TḴEMLÚPS TE SECWÉPEMC

FINANCIAL ADMINISTRATION LAW,

2023

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WHEREAS:

A. Pursuant to section 9 of the *First Nations Fiscal Management Act,* the Tkuk̓wenm7íple7 (Council) of Tk̓emlúps te Secwépemc may make laws respecting the financial administration of Tk̓emlúps te Secwépemc;

B. Tkuk̓wenm7íple7 (Council) of Tk̓emlúps te Secwépemc considers it to be in the best interests of Tk̓emlúps te Secwépemc to make a law for such purposes; and

C. Tkuk̓wenm7íple7 (Council) of Tk̓emlúps te Secwépemc wishes to repeal and replace the *Tk̓emlúps te Secwépemc Financial Administration Law, 2019;*

NOW THEREFORE Tkuk̓wenm7íple7 (Council) of Tk̓emlúps te Secwépemc enacts as follows:

PART I - Citation

Citation

1. This Law may be cited as the *Tk̓emlúps te Secwépemc 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 Tk̓emlúps te Secwépemc referred to in Division 7 of Part IV;

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

“auditor” means the auditor of Tk̓emlúps te Secwépemc appointed under section 81;

“borrowing member” means a first nation that is a borrowing member under the Act;

“budget” means the annual budget of Tk̓emlúps te Secwépemc that has been approved by the Council;

“Chief” means the person elected to the office of Chief under the Tk’emlups te Secwepemc Custom Election Regulations Amendment By-law 2021-03 as amended from time to time and is appropriately referred to as “Kúkpi7” in the Secwépemc language;

“chief administrative officer” means the person appointed chief administrative officer under section 19;

“chief financial officer” means the person appointed chief financial officer under section 20;

“code” means a code adopted by Tk̓emlúps te Secwépemc under the *First Nations Oil and Gas and Moneys Management Act* or a land code adopted by Tk̓emlúps te Secwépemc under the *First Nations Land Management Act*;

“Council” is interchangeable with the term “Chief and Council”, the latter which is appropriately referred to as “Re Kúkwpi7 ell re Tkuk̓wenm7íple7”, which is interchangeable with “Tkuk̓wenm7íple7”, in the Secwépemc language and means the governing body of Council of the Tk̓emlúps te Secwépemc elected under the Tk’emlups te Secwépemc Custom Election Regulations Amendment By-law 2021-03 as amended from time to time and includes the Chief (Kúkpi7) and Councillors (Tkuk̓wenm7íple7) of Tk̓emlúps te Secwépemc;

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

“councillor” is appropriately referred to as “Tk̓wenm7íple7” (singular) and “Tkuk̓wenm7íple7” (plural) in the Secwépemc language and means a member of the Council of Tk̓emlúps te Secwépemc and includes the Chief (Kúkpi7) of Tk̓emlúps te Secwépemc;

“Finance and Audit Committee” means the Finance and Audit Committee established under section 12;

“financial administration” means the management, supervision, control and direction of all matters relating to the financial affairs of Tk̓emlúps te Secwépemc;

“financial competency” means the ability to read and understand financial statements that present accounting issues reasonably expected to be raised by Tk̓emlúps te Secwépemc’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 Tk̓emlúps te Secwépemc, 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;

“fiscal year” means the fiscal year of the Tk̓emlúps te Secwépemc set out in section 27;

“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 Tk̓emlúps te Secwépemc;

“local revenue law” means a local revenue law made by Tk̓emlúps te Secwépemc under the Act;

“local revenues” means money raised under a local revenue law;

“member services department” means any department of Tk̓emlúps te Secwépemc’s operations which provides community services to the Tk̓emlúps te Secwépemc membership including medical, dental, membership, sports, recreation and youth programs and any other department that may be established or reorganized from time to time.

“multi-year financial plan” means the plan referred to in section 29;

“not-for-profit department” means any department of Tk̓emlúps te Secwépemc’s operations which are not intended to generate profit and includes Sk’elep School, education, language and culture, housing, communications, public works, planning and engineering and any other department that may be established or reorganized from time to time.

“officer” means the chief administrative officer, chief financial officer, tax administrator and any other employee of Tk̓emlúps te Secwépemc 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;

“revenue generating department” means any department or entity of Tk̓emlúps te Secwépemc’s operations that are intended to generate profit and includes lands and leasing, economic and business development, natural resources, corporate services and any corporation or limited partnership wholly or partially owned by Tk̓emlúps te Secwépemc and excludes any department or entity that generates “other revenues” or “local revenues” as defined in this law.

“special purpose report” means a report described in section 80;

“standards” means the standards established from time to time under the Act;

“strategic plan” means the plan referred to in section 28;

“tax administrator” means the person appointed tax administrator under section 23 or Tk̓emlúps te Secwépemc’s local revenue laws; and

“Tk̓emlúps te Secwépemc” means Tk’emlúps te Secwépemc as scheduled to the Act and formerly known as the Kamloops Indian Band;

“Tk̓emlúps te Secwépemc’s financial assets” means all money and other financial assets of Tk̓emlúps te Secwépemc;

“Tk̓emlúps te Secwépemc’s lands” means all reserves of Tk̓emlúps te Secwépemc within the meaning of the *Indian Act*;

"Tk̓emlúps te Secwépemc law" means any law, including any by-law or code, of Tk̓emlúps te Secwépemc made by the Tkuḵwenm7íple7 (Council) or the membership of Tk̓emlúps te Secwépemc;

"Tk̓emlúps te Secwépemc's records" means all records of the Tk̓emlúps te Secwépemc respecting its governance, management, operations and financial administration;

(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 persons and corporations and words importing male persons include female 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 Tkuḵwenm7íple7 (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

4.(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 principal administrative offices of Tk̓emlúps te Secwépemc.

(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

5. 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

6.(1) If there is a conflict between this Law and another Tk̓emlúps te Secwépemc 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

7. This Law applies to the financial administration of Tk̓emlúps te Secwépemc.

PART III - Administration

DIVISION 1 - Tkuk̓wenm7íple7 (Council)

Responsibilities of Tkuk̓wenm7íple7 (Council)

8.(1) The Tkuk̓wenm7íple7 (Council) is responsible for all matters relating to the financial administration of Tk̓emlúps te Secwépemc 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 Tk̓emlúps te Secwépemc law, Tkuk̓wenm7íple7 (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 Tkuk̓wenm7íple7 (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 Tk̓emlúps te Secwépemc; and

(d) the approval of borrowing of Tk̓emlúps te Secwépemc.

Tkuk̓wenm7íple7 (Council) Policies and Procedures

9.(1) Subject to subsection (2), Tkuk̓wenm7íple7 (Council) may establish policies and procedures respecting any matter relating to the financial administration of Tk̓emlúps te Secwépemc.

(2) Tkuk̓wenm7íple7 (Council) must establish policies and procedures respecting the acquisition, management and safeguarding of First Nation assets.

(3) Tkuk̓wenm7íple7 (Council) must not establish any policies or procedures relating to the financial administration of Tk̓emlúps te Secwépemc that are inconsistent with this Law, the Act, or GAAP – except as permitted in subsection 80(2) of this Law.

(4) Tkuk̓wenm7íple7 (Council) must ensure that all human resources policies and procedures are designed and implemented to facilitate effective internal financial administration controls.

(5) Tkuk̓wenm7íple7 (Council) must ensure that all procedures made under this Law are

(a) consistent with, and made under the authority of, a policy approved by Tkuk̓wenm7íple7 (Council), and

(b) approved by Tkuk̓wenm7íple7 (Council) or jointly approved by the chief financial officer and the chief administrative officer.

(6) Tkuk̓wenm7íple7 (Council) must document all First Nation 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.

Reporting of Remuneration and Expenses

10.(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 Tk̓emlúps te Secwépemc 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, stipends and dividends and any other monetary and non-monetary benefits.

"stipends" means a sum of money paid in place of an honarium to each Tk̓wenm7íple7 (Councillor) on a regular basis throughout each Tk̓wenm7íple7's (Councillor's) term of office as compensation for service on Tkuk̓wenm7íple7 (Council).

(2) Annually the chief financial officer must prepare a report separately listing the remuneration paid and expenses reimbursed by Tk̓emlúps te Secwépemc, and by any entity, to each Tk̓wenm7íple7 (Councillor) whether such amounts are paid to the Tk̓wenm7íple7 (Councillor) while acting in that capacity or in any other capacity.

DIVISION 2 - Finance and Audit Committee

Interpretation

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

Committee Established

12.(1) The Committee of Tk̓emlúps te Secwépemc is established to provide Tkuk̓wenm7íple7 (Council) with advice and recommendations in order to support Tkuk̓wenm7íple7's (Council's) decision-making process respecting the financial administration of Tk̓emlúps te Secwépemc.

(2) Tkuk̓wenm7íple7 (Council) must appoint not less than five (5) and not more than eight (8) 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 Tk̓emlúps te Secwépemc government that could, in the opinion of Tkuk̓wenm7íple7 (Council), reasonably interfere with the exercise of independent judgment as a member of the Committee.

(4) Tkuk̓wenm7íple7 (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

(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) five (5) members, at least two (2) of the Committee members must be a Tk̓wenm7íple7 (Councillor),

(b) six (6) or seven (7) members, at least three (3) of the Committee members must be Tkuk̓wenm7íple7 (Councillors), and

(c) eight (8) members, at least four (4) of the Committee members must be Tkuk̓wenm7íple7 (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 Tkuk̓wenm7íple7 (Council) if

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

(b) the chair of the Committee recommends removal.

(8) If a Committee member is removed from office, resigns or passes away before the member's term of office expires, Tkuk̓wenm7íple7 (Council) must as soon as practicable appoint a new Committee member to hold office for the remainder of the first member's term of office.

Chair and Vice-chair

13. (1) Tkuk̓wenm7íple7 (Council) must appoint a chair and a vice-chair of the Committee, one of whom must be a Tk̓wenm7íple7 (Councillor).

