose reports:

(a) a report setting out all payments made to honour 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 BGFN; and

(d) any other report required under the Act or an agreement.

(2) The Director of Finance may prepare special purpose reports on the basis of accounting other than GAAP if necessary to comply with any reporting obligations BGFN has under an agreement.

Appointment of Auditor

56.(1) BGFN 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 the Finance and Audit Committee and must include the content required by the Canadian generally accepted auditing standards.

(3) To be eligible for appointment as the auditor of BGFN, an auditor must:

(a) be independent of BGFN, its related bodies, councillors and officers and members; and

(b) be a public accounting firm or public accountant:

(i) in good standing with the Chartered Professional Accountants of Canada and its respective counterpart in the province or territory in which the public accounting firm or public accountant is practicing; and

(ii) licensed or otherwise authorized to practice public accounting in the province or territory in which the majority of the reserve lands of BGFN are located.

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

(a) advise BGFN in writing of the circumstances; and

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

Auditor's Authority

57.(1) To conduct an audit of the annual financial statements of BGFN, the auditor must be given access to:

(a) all records of BGFN for examination or inspection and given copies of these records on request; and

(b) any councillor, officer, employee, contractor or agent of BGFN 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 BGFN as necessary for the performance of the auditor's duties.

(3) The auditor must be given notice of:

(a) every meeting of the Finance and Audit Committee; and

(b) the Council meeting where the annual audit, including the annual financial statements, will be considered and approved.

(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 issues that concern the auditor as auditor of BGFN.

(5) The auditor may communicate with the Finance and Audit Committee, as the auditor considers appropriate, to discuss any subject that the auditor recommends be considered by the Committee.

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

Assurance Requirements

58.(1) The auditor must provide an audit report on the annual financial statements referred to in section 53 not more than one hundred and twenty (120) days after the fiscal-year end.

(2) The separate annual financial statements respecting local revenues referred to in section 54 must be audited by the auditor at least once every calendar year.

(3) The auditor must conduct the audit of the annual financial statements referred to in both sections 53 and 54 in accordance with Canadian generally accepted auditing standards.

(4) The auditor must provide an audit report or a review engagement report on the special purpose reports referred to in section 55.

Review of Audited Annual Financial Statements

59.(1) This section does not apply to the annual financial statements respecting local revenues referred to in section 54.

(2) The audited annual financial statements must be provided to the Finance and Audit Committee for its review and consideration within a reasonable period of time after the fiscal year-end for which the statements were prepared.

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

Access to Annual Financial Statements

60.(1) Before the annual financial statements referred to in both sections 53 and 54 may be published or distributed, they must:

(a) be approved by the Council;

(b) be signed by

i. the Chief of BGFN or the Council chair:

ii. the chair of the Finance and Audit Committee; and

iii. the Director of Finance; and

(c) include the auditor's audit report of the annual financial statements.

(2) The audited annual financial statements referred to in section 53 must be available for inspection by members of BGFN at the principal administrative offices of BGFN during normal business hours.

(3) The following documents must be available for inspection by any person referred to in subsection 14(2) of the Act at the principal administrative offices of BGFN during normal business hours:

(a) the audited annual financial statements respecting local revenues referred to in section 54; or

(b) the audited annual financial statements referred to in section 53 if those statements include a report on local revenues as a distinct segment of the activities that appear in those statements.

Annual Report

61.(1) No later than one hundred and eighty (180) days after the end of each fiscal year, the Council must publish an annual report on the operations and financial performance of BGFN for the previous fiscal year.

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

(a) a description of the services and operations of BGFN; and

(b) a progress report on any established objectives and performance measures of BGFN.

(3) The annual report referred to in subsection (1) must include or incorporate by reference:

(a) the audited annual financial statements referred to in sections 53 and 54 for the previous year; and

(b) any special purpose reports referred to in section 55, including the auditor's report.

(4) The Director of Operations must provide the annual report referred to in subsection (1):

(a) to a member of BGFN as soon as practicable after a request is made by the member; and

(b) to the First Nations Finance Authority as soon as practicable after the report's publication, if the BGFN is a borrowing member.

(5) The Council must establish policies and procedures respecting an accessible process and remedy available to members of BGFN who have requested but have not been provided with the annual report of BGFN or access to the audited annual financial statements and special purpose reports incorporated by reference in the annual report.

DIVISION 6 - Information and Information Technology

Ownership of Records

62. The Council must establish policies and procedures to ensure that all records that are produced by or on behalf of BGFN or kept, used or received by any person on behalf of BGFN are the property of BGFN.