(2) If Tkuk̓wenm7íple7 (Council) appoints a non-Tk̓wenm7íple7 (non-Councillor) as chair of the Committee,

(a) Tkuk̓wenm7íple7 (Council) must send to the chair notices and agendas of all Tkuk̓wenm7íple7 (Council) meetings,

(b) on request of the chair, Tkuk̓wenm7íple7 (Council) must provide the chair with any materials or information provided to Tkuk̓wenm7íple7 (Council) respecting matters before it, and

(c) the chair may attend and speak at Tkuk̓wenm7íple7 (Council) meetings.

Committee Procedures

14.(1) The quorum of the Committee is fifty percent plus 1 (50% + 1) of the total number of Committee members, including at least one (1) Tk̓wenm7íple7 (Councillor). For greater clarity, the 50% +1 rule will apply as follows if the Committee consists of:

(a) five (5) members, a quorum is four (4) members,

(b) six (6) members, a quorum is four (4) members,

(c) seven (7) members, a quorum is five (5) members,

(d) eight (8) members, a quorum is five (5) members, and

(e) alternatively, Tkuk̓wenm7íple7 (Council) may amend the quorum rule to at least fifty percent (50%) of the total number of Committee members, including at least one (1) Tk̓wenm7íple7 (Councillor), by way of a resolution signed by a quorum of Tkuk̓wenm7íple7 (Council) without the requirement to amend this Law, and any such amendment will apply to the finance policies of Tk̓emlúps te Secwépemc.

(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.

(4) Subject to subsection (5), the chief administrative officer and the chief financial officer must be notified of all Committee meetings and, subject to reasonable exceptions, must attend those meetings.

(5) The chief administrative officer or the chief financial officer 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 chief administrative officer or the chief financial officer,

(b) the subject matter relates to an operational issue, other than budgets, that involves one of the officer's departments but not the other's, in which case, the officer not directly impacted may be excluded from a meeting (for greater clarity it is not expected that both the chief administrative officer and the chief financial officer must always be in attendance at meetings at the same time), or

(c) 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 Tkuk̓wenm7íple7 (Council) and report to Tkuk̓wenm7íple7 (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 Tkuk̓wenm7íple7 (Council), the Committee may make rules for the conduct of its meetings.

(9) After consultation with the chief financial officer, the Committee may retain a consultant to assist in the performance of any of its responsibilities.

Financial Planning Responsibilities

15.(1) The Committee must carry out the following activities in respect of the financial administration of Tk̓emlúps te Secwépemc:

(a) annually review and recommend to Tkuk̓wenm7íple7 (Council) for approval the following:

(i) a strategic plan;

(ii) an operational plan with projections and priorities;

(iii) a business plan with projections and priorities; and

(iv) a multi-year financial plan;

(b) review draft annual budgets and recommend them to Tkuk̓wenm7íple7 (Council) for approval;

(c) on an ongoing basis, monitor the financial performance of Tk̓emlúps te Secwépemc against the budget and report any significant variations to Tkuk̓wenm7íple7 (Council);

(d) review the quarterly financial statements and recommend them to Tkuk̓wenm7íple7 (Council) for approval;

(e) review and make recommendations to Tkuk̓wenm7íple7 (Council) on the 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 Tkuk̓wenm7íple7 (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 Tkuk̓wenm7íple7 (Council) on any matter respecting the financial administration of Tk̓emlúps te Secwépemc that is not otherwise specified to be its responsibility under this Law.

Audit and Oversight Responsibilities

16. The Committee must carry out the following audit and oversight activities in respect of the financial administration of Tk̓emlúps te Secwépemc:

(a) make recommendations to Tkuk̓wenm7íple7 (Council), after receiving input from the chief financial officer, 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 Tkuk̓wenm7íple7 (Council) on the planning, conduct and results of audit activities;

(d) periodically review and make recommendations to Tkuk̓wenm7íple7 (Council) on policies and procedures on reimbursable expenses and perquisites of the Tkuk̓wenm7íple7 (Councillors), officers and employees of Tk̓emlúps te Secwépemc;

(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 109 and, where appropriate, recommend amendments to Tkuk̓wenm7íple7 (Council); and

(g) periodically review and make recommendations to Tkuk̓wenm7íple7 (Council) on the terms of reference of the Committee.

Tkuk̓wenm7íple7 (Council) Assigned Responsibilities

17. Subject to paragraph 15(1)(f), Tkuk̓wenm7íple7 (Council) may assign to the Committee or another committee of Tkuk̓wenm7íple7 (Council) the following activities in respect of the financial administration of Tk̓emlúps te Secwépemc:

(a) to develop, and recommend to Tkuk̓wenm7íple7 (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 Tkuk̓wenm7íple7 (Council) for approval, cash management plans;

(c) to review and report to Tkuk̓wenm7íple7 (Council) on the financial content of any First Nation reports;

(d) to review, monitor and report to Tkuk̓wenm7íple7 (Council) on the appropriateness of Tk̓emlúps te Secwépemc's accounting and financial reporting systems, policies and practices;

(e) to review, and recommend to Tkuk̓wenm7íple7 (Council) for approval, any proposed significant changes in Tk̓emlúps te Secwépemc's accounting or financial reporting systems, policies or procedures;

(f) to monitor the collection and receipt of Tk̓emlúps te Secwépemc's financial assets, including debts owed to Tk̓emlúps te Secwépemc;

(g) to review and report to Tkuk̓wenm7íple7 (Council) on Tk̓emlúps te Secwépemc's risk management policies and control and information systems and, where appropriate, recommend improvements to Tkuk̓wenm7íple7 (Council);

(h) to review the adequacy of security of information, information systems and recovery plans and, where appropriate, recommend improvements to Tkuk̓wenm7íple7 (Council);

(i) to monitor compliance with the legal obligations of Tk̓emlúps te Secwépemc, including legislative, regulatory and contractual obligations, and report to Tkuk̓wenm7íple7 (Council);

(j) to review and report to Tkuk̓wenm7íple7 (Council) on the adequacy of financial administration personnel and resources;

(k) to review, monitor and report to Tkuk̓wenm7íple7 (Council) on the adequacy and appropriateness of Tk̓emlúps te Secwépemc's insurance coverage respecting significant First Nation risks; and

(l) to review, monitor and report to Tkuk̓wenm7íple7 (Council) on material litigation and its impact on financial administration and reporting.

DIVISION 3 - Officers and Employees

Interpretation

18. In this Division,

"dual reporting senior officer" means both the chief administrative officer and the chief financial officer, both of whom share management responsibilities for Tk̓emlúps te Secwépemc operations and who both report independently and directly to Tkuḵwenm7íple7 (Council); and

"chief officers" means the chief administrative officer and the chief financial officer.

Chief Administrative Officer

19.(1) Tkuḵwenm7íple7 (Council) must appoint a person as chief administrative officer as a dual reporting senior officer of Tk̓emlúps te Secwépemc and may set the terms and conditions of that appointment.

(2) Reporting to Tkuḵwenm7íple7 (Council) and sharing management responsibility with the chief financial officer, the chief administrative officer, in collaboration with the chief financial officer, is responsible for leading the planning, organization, implementation and evaluation of the overall management of all the day-to-day operations of Tkemlúps te Secwépemc and the chief administrative officer is directly responsble for all "not-for profit departments" and "member services departments" of Tk̓emlúps te Secwépemc, and including the following duties:

(a) to hire the employees of Tk̓emlúps te Secwépemc, as the chief administrative officer considers necessary, and to set the terms and conditions of their employment for all employees in the not-for-profit and member services departments;

(b) to oversee, supervise and direct the activities of all officers, other than the director of finance and the tax administrator, and all employees of Tk̓emlúps te Secwépemc in the not-for-profit and member services departments;

(c) to oversee and administer the contracts of Tk̓emlúps te Secwépemc for all contracts respecting all not-for-profit and member services departments;

(d) to identify, assess, monitor and report on financial reporting risks and risk of fraud respecting the not-for-profit and member services departments of Tk̓emlúps te Secwépemc, and other areas of operations if reported to the chief administrative officer or if the chief administrative officer becomes aware of risks or risk of fraud in other areas of operations;

(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 chief administrative officer under this Law; and

(g) to carry out any other activities specified by Tkuḵwenm7íple7 (Council) that are not contrary to the Act or inconsistent with the chief administrative officer's duties specified in this Law.

(3) The chief administrative officer may assign the performance of any of the chief administrative officer's duties or functions (except the approval of procedures made under this Law)

(a) to the chief financial officer who will assume the responsibilities of the chief administrative officer in the absence of the chief administrative officer,

(b) to an officer, other than the tax administrator, or employee of Tk̓emlúps te Secwépemc, and

(c) with the approval of Tkuk̓wenm7íple7 (Council), to a contractor or agent of Tk̓emlúps te Secwépemc.

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

Chief Financial Officer

20.(1) Tkuk̓wenm7íple7 (Council) must appoint a person as chief financial officer as a dual senior reporting officer of Tk̓emlúps te Secwépemc and may set the terms and conditions of that appointment.

(2) Reporting to Tkuk̓wenm7íple7 (Council) and sharing management responsibility with the chief administrative officer, the chief financial officer, in collaboration with the chief administrative officer, is responsible for leading the planning, organization, implementation and evaluation of the overall management of all the day-to-day operations of Tk̓emlúps te Secwépemc and the chief financial officer is directly responsible for the finance department and all "revenue generating departments" of Tk̓emlúps te Secwépemc and including the following duties:

(a) is responsible for the day-to-day management of the systems of the financial administration of Tk̓emlúps te Secwépemc;

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

(c) to administer and maintain all charts of accounts of Tk̓emlúps te Secwépemc;

(d) to prepare the draft annual budgets and, with advice and input from the chief administrative officer to the component of the budget respecting all not-for-profit departments and member services departments, and with advice and input from the tax administrator to prepare any draft amendments to the component of the budget respecting Tk̓emlúps te Secwépemc's local revenues;

(e) to prepare the monthly financial information required in section 76, the quarterly financial statements required in section 77 and the draft annual financial statements required in sections 78 and 79;

(f) to prepare the financial components of reports to Tkuk̓wenm7íple7 (Council) of any plans, projections and priorities referred to in subsection 15(1) which must include advice and input

from the chief administrative officer on matters respecting all not-for-profit and member services departments;

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

(h) to administer and supervise the maintenance of the records of all receipts and expenditures of Tk̓emlúps te Secwépemc to facilitate the annual audit;

(i) to prepare or provide any documentation and financial information required by Tkuk̓wenm7íple7 (Council) or the Finance and Audit Committee to discharge its responsibilities;

(j) to evaluate the financial administration systems of Tk̓emlúps te Secwépemc and recommend improvements;

(k) to develop and recommend procedures to Tkuk̓wenm7íple7 (Council) for identifying and mitigating financial reporting and risk of fraud and to ensure approved procedures are followed;

(l) to hire the employees of Tk̓emlúps te Secwépemc, as the chief financial officer considers necessary, and to set the terms and conditions of their employment for all employees in the finance and revenue generating departments;

(m) to oversee, supervise and direct the activities of all officers, other than the chief administrative officer, and all employees of Tk̓emlúps te Secwépemc in the finance and revenue generating departments;

(n) to oversee and administer the contracts of Tk̓emlúps te Secwépemc for all contracts respecting all finance and revenue generating departments;

(o) to identify, assess, monitor and report on financial reporting risks and risk of fraud respecting the finance and revenue generating departments of Tk̓emlúps te Secwépemc, and other areas of operations if reported to the chief financial officer or if the chief financial officer becomes aware of risks or risk of fraud in other areas of operations;

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

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

(r) to carry out any other activities specified by Tkuk̓wenm7íple7 (Council) that are not contrary to the Act or inconsistent with the chief financial officer's duties under this Law.

(3) The chief financial officer may assign the performance of any of the chief financial officer's duties or functions (except the approval of procedures made under this Law) to:

(a) the chief administrative officer who will assume the responsibilities of the chief financial officer in the absence of the chief financial officer,

(b) an officer or employee of Tk̓emlúps te Secwépemc, and

(c) a contractor or agent of Tk̓emlúps te Secwépemc, with the approval of Tkuk̓wenm7íple7 (Council).

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

Collaboration Responsibilities of Chief Officers

21.(1) In this section,

"collaboration" means the action of working with a chief officer who is a dual reporting senior officer, either formally or informally, to produce or create something or to make management decisions that effect Tk̓emlúps te Secwépemc operations.

(2) While the chief administrative officer is directly responsbile for management decisions respecting all "not-for-profit departments" and "member services departments", and the chief financial officer is directly responsbile for management decisions respecting the finance department and all "revenue generating departments", the chief officers will collaborate with each other on the following responsibilities:

(a) to develop and recommend to Tkuk̓wenm7íple7 (Council) for approval, human resources policies and procedures for the hiring, management and dismissal of employees and officers of Tk̓emlúps te Secwépemc, with the following exceptions:

(i) the chief administrative officer does not assume the responsibilities set out in subsection 2(a) with respect to the chief financial officer, who reports directly to Tkuk̓wenm7íple7 (Council) or the tax administrator who reports directly to the chief financial officer; and

(ii) the chief financial officer does not assume the responsibilities set out in subsection 2(a) with respect to the chief administrative officer, who reports directly to the Tkuk̓wenm7íple7 (Council);

(b) to prepare and recommend to Tkuk̓wenm7íple7 (Council) for approval, descriptions of the powers, duties and functions of all employees of Tk̓emlúps te Secwépemc.

Consultation Responsbilities of Chief Officers

22.(1) In this section,

"consultation" means an action or process that must include formally consulting or discussing with a chief officer who is a dual reporting senior officer.

(2) The chief officers must consult with each other on the following responsibilities for Tk̓emlúps te Secwépemc operations of which the chief administrative officer is directly responsible for management decisions respecing all "not-for-profit departments" and "member services departments", and of which the chief financial officer is directly responsible for management decisions respecting the finance department and all "revenue generating departments":

(a) to prepare, recommend to Tkuḵwenm7íple7 (Council), and maintain and revise as necessary the organization chart referred to in section 24;

(b) to prepare the reports to Tkuḵwenm7íple7 (Council) of any plans, projections and priorities referred to in subsection 15(1);

(c) to actively monitor compliance with any agreements and funding arrangements entered into by Tḵemlúps te Secwépemc;

(d) to develop and recommend procedures for the safeguarding of the assets of Tḵemlúps te Secwépemc and to ensure approved procedures are followed; and

(e) to actively monitor compliance with the Act, this Law, any other applicable Tḵemlúps te Secwépemc law, applicable standards and any policies and procedures respecting the financial administration of Tḵemlúps te Secwépemc.

Tax Administrator

23.(1) If Tḵemlúps te Secwépemc is collecting local revenues, Tkuḵwenm7íple7 (Council) must appoint a person as tax administrator of Tḵemlúps te Secwépemc and may set the terms and conditions of that appointment.

(2) Reporting to the chief financial officer, the tax administrator is responsible for performing the tax administrator's duties or functions under Tḵemlúps te Secwépemc's local revenue laws, the Act and this Law.

(3) In addition to any duties or functions under Tḵemlúps te Secwépemc'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 chief financial officer the draft and amended budgets for the component of the budget respecting local revenues;

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

(d) on request, to provide advice to the chief financial officer, chief administrative officer, Finance and Audit Committee and Tkuḵwenm7íple7 (Council) respecting local revenues matters;

(e) to monitor compliance with the Act, Tḵemlúps te Secwépemc'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 chief financial officer, 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 Tḵemlúps te Secwépemc, 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

24.(1) Tkuk̓wenm7íple7 (Council) must establish and maintain a current organization chart for the governance, management and administrative systems of Tk̓emlúps te Secwépemc.

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

(a) a dual reporting senior officer management structure, showing the chief administrative officer and the chief financial officer as reporting independently and directly to Tkuk̓wenm7íple7 (Council);

(b) all governance, management and administrative systems of Tk̓emlúps te Secwépemc;

(c) the organization of the systems described in paragraphs (a) and (b), including the linkages between them;

(d) the specific roles and responsibilities of each level of the organization of the systems described in paragraphs (a) and (b); and

(e) all governance, management and administrative positions at each level of the organization of the systems described in paragraphs (a) and (b), including

(i) the membership on Tkuk̓wenm7íple7 (Council), Finance and Audit Committee and all other committees of Tkuk̓wenm7íple7 (Council) and Tk̓emlúps te Secwépemc,

(ii) the chief administrative officer, the chief financial officer, the tax administrator and other officers of Tk̓emlúps te Secwépemc, and

(iii) the principal lines of authority and the responsibility between Tkuk̓wenm7íple7 (Council), the committees referred to in subparagraph (i) and the officers referred to in subparagraph (ii).

(3) On request, either the chief administrative officer or the chief financial officer must instruct the appropriate employee to provide a copy of the organization chart under subsection (1) to a Tk̓wenm7íple7 (Councillor), a member of a committee referred to in subparagraph (2)(d)(i), an officer, employee or contractor or agent of Tk̓emlúps te Secwépemc and a member of Tk̓emlúps te Secwépemc.

(4) In the course of discharging his or her responsibilities under this Law, the chief financial officer in consultation with the chief administrative officer must recommend to Tkuk̓wenm7íple7 (Council) for approval and implementation human resource policies and procedures that facilitate effective internal financial administration controls.

(5) Tkuk̓wenm7íple7 (Council) must take all reasonable steps to ensure that Tk̓emlúps te Secwépemc hires or retains qualified and competent personnel to carry out the financial administration activities of Tk̓emlúps te Secwépemc.

(6) Tkuk̓wenm7íple7 (Council) may amend the organizational chart from time to time provided the minimum requirements set out in section 24 and the FMB standards are maintained, and any such amendments will apply to the finance policies of Tk̓emlúps te Secwépemc.

DIVISION 4 - Conduct Expectations

Conduct of Tkuḵwenm7íple7 (Councillors)

25.(1) When exercising a power, duty or responsibility relating to the financial administration of Tḵemlúps te Secwépemc, a Tḵwenm7íple7 (Councillor) must

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

(b) act honestly, in good faith and in the best interests of Tḵemlúps te Secwépemc,

(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 applicable requirements of the Schedule: Avoiding and Mitigating Conflicts of Interest.

(2) If it has been determined under this Law or by a court of competent jurisdiction that a Tḵwenm7íple7 (Councillor) has contravened this section, Tkuḵwenm7íple7 (Council) may take any or all of the following actions:

(a) remove the Tḵwenm7íple7 (Councillor) from their assigned administrative responsibilities or portfolio;

(b) withhold the Tḵwenm7íple7's (Councillor's) compensation, honoraria or stipend for a period of time;

(c) record Tkuḵwenm7íple7's (Council's) concern in Tkuḵwenm7íple7 (Council) minutes;

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

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

Conduct of Officers, Employees, Contractors, etc.

26.(1) This section applies to

(a) an officer, employee, contractor and agent of Tḵemlúps te Secwépemc,

(b) a person acting under the delegated authority of Tkuḵwenm7íple7 (Council) or Tḵemlúps te Secwépemc, and

(c) a member of a committee of Tkuḵwenm7íple7 (Council) or Tḵemlúps te Secwépemc who is not a Tḵwenm7íple7 (Councillor).

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

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

(b) comply with all policies and procedures of Tk̓emlúps te Secwépemc, and

(c) avoid conflicts of interest and comply with applicable requirements of the Schedule: Conflicts of Interest.

(3) Subject to subsection (4), Tkuk̓wenm7íple7 (Council) must incorporate the relevant provision of this section into the following:

(a) the terms of employment or appointment of every officer or employee of Tk̓emlúps te Secwépemc;

(b) the terms of every contract of a contractor of Tk̓emlúps te Secwépemc;

(c) the terms of appointment of every member of a committee who is not a Tk̓wenm7íple7 (Councillor); and

(d) the terms of appointment of every agent of Tk̓emlúps te Secwépemc.

(4) Tkuk̓wenm7íple7 (Council) may establish policies to identify applicable employment contracts, appointments to the finance and audit committee, contracts for service and appointments of agents in which the conduct obligations of subsection (3) must be included.