Record Keeping

63. The Council must establish policies and procedures respecting:

(a) the preparation, maintenance, security, storage, access to and disposal of records of BGFN; and

(b) the confidentiality, control and release of BGFN information that is in the possession of BGFN, the Council, councillors, committee members, employees, contractors or agents of BGFN.

Account Records

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

(2) If BGFN has a loan from the First Nations Finance Authority that is secured by other revenues, the Director of Finance must prepare, maintain, store and keep secure a complete set of all records respecting other revenues of BGFN, including all records referred to in section 5 of the *Revenue Management Implementation Regulations* as amended by the *Financing Secured by Other Revenues Regulations.*

Information Technology

65. The Council must establish policies and procedures respecting information technology used by BGFN in its operations to ensure the integrity of BGFN's financial administration system and its database.

PART V - Tangible Capital Assets

Definitions

66. In this Part,

"BGFN tangible capital assets" means all non-financial assets of BGFN 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, planning, maintenance, replacement and oversight for BGFN tangible capital assets as described in section 69; and

"tangible capital asset project" means the acquisition, construction, repair or replacement of a BGFN tangible capital asset, but does not include routine maintenance.

Council General Duties

67. The Council must take reasonable steps to ensure that BGFN tangible capital assets are:

(a) recorded in an assets register;

(b) adequately safeguarded;

(c) maintained in accordance with a life-cycle management program described in this Part; and

(d) planned, financed, managed and constructed to acceptable community standards.

Tangible Capital Assets Reserve Fund

68. The Council must establish and manage a tangible capital assets reserve fund to be applied for the purpose of funding expenditures for tangible capital asset projects carried out under this Part.

Life-cycle Management Program

69.(1) The Council must establish a life-cycle management program for BGFN tangible capital assets which includes the following:

(a) the development, maintenance and updating of an assets register for BGFN tangible capital assets;

(b) the regular, periodic inspection of BGFN tangible capital assets;

(c) for routine maintenance of BGFN tangible capital assets, preparation of the following:

i. a plan for annual scheduling of required maintenance for the next fiscal year;

ii. short and long-term forecasting of estimated costs; and

iii. a budget for required annual maintenance for the next fiscal year.

(d) for tangible capital asset projects, preparation of the following:

i. a plan for annual scheduling of projects for the next fiscal year; and

ii. short and long-term forecasting of estimated costs of projects; and

(e) the annual review by the Finance and Audit Committee of the proposed scheduling and budgets for routine maintenance and tangible capital asset projects.

(2) The Council must establish policies and procedures respecting:

(a) a life-cycle management program for BGFN tangible capital assets, and

(b) tangible capital asset projects.

Tangible Capital Asset Projects Management

70.(1) The Council must establish policies and procedures respecting procurement, contract and risk management and administration of tangible capital asset projects.

(2) All tangible capital asset projects must be managed in accordance with the policies and procedures referred to in subsection (1).

Policy for Information or Involvement of BGFN Members

71. The Council must establish policies and procedures respecting the means by which BGFN members must be informed about or involved in consideration of tangible capital asset projects.

PART VI - Reporting Breaches

Reports of Breaches and Financial Irregularities, etc.

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

(a) an expenditure, liability or other transaction of BGFN is not authorized by or under this Law or another BGFN law;

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

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

(d) a person has failed to comply with applicable policies and procedures referred to in section 21;

the person may disclose the circumstances to the chair of the Finance and Audit Committee.

(2) If a councillor becomes aware of any circumstances described under subsection (1), the councillor must report the matter with written details to the chair of the Finance and Audit Committee.

(3) If an officer, employee, contractor or agent of BGFN 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 Director of Operations or the chair of the Finance and Audit Committee.

Inquiry into Report

73.(1) If a report is made to the Director of Operations under subsection 72(3), the Director of Operations must inquire into the circumstances reported and report the findings to the Finance and Audit Committee as soon as practicable.

(2) If a report is made to the chair of the Finance and Audit Committee under section 72, the chair must inquire into the circumstances reported and report the findings to the Finance and Audit Committee as soon as practicable.

(3) The Finance and Audit Committee may make a further inquiry into any findings reported to it under this section but, in any event, must make a report to the Council respecting any circumstances reported to the Committee under this section, including the Committee's recommendations, if any.

Protection of Parties

74.(1) All reasonable steps must be taken by the Director of Operations, the members of the Finance and Audit Committee and the councillors to ensure that the identity of the person who makes a report under section 72 is kept confidential to the extent practicable in all the circumstances.

(2) A person who makes a report in good faith under section 72 must not be subjected to any form of reprisal by BGFN or by a councillor, officer, employee, contractor or agent of BGFN as a result of making that report.

(3) The Director of Operations and the chair of the Finance and Audit Committee must take all necessary steps to ensure that subsection (2) is not contravened and must report any contravention or suspected contravention to the Council.