(5) 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 a committee may be revoked;

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

(e) Tkuk̓wenm7íple7 (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

27. The fiscal year of Tk̓emlúps te Secwépemc is April 1 to March 31 of the following year.

Strategic Plan

28.(1) Tkuk̓wenm7íple7 (Council) must

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

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

(2) Tkuḵwenm7íple7 (Council) must take the strategic plan into account when making financial decisions which will impact members of Tk̓emlúps te Secwépemc or Tk̓emlúps te Secwépemc's financial assets.

Multi-year Financial Plan Process

29.(1) The multi-year financial plan referred to in this section is to be used by Tk̓emlúps te Secwépemc 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;

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

(f) show all categories of restricted cash; and

(g) 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 chief financial officer, with advice and input from the chief administrative officer to the component of the financial plan respecting the "not-for-profit departments" and the "member services departments", 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 chief financial officer and recommend a multi-year financial plan to Tkuḵwenm7íple7 (Council) for approval.

(5) No later than March 31 of each year, Tkuḵwenm7íple7 (Council) must approve a multi-year financial plan for the next fiscal year.

Content of Annual Budget

30. The annual budget must encompass all the operations for which Tk̓emlúps te Secwépemc 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.

Annual Budget Process

31.(1) On or before January 31 of each year, the chief financial officer, with advice and input from the chief administrative officer to the component of the budget respecting the "not-for-profit departments" and the "member services departments", must prepare and submit to the Finance and Audit Committee for review a draft annual budget for the next fiscal year.

(2) On or before February 15 of each year, the Finance and Audit Committee must review the draft annual budget prepared by the chief financial officer and recommend an annual budget to Tkuk̓wenm7íple7 (Council) for approval.

(3) On or before March 31 of each year, Tkuk̓wenm7íple7 (Council) must review and approve the annual budget for the next fiscal year.

(4) On or before June 15 of each year, the chief financial officer must prepare and submit to the Finance and Audit Committee for review a draft amendment of the component of the budget respecting Tk̓emlúps te Secwépemc's local revenues.

(5) 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 Tk̓emlúps te Secwépemc's local revenues and recommend an amendment to the budget to Tkuk̓wenm7íple7 (Council) for approval.

(6) No later than July 15 of each year, Tkuk̓wenm7íple7 (Council) must approve the amendment of the component of the budget respecting Tk̓emlúps te Secwépemc's local revenues.

(7) The financial activities of corporate entities wholly or partially owned by Tk̓emlúps te Secwépemc may have direct or indirect impact on operational budgets and budget decisions, and as such, Tkuk̓wenm7íple7 (Council) may establish separate corporate policies setting out the requirement to establish an annual corporate budget process and timelines that are a minimum of 60 days prior to the annual budget timelines set out in section 31 of this law.

Additional Requirements for Budget Deficits

32. If a draft annual budget contains a proposed deficit, Tkuk̓wenm7íple7 (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.

Amendments to Budgets

33.(1) Tkuk̓wenm7íple7 (Council) must approve any change to the budget.

(2) Subject to subsection 31(6) and section 41, unless there is a substantial and unforeseen change in the forecasted revenues or expenses of Tk̓emlúps te Secwépemc or in the expenditure priorities of Tkuk̓wenm7íple7 (Council), Tkuk̓wenm7íple7 (Council) must not approve a change to the budget.

Local Revenues Budget Requirements

34. 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 First Nation Information or Involvement

35.(1) Tkuk̓wenm7íple7 (Council) must establish policies and procedures respecting the means by which members of Tk̓emlúps te Secwépemc 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 Tk̓emlúps te Secwépemc's local revenues;

(d) any changes to the budget; and

(e) extraordinary expenditures.

(2) Tkuk̓wenm7íple7 (Council) must present the information described in subsection (1) to members of Tk̓emlúps te Secwépemc annually at a General Band Meeting.

(3) Tkuk̓wenm7íple7 (Council) must present any amendments or changes to the information described in subsection (1) to members of Tk̓emlúps te Secwépemc at the next quarterly General Band Meeting to be held after an amendment or change is made.

DIVISION 2 - Financial Institution Accounts

Financial Institution Accounts

36.(1) No account may be opened for the receipt and deposit of money of Tk̓emlúps te Secwépemc unless the account is

(a) in the name of Tk̓emlúps te Secwépemc,

(b) opened in a financial institution,

(c) recommended by the chief financial officer, and

(d) approved by Tkuḵwenm7íple7 (Council).

(2) Tḵemlúps te Secwépemc 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 (d);

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

(c) a trust account if Tḵemlúps te Secwépemc has money held in trust; and

(d) a tangible capital assets reserve account for money set aside for purposes of section 91.

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

Accounts Management

37.(1) The chief financial officer must ensure the safekeeping of all money received by Tḵemlúps te Secwépemc.

(2) The chief financial officer

(a) must deposit all money received by Tḵemlúps te Secwépemc as soon as practicable into the appropriate accounts described in section 36, and

(b) must not authorize payment of money from an account described in section 36 unless the payment relates to the subject matter for which the account was established and is otherwise authorized or permitted under this Law.

DIVISION 3 - Expenditures

Prohibited Expenditures

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

(2) 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.

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

Prohibited Agreements

39. Tḵemlúps te Secwépemc must establish policies to prevent the entering into an agreement or undertaking that requires Tḵemlúps te Secwépemc to expend money that is not authorized by or that contravenes this Law, a local revenue law or the Act.

No Expenditure Without Appropriation

40.(1) Subject to subsection 41(1), money must not be paid out of any account unless the expenditure is authorized under an appropriation.

(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

41.(1) The chief financial officer or the chief administrative 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 First Nation law.

(2) Tkuk̓wenm7íple7 (Council) must establish policies and procedures to authorize expenditures under subsection (1).

(3) The expenditure under subsection (1) must be reported to Tkuk̓wenm7íple7 (Council) as soon as practicable and Tkuk̓wenm7íple7 (Council) must amend the budget to include the expenditure.

(4) Subsection (1) does not give the chief financial officer or the chief administrative officer the authority to borrow for the purpose of making an expenditure for an emergency purpose.

(5) For clarity, this section does not authorize an expenditure of local revenues.

Appropriations

42.(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 Tk̓emlúps te Secwépemc in relation to an appropriation must not exceed the amount specified in the budget 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

43.(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 annual financial statements for the fiscal year in which the liability was incurred.

Requisitions for Payment

44.(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.

(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 chief administrative 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 chief administrative 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.

Form of Payment

45. (1) Tkuk̓ wenm7íple7 (Council) must establish policies and procedures regarding forms of payments by Tk̓emlúps te Secwépemc for payments made by cheque, draft, electronic transfer or other similar instrument(s), and including the required signing authorities.

DIVISION 4 - General Matters

Advances

46. Tkuk̓ wenm7íple7 (Council) must establish policies and procedures regarding the approval of advances to prepay expenses that are chargeable against an appropriation.

Holdbacks

47. If Tk̓emlúps te Secwépemc 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

48.(1) Money received by Tk̓emlúps te Secwépemc 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 procedures of Tk̓emlúps te Secwépemc.

(2) Tkuk̓wenm7íple7 (Council) must make policies and procedures in respect of the disposition of deposit money referred to in subsection (1).

Interest

49.(1) All interest earned on the accounts described in section 36, other than a trust account, local revenue account, or tangible capital assets reserve account must be deposited in the general account referred to in paragraph 36(2)(a).

(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 assets reserve account must be retained in that account.

(3) Subject to the *Interest Act*, Tk̓emlúps te Secwépemc may charge interest at a rate set from time to time by Tkuk̓wenm7íple7 (Council) on any debts or payments owed to Tk̓emlúps te Secwépemc that are overdue.

Refunds

50.(1) Money received by Tk̓emlúps te Secwépemc 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) Tkuk̓wenm7íple7 (Council) must establish policies and procedures respecting the refund of money under subsection (1).

Write Off of Debts

51. All or part of a debt or obligation owed to Tk̓emlúps te Secwépemc may be written off

(a) if approved by Tkuk̓wenm7íple7 (Council), or

(b) if done under the authority of a policy or direction of Tkuk̓wenm7íple7 (Council).

Extinguishment of Debts

52. All or part of a debt or obligation owed to Tk̓emlúps te Secwépemc may be forgiven only

(a) if approved by Tkuk̓wenm7íple7 (Council), or

(b) if done under the authority of a policy or direction of Tkuk̓wenm7íple7 (Council).

Year-end Surplus

53.(1) Subject to subsections (2) and (3), an operating surplus at the end of the fiscal year must be paid into the general account described in paragraph 36(2)(a).

(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 assets reserve account at the end of the fiscal year must be retained in that account.

DIVISION 5 - Borrowing

Borrowing

54.(1) Tkuk̓wenm7íple7 (Council) must establish policies and procedures respecting the incurring of debt, granting security, debt management and use of borrowd funds by Tk̓emlúps te Secwépemc.

(2) If Tk̓emlúps te Secwépemc is authorized to borrow money or grant security, Tkuk̓wenm7íple7 (Council) may authorize the chief financial officer to borrow money or grant security in the name of Tk̓emlúps te Secwépemc

(a) as specifically approved by Tkuk̓wenm7íple7 (Council), or

(b) in accordance with the policies and procedures of Tk̓emlúps te Secwépemc.

Borrowing for Ordinary Operations

55.(1) Tkemlúps te Secwépemc 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) Tkemlúps te Secwépemc 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 Tkukwenm7íple7 (Council) approves.

(3) Tkemlúps te Secwépemc 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 Tkemlúps te Secwépemc.

Financial Agreements

56.(1) Tkemlúps te Secwépemc may enter into the following agreements in the name of Tkemlúps te Secwépemc:

(a) for the purpose of efficient management of Tkemlúps te Secwépemc's financial assets, agreements with financial institutions and related services agreements, and

(b) for the purpose of reducing risks or maximizing benefits in relation to the borrowing, lending or investing of Tkemlúps te Secwépemc'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 Tkukwenm7íple7 (Council), the chief financial officer or the chief administrative officer may enter into any agreements referred to in subsection (1) on behalf of Tkemlúps te Secwépemc.

Borrowing for Authorized Expenditures

57.(1) If the general account described in paragraph 36(2)(a) is not sufficient to meet the expenditures authorized to be made from it and the chief financial officer recommends that money be borrowed to ensure that the general account is sufficient for these purposes, Tkemlúps te Secwépemc may borrow an amount not exceeding a maximum amount specified by Tkukwenm7íple7 (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 practicable.

Borrowing Member Requirements

58.(1) This section applies if Tkemlúps te Secwépemc is a borrowing member.

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

(3) Tk̓emlúps te Secwépemc 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 Tk̓emlúps te Secwépemc 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 Tangible Capital Asset Projects

59.(1) Tkuk̓wenm7íple7 (Council) must establish policies and procedures respecting the means by which members of Tk̓emlúps te Secwépemc must be informed about or involved in consideration of borrowing for new tangible capital asset projects described in Part V.

(2) Tkuk̓wenm7íple7 (Council) must hold an open house or General Band Meeting for members of Tk̓emlúps te Secwépemc to present project information when borrowing for new tangible capital asset projects described in Part V are being considered.

(3) Tkuk̓wenm7íple7 (Council) must present any material amendments or changes to borrowing for projects referred to in subsection (2) to members of Tk̓emlúps te Secwépemc at the next quarterly General Band Meeting to be held after an amendment or change is made.

(4) Tkuk̓wenm7íple7 (Council) must update the members of Tk̓emlúps te Secwépemc at quarterly General Band Meetings on project status and completion as it relates to borrowing for projects referred to in subsection (2).

Borrowing for Repayment of Debts

60. Subject to this Law and a local revenue law, Tk̓emlúps te Secwépemc may borrow money that is required for the repayment or refinancing of any debt of Tk̓emlúps te Secwépemc, other than a debt in relation to money borrowed under subsection 57(1).

Use of Borrowed Money

61.(1) Subject to this section and any local revenue law, money borrowed by Tk̓emlúps te Secwépemc 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 Tk̓emlúps te Secwépemc and not required to be used immediately for that purpose may be temporarily invested under subsection 67(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

62. Tkuḵwenm7íple7 (Council) must establish policies and procedures regarding the execution of security documents.

DIVISION 6 - Risk Management

Management of Business Activity

63.(1) Under the conditions set out in subsections (2) and (3), Tḵemlúps te Secwépemc may

(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) Tḵemlúps te Secwépemc may carry on a business that

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

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

(i) an interest in, or natural resources on or under, Tḵemlúps te Secwépemc's lands or lands owned in fee simple by, or in trust for, Tḵemlúps te Secwépemc, or

(ii) any other property of Tḵemlúps te Secwépemc.

(3) Tḵemlúps te Secwépemc may carry on business activities for the primary purpose of profit if Tkuḵwenm7íple7 (Council) determines that the business activities

(a) do not result in a material liability for Tḵemlúps te Secwépemc, or

(b) do not otherwise expose Tḵemlúps te Secwépemc's financial assets, property or resources to significant risk.

(4) Tkuḵwenm7íple7 (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.

Guarantees and Indemnities

64.(1) Tḵemlúps te Secwépemc must not give a guarantee unless Tkuḵwenm7íple7 (Council) has considered the report of the chief financial officer under subsection (2).

(2) Before Tkuḵwenm7íple7 (Council) authorizes a guarantee under subsection (1), the chief financial officer must prepare a report for Council identifying any risks associated with giving the guarantee and assessing the ability of Tḵemlúps te Secwépemc to honour the guarantee should it be required to do so.

(3) Tk̓emlúps te Secwépemc must not give an indemnity unless it is

(a) authorized under section 105,

(b) necessary and incidental to and included in another agreement to which Tk̓emlúps te Secwépemc is a party, or

(c) in relation to a security granted by Tk̓emlúps te Secwépemc that is authorized under this Law or another First Nation law.

(4) Subject to a resolution described in section 105, Tkuk̓wenm7íple7 (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 Tk̓emlúps te Secwépemc 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 Tk̓emlúps te Secwépemc.

Authority to Invest

65.(1) Tk̓emlúps te Secwépemc may invest Tk̓emlúps te Secwépemc's financial assets under the conditions set out in this Law or in another First Nation law.

(2) If Tk̓emlúps te Secwépemc is authorized to invest Tk̓emlúps te Secwépemc's financial assets, Tkuk̓wenm7íple7 (Council) may authorize the chief financial officer to invest Tk̓emlúps te Secwépemc's financial assets

(a) as specifically approved by Tkuk̓wenm7íple7 (Council); or

(b) in accordance with the investment management strategy approved by Tkuk̓wenm7íple7 (Council) under subsection 66(1).

Investment Management Strategy

66.(1) If Tk̓emlúps te Secwépemc intends to invest Tk̓emlúps te Secwépemc's financial assets, Tkuk̓wenm7íple7 (Council) must first approve an investment management strategy for those assets.

(2) Tkuk̓wenm7íple7 (Council) must establish policies and procedures respecting the development, approval and periodic review of an investment management strategy for Tk̓emlúps te Secwépemc's financial assets.

Approved Investments

67.(1) Money in an account described in section 36 that is not immediately required for expenditures may be invested by Tk̓emlúps te Secwépemc 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;

(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; or

(e) any other financial instrument or investment as specifically approved by Tuk̓wenm7íple7 (Council).

(2) Subject to the terms of the trust, money held in trust that is not immediately required for expenditures may be invested by Tk̓emlúps te Secwépemc as permitted under the terms of the trust or under the laws of the jurisdiction in which the majority of Tk̓emlúps te Secwépemc's lands are located.

(3) If Tk̓emlúps te Secwépemc has established an investment account under section 36, Tk̓emlúps te Secwépemc may invest money in that account in the following:

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

(b) a trust in which Tk̓emlúps te Secwépemc is a beneficiary;

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

(d) a limited partnership in which Tk̓emlúps te Secwépemc is a partner; and

(e) a member loan program described in section 68.

(4) Despite any other provision in this section, Tk̓emlúps te Secwépemc 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;

(b) local revenues.

Permitted Loans to First Nation Members

68.(1) At the time this Law was enacted Tk̓emlúps te Secwépemc had no member loans or established programs, however, Tk̓emlúps te Secwépemc may in the future make a loan to a

member of Tk̓emlúps te Secwépemc or to an entity in which a member of Tk̓emlúps te Secwépemc has an interest if the loan is made from a program of Tk̓emlúps te Secwépemc that has been approved by Tkuk̓wenm7íple7 (Council) and that meets the requirements of this section.

(2) Before Tkuk̓wenm7íple7 (Council) establishes a program under this section, the chief financial officer in collaboration with the chief administrative 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 Tk̓emlúps te Secwépemc;

(b) the terms and conditions of the program must be published and accessible to all members of Tk̓emlúps te Secwépemc;

(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

(i) the amounts loaned,

(ii) the purposes of the loans,

(iii) subject to applicable privacy laws, the names of those receiving a loan, and

(iv) 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) Tkuk̓wenm7íple7 (Council) must make policies and procedures for the operation of the program referred to in this section.

Administration of Investments and Loans

69.(1) If Tk̓emlúps te Secwépemc 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 Tk̓emlúps te Secwépemc is authorized to make a loan under this Law, Tkuk̓wenm7íple7 (Council) must establish policies and procedures 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

70.(1) Annually, and more often if necessary, the chief financial officer in consultation with the chief administrative officer must identify and assess any significant risks to Tk̓emlúps te Secwépemc's financial assets, Tk̓emlúps te Secwépemc's tangible capital assets as defined in Part V and the operations of Tk̓emlúps te Secwépemc.

(2) Annually, and more often if necessary, the chief financial officer in consultation with the chief administrative officer 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.

(3) The chief financial officer is directly responsible for identifying and reporting risks to the financial assets of Tkemlúps te Secwépemc.

(4) The chief administrative officer is directly responsible for identifying and reporting risks to the capital assets of Tkemlúps te Secwépemc.

Insurance

71.(1) On recommendation of the chief financial officer, the chief administrative officer and the Finance and Audit Committee, Tkukwenm7íple7 (Council) must procure and maintain in force all insurance coverage that is appropriate and commensurate with the risks identified in section 70 and any other risks associated with any assets, property or resources under the care or control of Tkemlúps te Secwépemc.

(2) Tkukwenm7íple7 (Council) may purchase and maintain insurance for the benefit of a Tkwenm7íple7 (Councillor) or an officer or their personal representatives against any liability arising from that person being or having been a Tkwenm7íple7 (Councillor) or an officer.

Risk of Fraud

72.(1) In this section:

"fraudulent financial reporting" means an intentional act in financial reporting that is designed to deceive users of financial reports and that may result in a material omission from or misstatement of financial reports;

"fraudulent non-financial reporting" means an intentional act in non-financial reporting that is designed to deceive users of non-financial reports; and

"misappropriation of assets" means the theft of First Nation assets in circumstances where the theft may result in a material omission or misstatement in financial reports.

(2) Tkukwenm7íple7 (Council) must establish procedures for the identification and assessment of the following types of risk of fraud in Tkemlúps te Secwépemc:

(a) fraudulent financial reporting;

(b) fraudulent non-financial reporting;

(c) misappropriation of assets; and

(d) corruption and illegal acts.

Operational Controls

73. Tkuk̓wenm7íple7 (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 Tk̓emlúps te Secwépemc's operations.

DIVISION 7 - Financial Reporting

GAAP

74. All accounting practices of Tk̓emlúps te Secwépemc must comply with GAAP.

Separate Accounting

75.(1) The chief financial officer must account for local revenues of Tk̓emlúps te Secwépemc separately from other moneys of Tk̓emlúps te Secwépemc.

(2) If Tk̓emlúps te Secwépemc has a loan from the First Nations Finance Authority that is secured by other revenues, the chief financial officer must

(a) account for all other revenues of Tk̓emlúps te Secwépemc separately from other moneys of Tk̓emlúps te Secwépemc, and

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

Monthly Financial Information

76.(1) The chief financial officer must prepare monthly financial information respecting the financial affairs of Tk̓emlúps te Secwépemc in the form and with the content approved by Tkuk̓wenm7íple7 (Council) on the recommendation of the Finance and Audit Committee.