(4) The Council must establish policies and procedures:

(a) for the recording and safeguarding of reports made under section 72 and any records prepared during the inquiry or investigation into those reports;

(b) for the inquiry or investigation into reports made under section 72; and

(c) concerning the fair treatment of a person against whom a report has been made under section 72.

Liability for Improper Use of Money

75.(1) A councillor who votes for a resolution authorizing an amount to be expended, invested or used contrary to this Law or BGFN's local revenue law is personally liable to BGFN for that amount.

(2) Subsection (1) does not apply if the councillor relied on information provided by an officer or employee of BGFN 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 BGFN under subsection (1) may be recovered for BGFN by BGFN, a member of BGFN or a person who holds a security under a borrowing made by BGFN.

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

Indemnification against Proceedings

76.(1) In this section,

"indemnify" means pay amounts required or incurred to:

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

"BGFN official" means a current or former councillor, officer or employee of BGFN.

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

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

PART VII - Miscellaneous

FMB Standards

77.(1) If BGFN is a borrowing member or has a certificate issued by the FMB under subsection 50(3) of the Act, BGFN must comply with all the applicable FMB standards.

(2) If the Council becomes aware that BGFN is not complying with a FMB standard referred to in subsection (1), the Council must as soon as practicable take the required actions to bring the BGFN into compliance with the FMB standard.

Delegated Authority for Local Revenues

78.(1) This section applies to BGFN only if it is:

(a) making local revenue laws under subsection 5(1) of the Act; or

(b) using its local revenues to secure a loan from the First Nations Finance Authority.

(2) Without limiting section 53 of the Act, if the FMB gives notice to BGFN under section 53 of the Act that third-party management of BGFN's local revenues is required, the Council of BGFN delegates to the FMB:

(a) the powers and authorities described in subsection 53(2) of the Act; and

(b) any other of the Council's powers required to give effect to third-party management of BGFN's local revenues and local revenue account under the Act.

Delegated Authority for Other Revenues

79.(1) This section applies to BGFN only if it is using its other revenues to secure a loan from the First Nations Finance Authority.

(2) Without limiting section 53 of the Act as adapted by the *Financing Secured by Other Revenues Regulations*, if the FMB gives notice to BGFN under section 53 of the Act that third-party management of BGFN's other revenues is required, the Council of the BGFN delegates to the FMB

(a) the powers and authorities described in subsection 53(2) of the Act as adapted by the *Financing Secured by Other Revenues Regulations*, and

(b) any other of the Council's powers required to give effect to third-party management of BGFN's other revenues under the Act.

Periodic Review and Changes of Law

80.(1) On a regular, periodic basis established by a policy of the Council, the Finance and Audit Committee must conduct a review of this Law:

(a) to determine if it facilitates effective and sound financial administration of BGFN; and

(b) to identify any amendments to this Law that will better serve this objective.

(2) The Council must establish policies and procedures respecting the means by which members of BGFN and the Finance and Audit Committee must be consulted in consideration of any proposed amendments to this law. The Council will ensure that established policies and procedures for any consideration of revisions or amendments involve both the Finance and Audit Committee, and a 3-month community consultation process (at a minimum for serious changes). This consultation process must include community member engagement in any consideration of proposed amendments of this Law.

(3) If BGFN is a borrowing member, it may only repeal this Law if it replaces it at the same time with another Financial Administration Law which has been reviewed by the FMB and issued a compliance approval under section 9 of the Act.

(4) Any amendment of this Law must be reviewed by the FMB and issued a compliance approval under section 9 of the Act.

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Coming into Force

81.(1) This section and the operative portions of sections 1-6, 24, 27, 29, 30, 49-54, 56-60, 63(b), 64 and 77-80 come into force on the day after this Law is approved by the FMB under section 9 of the Act.

(2) The operative portions of sections 7, 10, 11(1), 17(1), 18(1), 20(1), 21, 22(1-3), 23(2),(3) and (5), 25, 26, 31, 61 and 72-75 come into force on January 1, 2025.

(3) The remaining provisions of this Law come into force:

(a) on the day that is 36 months after the date when BGFN becomes a borrowing member of the First Nations Finance Authority; or

(b) on such earlier date or dates established by resolution of the Council.

THIS LAW IS HEREBY DULY ENACTED by Council on the 6th **day of** July **20**23**, at** Big Grassy First Nation**, in the Province of** Ontario **at a duly called and conducted Council meeting at which the required quorum of** Four (4) **members of Council was present throughout.**

Chief Lynn Marie Indian

Councillor Elvis Adams

Councillor Glenn Kennedy Archie

Councillor Carol Anne Copenace

Councillor Jeffrey Allan Morrison