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

Quarterly Financial Statements

77.(1) At the end of each quarter of the fiscal year, the chief financial officer must prepare financial statements for Tk̓emlúps te Secwépemc for that quarter in the form and with the content approved by Tkuk̓wenm7íple7 (Council) on the recommendation of the Finance and Audit Committee.

(2) The chief financial officer must provide the quarterly financial statements in subsection (1) to the Finance and Audit Committee, Tkuk̓wenm7íple7 (Council) and the chief administrative officer 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 Tkuk̓wenm7íple7 (Council).

Annual Financial Statements

78.(1) This section does not apply to the annual financial statements respecting local revenues referred to in section 79.

(2) At the end of each fiscal year the chief financial officer must prepare the annual financial statements of Tk̓emlúps te Secwépemc for that fiscal year in accordance with GAAP.

(3) The annual financial statements must be prepared in a form approved by Tkuk̓wenm7íple7 (Council) on the recommendation of the Finance and Audit Committee.

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

(5) The chief financial officer 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 Tkuk̓wenm7íple7 (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 83(1).

Local Revenues Annual Financial Statements

79.(1) The chief financial officer must prepare, at least once each calendar year, separate annual financial statements respecting Tk̓emlúps te Secwépemc's local revenues in accordance with the FMB's *Local Revenue Financial Reporting Standards.*

(2) Tkuk̓wenm7íple7 (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 the FMB's *Local Revenue Financial Reporting Standards* permit Tk̓emlúps te Secwépemc 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 Tk̓emlúps te Secwépemc chooses to report on its local revenues in that manner.

Special Purpose Reports

80.(1) The chief financial officer 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 10;

(c) a report setting out all debts or obligations forgiven by Tk̓emlúps te Secwépemc;

(d) a report setting out the information required in paragraph 68(3)(c);

(e) a report setting out any gifts accepted by any Tk̓wenm7íple7 (Councillor) with a value greater than five hundred dollars ($500) and which is required to be disclosed in accordance with Schedule section 6(3); and

(f) any other report required under the Act or an agreement with Tk̓emlúps te Secwépemc.

(2) The chief financial officer may prepare a special purpose report on a basis of accounting other than GAAP if necessary to comply with any reporting obligations Tk̓emlúps te Secwépemc has under an agreement.

Appointment of Auditor

81.(1) Tk̓emlúps te Secwépemc must appoint an auditor for each fiscal year to hold office until the later of

(a) the end of Tkuk̓wenm7íple7 (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 Tk̓emlúps te Secwépemc, an auditor must

(a) be independent of Tk̓emlúps te Secwépemc, its related bodies, Tkuk̓wenm7íple7 (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 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 Tk̓emlúps te Secwépemc 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 Tk̓emlúps te Secwépemc in writing of the circumstances, and

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

Auditor's Authority

82.(1) To conduct an audit of the annual financial statements of Tk̓emlúps te Secwépemc, the auditor must be given access to

(a) all records of Tk̓emlúps te Secwépemc for examination or inspection and given copies of these records on request, and

(b) any Tk̓wenm7íple7 (Councillor), officer, employee, contractor or agent of Tk̓emlúps te Secwépemc 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 Tk̓emlúps te Secwépemc 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) Tkuk̓wenm7íple7 (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 Tk̓emlúps te Secwépemc.

(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 Tkuk̓wenm7íple7 (Council) by a recorded vote if the subject matter relates to the retaining or dismissal of the auditor.

Assurance Requirements

83.(1) The auditor must provide an audit report on the annual financial statements referred to in section 78 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 76 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 78 and 79 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 80.

Review of Audited Annual Financial Statements

84.(1) This section does not apply to the annual financial statements respecting local revenues referred to in section 79.

(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) Tkuk̓wenm7íple7 (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

85.(1) Before the annual financial statements referred to in both sections 78 and 79 may be published or distributed, they must

(a) be approved by Tkuk̓wenm7íple7 (Council),

(b) be signed by

(i) Kúkpi7 (Chief) of Tk̓emlúps te Secwépemc or Tkuk̓wenm7íple7 (Council) chair,

(ii) the chair of the Finance and Audit Committee, and

(iii) the chief financial officer, and

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

(2) The audited annual financial statements referred to in section 78 must be available for inspection by members of Tk̓emlúps te Secwépemc at the principal administrative offices of Tk̓emlúps te Secwépemc 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 Tk̓emlúps te Secwépemc during normal business hours:

(a) the audited annual financial statements respecting local revenues referred to in section 79 or

(b) the audited annual financial statements referred to in section 78 if those statements include a report on local revenues as a distinct segment of the activities that appear in those statements.

Annual Report

86.(1) No later than one hundred and eighty (180) days after the end of each fiscal year, Tkuk̓wenm7íple7 ̓(Council) must publish an annual report on the operations and financial performance of Tk̓emlúps te Secwépemc 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 Tk̓emlúps te Secwépemc, and

(b) a progress report on any established objectives and performance measures of Tk̓emlúps te Secwépemc.

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

(a) the audited annual financial statements referred to in section 78 and 79 for the previous year, and

(b) any special purpose reports referred to in section 80, including the auditor's report.

(4) The chief administrative officer in consultation with the chief financial officer must provide the annual report referred to in subsection (1)

(a) to a member of Tk̓emlúps te Secwépemc as soon as practicable after a request is made by the member,

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

(c) ̓to any financial institution as soon as practicable after the report's publication, of which Tk̓emlúps te Secwépemc is a borrower.

(5) Tkuk̓wenm7íple7 (Council) must establish policies and procedures respecting an accessible process and remedy available to members of Tk̓emlúps te Secwépemc who have requested but have not been provided with the annual report of Tk̓emlúps te Secwépemc or access to the audited annual financial statements and special purpose reports incorporated by reference in the annual report.

(6) The policies and procedures referred to in subsection (5) must require

(a) the maintenance of a register for the annual report that

(i) identifies all members of Tk̓emlúps te Secwépemc who have requested a copy of the annual report, or the audited annual financial statements or special purpose reports incorporated by reference in the annual report,

(ii) the date each request was received, and

(iii) the date the requested documents were provided to a requesting member, and

(b) the chief administrative officer in consultation with the chief financial officer to report quarterly to the Finance and Audit Committee on the steps taken to ensure compliance with subsection (4) and the policy and procedures made under subsection (5).

DIVISION 8 - Information and Information Technology

Ownership of Records

87.(1) All records that are produced by or on behalf of Tk̓emlúps te Secwépemc or kept, used or received by any person on behalf of Tk̓emlúps te Secwépemc are the property of Tk̓emlúps te Secwépemc.

(2) Tkuk̓wenm7íple7 (Council) must establish policies and procedures to ensure that the records referred to in subsection (1) remain the property of Tk̓emlúps te Secwépemc.

Record Keeping and Maintenance

88.(1) The chief administrative officer and the chief financial officer must ensure that Tk̓emlúps te Secwépemc prepares, maintains, stores and keeps secure all of Tk̓emlúps te Secwépemc's records that are required under this Law or any other applicable law.

(2) Tk̓emlúps te Secwépemc's records may not be destroyed or disposed of except as permitted by, and in accordance with, the policies and procedures of Tk̓emlúps te Secwépemc.

(3) All financial records of Tk̓emlúps te Secwépemc must be stored for at least seven (7) years after they were created.

(4) Tkuk̓wenm7íple7 (Council) must establish policies and procedures respecting access of any persons to First Nation's records.

Confidentiality of Information

89.(1) No person may be given access to Tk̓emlúps te Secwépemc's records containing confidential information except as permitted by, and in accordance with, the policies and procedures of Tk̓emlúps te Secwépemc.

(2) All persons who have access to Tk̓emlúps te Secwépemc's records must comply with all policies and procedures of Tk̓emlúps te Secwépemc respecting the confidentiality, control, use, copying or release of that record or information contained in those records.

Account Records

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

(2) If Tk̓emlúps te Secwépemc has a loan from the First Nations Finance Authority that is secured by other revenues, the chief financial officer must prepare, maintain, store and keep secure a complete set of all records respecting other revenues of Tk̓emlúps te Secwépemc, 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

91. Tkuḵwenm7íple7 (Council) must establish policies and procedures respecting information technology used by Tk̓emlúps te Secwépemc in its operations to ensure the integrity of Tk̓emlúps te Secwépemc's financial administration system and its database.

PART V - Tangible Capital Assets

Definitions

92. In this Part,

"Tk̓emlúps te Secwépemc tangible capital assets" means all non-financial assets of Tk̓emlúps te Secwépemc 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 of Tk̓emlúps te Secwépemc tangible capital assets as described in section 95; and

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

Council General Duties

93. Tkuḵwenm7íple7 (Council) must take reasonable steps to ensure that Tk̓emlúps te Secwépemc 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

94. Tkuḵwenm7íple7 (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

95.(1) The chief administrative officer in consultation with the chief financial officer must establish and keep current a register of Tḵemlúps te Secwépemc 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 Tkuḵwenm7íple7 (Council).

(2) On or before November 30 of each year, the chief administrative officer must arrange for the inspection and review of the state of each of Tḵemlúps te Secwépemc 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 administrative officer in consultation with the chief financial officer, must prepare the following:

(a) for routine maintenance of Tk̓emlúps te Secwépemc tangible capital assets,

(i) a schedule of maintenance for Tk̓emlúps te Secwépemc tangible capital assets for the next fiscal year,

(ii) , five (5), ten (10) and thirty (30) year forecasts of the estimated cost for maintenance of Tk̓emlúps te Secwépemc tangible capital assets, and

(iii) the budget for maintenance of Tk̓emlúps te Secwépemc tangible capital assets for the next fiscal year; and

(b) for tangible capital asset projects,

(i) a schedule of tangible capital asset projects for the next fiscal year,

(ii) five (5), ten (10) and thirty (30) year forecasts of the estimated cost of tangible capital asset projects, and

(iii) the budget for tangible capital asset projects for the next fiscal year.

(4) Tkuk̓wenm7íple7 (Council) must establish policies and procedures respecting

(a) a life-cycle management program for Tk̓emlúps te Secwépemc tangible capital assets, and

(b) tangible capital asset projects.

Review by Finance and Audit Committee

96. On or before January 15 of each year, the Finance and Audit Committee must review the information, schedules and budget prepared under section 95 for the following purposes:

(a) to know the effect that each tangible capital asset project included in the budget will have on the annual operating costs and routine maintenance costs in future years; and

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

Reports on Tangible Capital Asset Projects

97. The chief administrative officer in consultation with the chief financial officer must regularly report to the Finance and Audit Committee on the following subjects:

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

(b) the status of a tangible capital asset project, including

(i) a comparison of expenditures to date with the tangible capital asset 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; and

(c) steps taken to ensure compliance with subsection 98(2) for every tangible capital asset project.

Tangible Capital Asset Projects Management

98.(1) Tkuk̓wenm7íple7 (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).

Consultants

99. The chief administrative officer or the chief financial officer may retain the services of a professional engineer or other consultant to assist the chief administrative officer, the chief financial officer, the Finance and Audit Committee and Council to carry out their obligations under this Part.

Policy for Information or Involvement of First Nation Members

100. Tkuk̓wenm7íple7 (Council) must establish policies and procedures for

(a) the provision of information to Tk̓emlúps te Secwépemc members respecting tangible capital asset projects, or

(b) the involvement of Tk̓emlúps te Secwépemc members in consideration of tangible capital asset projects.

PART VI - Reporting Breaches

Reports of Breaches and Financial Irregularities, etc.

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

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

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

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

(d) a person has failed to comply with the Schedule that forms part of this Law,

the person may disclose the circumstances to the chief administrative officer, the chief financial officer, the chair of the Finance and Audit Committee, or Kúkpi7 (Chief).

(2) If a Tk̓wenm̓7íple7 (Councillor) becomes aware of any circumstances described under subsection (1), the Tk̓wenm̓7íple7 (Councillor) must report them to the chief administrative officer, the chief financial officer, or the chair of the Finance and Audit Committee.

(3) If an officer, employee, contractor or agent of Tk̓emlúps te Secwépemc 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 administrative officer, the chief financial officer, the chair of the Finance and Audit Committee, or Kúkpi7 (Chief).

Inquiry into Report

102.(1) If a report is made to the chief administrative officer or the chief financial officer under subsection 101(3), the chief administrative officer or the chief financial officer who received the report must inquire into the circumstances reported and report the findings to the Finance and Audit Committee and Tkuk̓wenm̓7íple7 (Council) as soon as practicable.

(2) If a report is made to the chair of the Finance and Audit Committee under section 101, the chair must inquire into the circumstances reported and report the findings to the Finance and Audit Committee as soon as practicable.

(3) If a report is made to Kúkpi7 (Chief) under section 101, Kúkpi7 (Chief) must request the chief administrative officer or the chief financial officer to inquire into the circumstances reported and report the findings to the Finance and Audit Committee and Tkuk̓wenm̓7íple7 (Council) as soon as practicable.

(4) 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 Tkuk̓wenm̓7íple7 (Council) respecting any circumstances reported to the Committee under this section, including the Committee's recommendations, if any.

Protection of Parties

103.(1) All reasonable steps must be taken by the chief administrative officer, the chief financial officer, members of the Finance and Audit Committee, and the Tkuk̓wenm̓7íple7 (Councillors) to ensure that the identity of the person who makes a report under section 101 is kept confidential to the extent practicable in all the circumstances.

(2) A person who makes a report in good faith under section 101 must not be subjected to any form of reprisal by Tk̓emlúps te Secwépemc or by a Tk̓wenm̓7íple7 (Councillor), officer, employee, contractor or agent of Tk̓emlúps te Secwépemc as a result of making that report.

(3) The chief administrative officer, the chief financial officer, members of the Finance and Audit Committee, and Tkuk̓wenm̓7íple7 (Councillors) must take all necessary steps to ensure that subsection (2) is not contravened and must report any contravention or suspected contravention to Tkuk̓wenm̓7íple7 (Council).

(4) Tkuk̓wenm̓7íple7 (Council) must establish policies and procedures

(a) for the recording and safeguarding of reports made under section 101 and any records prepared during the inquiry or investigation into those reports;

(b) for the inquiry or investigation into reports made under section 101; and

(c) concerning the fair treatment of a person against whom a report has been made under section 101.

Liability for Improper Use of Money

104.(1) A Tk̓wenm7íple7 (Councillor) who votes for a resolution authorizing an amount to be expended, invested or used contrary to this Law or Tk̓emlúps te Secwépemc's local revenue law is personally liable to Tk̓emlúps te Secwépemc for that amount.

(2) Subsection (1) does not apply if the Tk̓wenm7íple7 (Councillor) relied on information provided by an officer or employee of Tk̓emlúps te Secwépemc 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 Tk̓emlúps te Secwépemc under subsection (1) may be recovered for Tk̓emlúps te Secwépemc by Tk̓emlúps te Secwépemc, a member of Tk̓emlúps te Secwépemc or a person who holds a security under a borrowing made by Tk̓emlúps te Secwépemc.

(4) It is a good defence to any action brought against an officer or employee of Tk̓emlúps te Secwépemc for unauthorized expenditure, investment or use of Tk̓emlúps te Secwépemc's financial assets if it is proved that the officer or employee gave a written and signed warning to Tuk̓wenm7íple7 (Council) that in his or her opinion, the expenditure, investment or use would be unlawful.

Indemnification against Proceedings

105.(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);

"First Nation official" means a current or former Tk̓wenm7íple7 (Councillor), officer or employee of Tk̓emlúps te Secwépemc.

(2) Subject to subsection (3), Tuk̓wenm7íple7 (Council) may by resolution indemnify or provide for the indemnification of a named First Nation official, a category of First Nation official or all First Nation officials in accordance with the terms specified in the resolution.

(3) Tuk̓wenm7íple7 (Council) may not pay a fine that is imposed as a result of a First Nation official's conviction for an offence unless the offence is a strict or absolute liability offence.

PART VII - Miscellaneous

FMB Standards

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

(2) If Tkuk̓wenm7íple7 (Council) becomes aware that Tk̓emlúps te Secwépemc is not complying with a FMB standard referred to in subsection (1), Tkuk̓wenm7íple7 (Council) must as soon as practicable take the required actions to bring Tk̓emlúps te Secwépemc into compliance with the FMB standard.

Delegated Authority for Local Revenues

107.(1) This section applies to Tk̓emlúps te Secwépemc 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 Tk̓emlúps te Secwépemc under section 53 of the Act that third-party management of Tk̓emlúps te Secwépemc's local revenues is required, Tkuk̓wenm7íple7 (Council) of Tk̓emlúps te Secwépemc delegates to the FMB

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

(b) any other of Tkuk̓wenm7íple7's (Council's) powers required to give effect to third-party management of Tk̓emlúps te Secwépemc's local revenues and local revenue account under the Act.

Delegated Authority for Other Revenues

108.(1) This section applies to Tk̓emlúps te Secwépemc 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 Tk̓emlúps te Secwépemc under section 53 of the Act that third-party management of Tk̓emlúps te Secwépemc's other revenues is required, Tkuk̓wenm7íple7 (Council) of Tk̓emlúps te Secwépemc 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 Tkuk̓wenm7íple7's (Council's) powers required to give effect to third-party management of Tk̓emlúps te Secwépemc's other revenues under the Act.

Periodic Review and Changes of Law

109.(1) On a regular, periodic basis established by a policy of Tkuk̓wenm7íple7 (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 Tk̓emlúps te Secwépemc; and

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

(2) Tkuk̓wenm7íple7 (Council) must establish policies and procedures for

(a) the provision of information to members of Tk̓emlúps te Secwépemc respecting any proposed amendment of this Law; or

(b) the involvement of members of Tk̓emlúps te Secwépemc in consideration of an amendment to this Law.

(3) Tkuk̓wenm7íple7 (Council) must post a public notice of each Council meeting when a proposed amendment to this Law is presented for approval.

(4) Members of Tk̓emlúps te Secwépemc may attend that part of Tkuk̓wenm7íple7 (Council) meeting when the matter referred to in subsection (3) is being considered.

(5) If Tk̓emlúps te Secwépemc 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.

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

Repeal

110. The *Tk̓emlúps te Secwépemc Financial Administration Law, 2019* is hereby repealed in its entirety.

Coming into Force

111. (1) This entire law comes into force on the day after this Law is approved by the FMB under section 9 of the Act.

THIS LAW IS HEREBY DULY ENACTED by Council on the 30th day of October, 2023, at Kamloops, in the Province of BC at a duly called and conducted Council meeting at which the required quorum of four (4) members of Council was present throughout.

Kúkpi7 (Chief) Rosanne Casimir

Tkwenm7íple7 (Councillor) Marie Baptiste

Tkwenm7íple7 (Councillor) Thomas Blank

Tkwenm7íple7 (Councillor) Nickole Fraser

Tkwenm7íple7 (Councillor) Joshua Gottfriedsen

Tkwenm7íple7 (Councillor) Justin Gottfriedson

Tkwenm7íple7 (Councillor) David Manuel

Tkwenm7íple7 (Councillor) Nicole Morning-Star Peters

SCHEDULE – Conflicts Of Interest

PART I - Interpretation

Interpretation

1.(1) In this Schedule:

"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 (1) year in a marriage-like relationship; and

"this Law" means the 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 3 and 5 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.

Definition of Conflict of Interest

2.(1) In this Schedule:

"Identified Individual" means:

(a) a member of Re Kúkwpi7 ell re Tkuḵwenm7íple7 (Chief and Council);

(b) a Tḵemlúps te Secwépemc employee; or

(c) a member of a Tḵemlúps te Secwépemc committee

"Perceived Conflict of Interest" means a situation in which an Identified Individual's personal relationship(s) or financial interest(s) could reasonably be perceived by an independent third party as conflicting with the Identified Individual's duty to act in the best interests of Tḵemlúps te Secwépemc membership as a whole, or in the best interests of any entity that is wholly or partly owned by Tḵemlúps te Secwépemc. For clarity, in this Schedule a "conflict of interest" is the same as a Perceived Conflict of Interest.

(2) In this Schedule, an Identified Individual with a Perceived Conflict of Interest must:

(a) disclose the Perceived Conflict of Interest, using the prescribed disclosure form, as soon as the Identified Individual becomes aware of it (the "Matter");

(b) leave the room or meeting in which the Matter is being discussed for the duration of the discussion; and

(c) must not take part in any discussion or vote on any decision respecting the Matter in which the Identified Individual has a conflict of interest.

(3) If there is any doubt about whether a Perceived Conflict of Interest exists, Tk̓emlúps te Secwépemc requires the Identified Individual to err on the side of caution and follow the procedure set out in subsection (2).

(4) In the event that an Identified Individual with a Perceived Conflict of Interest is an employee and it is in the best interests of Tk̓emlúps te Secwépemc that that employee's job position be represented in dealing with the Matter, the supervising chief administrative officer or the chief financial officer must appoint another individual to temporarily fill the employee's position for the purpose of dealing with the Matter.

(5) In the event that the chief administrative officer or the chief financial officer has a Perceived Conflict of Interest in a Matter, the other executive manager must temporarily fill the position of the executive manager with the Perceived Conflict of Interest for the purpose of dealing with the Matter.

(6) In the event that both the chief administrative officer and the chief financial officer have a Perceived Conflict of Interest in a Matter, Tkuk̓wenm7íple7 (Council) shall appoint another individual to temporarily fill the role of executive manager for the purpose of dealing with the Matter.

(7) In this Schedule, an Identified Individual has a Perceived Conflict of Interest when

(a) 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; or

(b) individual has a Perceived 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 could reasonably be affected by the individual's private interests.

(8) In this Schedule, an Identified Individual's "private interests" means the individual's personal, family and business interests.

(9) Despite subsection (7), an Identified 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 Tk̓emlúps te Secwépemc of which the individual is a member; 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.

(10) Each determination of a Perceived Conflict of Interest must be made on a case-by-case basis.

(11) In general, any Tk̓emlúps te Secwépemc decision (whether made by Re Kúkwpi7 ell re Tkuk̓wenm7íple7 (Chief and Council), employees or committee members) that directly impacts a

family member or close friend of that Identified Individual in a way that does not impact the majority of members of Tk̓emlúps te Secwépemc, will typically be a Perceived Conflict of Interest.

PART II - Tkuk̓wenm7íple7 (Councillors) and Committee Members

Application

3. This Part applies to all Tkuk̓wenm7íple7 (Councillors) of Tk̓emlúps te Secwépemc and, where applicable, to all members of Council committees.

General Obligations

4.(1) Tkuk̓wenm7íple7 (Councillors) must avoid circumstances that could result in the Tkuk̓wenm7íple7 (Councillors) having a Perceived Conflict of Interest.

(2) Tkuk̓wenm7íple7 (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 a reserve held under

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

(b) Tk̓emlúps te Secwépemc's traditional land holding system pursuant to a Council resolution.

(2) A Tk̓wenm7íple7 (Councillor) must file a written disclosure of the following information with the chief administrative officer and the chief financial officer:

(a) the names of the Tk̓wenm7íple7's (Councillor's) spouse;

(b) real property owned by the Tk̓wenm7íple7 (Councillor) or the Tk̓wenm7íple7's (Councillor's) spouse; and

(c) business interests of the Tk̓wenm7íple7 (Councillor) or the Tk̓wenm7íple7's (Councillor's) spouse.

(3) A Tk̓wenm7íple7 (Councillor) must file a written disclosure under subsection (2) on the following occasions:

(a) within thirty (30) days of being elected to Tkuk̓wenm7íple7 (Council);

(b) as soon as practicable after a material change in the information previously disclosed; and

(c) on April 15 of each year that the Tk̓wenm7íple7 (Councillor) holds office.

(4) The chief administrative officer must establish and maintain a register of all information disclosed by a Tk̓wenm7íple7 (Councillor) under this section and section 6 of this Schedule.

Gifts and Benefits

6.(1) A Tkwenm7íple7 (Councillor) or a Tkwenm7íple7's (Councillor's) spouse must not accept a gift or benefit that might reasonably be seen to have been given to influence the Tkwenm7íple7 (Councillor) in the exercise of the Tkwenm7íple7's (Councillor's) powers or performance of the Tkwenm7íple7's (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 Tkwenm7íple7's (Councillor's) office,

(ii) normal exchanges common to business relationships, or

(iii) normal exchanges common at public cultural events of Tkemlúps te Secwépemc;

(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 which the policies or procedures of Tkemlúps te Secwépemc have determined would be acceptable if offered by Tkemlúps te Secwépemc to another person.

(3) Where a gift with a value greater than five hundred dollars ($500) is given to a Tkwenm7íple7 (Councillor) or a Tkwenm7íple7's (Councillor's) spouse, the Tkwenm7íple7 (Councillor) must make a written disclosure of the gift to the chief administrative officer and the chief financial officer under section 5 of this Schedule, and the gift must be treated as the property of Tkemlúps te Secwépemc.

(4) Subsection (3) does not apply to a gift received during a public cultural event of Tkemlúps te Secwépemc.

Procedure for Addressing Conflict of Interest

7.(1) As soon as a Tkwenm7íple7 (Councillor) becomes aware of circumstances in which the Tkwenm7íple7 (Councillor) has a Perceived Conflict of Interest, the Tkwenm7íple7 (Councillor) must disclose the circumstances of the conflict of interest at the next Council meeting.

(2) A Tkwenm7íple7 (Councillor) must leave any part of a Council meeting where the circumstances in which the Tkwenm7íple7 (Councillor) has a Perceived Conflict of Interest are being discussed or voted on and must act in accordance with sections 2(2)(a) to (c) and 2(3) of this Schedule.

(3) The minutes of a Council meeting must record the Tkwenm7íple7's (Councillor's) disclosure under subsection (1) and note the Tkwenm7íple7's (Councillor's) absence from Tkukwenm7íple7 (Council) meeting when the circumstances in which the Tkwenm7íple7 (Councillor) has a Perceived Conflict of Interest were being discussed or voted on.

(4) A T̓kwenm7íple7 (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 T̓kwenm7íple7 (Councillor) has a Perceived Conflict of Interest.

Procedure for Undisclosed Conflict of Interest

8.(1) If a T̓kwenm7íple7 (Councillor) has reason to believe that another T̓kwenm7íple7 (Councillor) has a a Perceived Conflict of Interest in respect of a matter before Tuk̓wenm7íple7 (Council), the T̓kwenm7íple7 (Councillor) may request clarification of the circumstances at a Council meeting.

(2) If, as a result of a clarification discussion under subsection (1), a T̓kwenm7íple7 (Councillor) is alleged to have a a Perceived Conflict of Interest and the T̓kwenm7íple7 (Councillor) does not acknowledge the Percived Conflict of Interest and take the actions required under section 7 of this Schedule, Tuk̓wenm7íple7 (Council) must determine whether the T̓kwenm7íple7 (Councillor) has a Perceived Conflict of Interest before Tuk̓wenm7íple7 (Council) considers the matter referred to in subsection (1).

(3) The minutes of Tuk̓wenm7íple7 (Council) meeting must record any determination made by Tuk̓wenm7íple7 (Council) under subsection (2).

(4) If Tuk̓wenm7íple7 (Council) determines under subsection (2) that a T̓kwenm7íple7 (Councillor) has a Perceived Conflict of Interest, the T̓kwenm7íple7 (Councillor) must comply with section 7 of this Schedule.

Obligations of Committee Members

9.(1) This section applies to all members of T̓kwenm7íple7 (Council) committees.

(2) Sections 4, 6, 7, 8, 21, and 22 of this Schedule apply to a member of a T̓kwenm7íple7 (Council) committee and all references in those sections to

(a) a T̓kwenm7íple7 (Councillor) are considered to be references to a member of a T̓kwenm7íple7 (Council) committee; and

(b) a T̓kwenm7íple7 (Council) meeting are considered to be references to a committee meeting.

PART III - Officers and Employees

Application

10. This Part applies to all officers and employees of T̓kemlúps te Secwépemc.

General Obligations

11.(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 T̓kemlúps te Secwépemc.

(2) An officer or employee must avoid circumstances that could result in the officer or employee having a a Perceived 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 administrative officer and the chief financial officer must ensure that every officer and employee is informed of their obligations under this Part and must take steps to ensure that employees comply with these obligations.

Disclosure of Conflict of Interest

12. If an officer or employee believes he or she has a Perceived Conflict of Interest, the officer or employee must

(a) disclose the circumstances in writing as soon as practicable to the chief administrative officer or the chief financial officer or, in the case of the chief administrative officer or the chief financial officer, to Tkuk̓wenm7íple7 (Council); and

(b) must act in accordance with sections 2(1) to 2(6) of this Schedule and refrain from participating in any discussions or decision-making respecting the circumstances of the Perceived Conflict of Interest until advised by the chief administrative officer, the chief financial officer or Tkuk̓wenm7íple7 (Council), as the case may be, on actions to be taken to avoid or mitigate the conflict of interest.

Gifts or Benefits

13.(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 Tk̓emlúps te Secwépemc;

(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 procedures of Tk̓emlúps te Secwépemc have determined would be acceptable if offered by Tk̓emlúps te Secwépemc to another person.

Outside Employment and Business Interests

14.(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 administrative officer or the chief financial officer or, in the case of the chief administrative officer or the chief financial officer, to Tkuk̓wenm7íple7 (Council).

(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.

Tkemlúps te Secwépemc Property and Services

15.(1) Officers and employees must not use any personal property or services of Tkemlúps te Secwépemc for any purposes unrelated to performance of their duties or functions unless that use is otherwise acceptable under the policies or procedures of Tkemlúps te Secwépemc.

(2) Officers and employees must not acquire any personal property of Tkemlúps te Secwépemc unless it is done in accordance with policies or procedures of Tkemlúps te Secwépemc.

PART IV - Contractors

Application

16.(1) This Part applies to all contractors of Tkemlúps te Secwépemc, other than a person who has an employment contract with Tkemlúps te Secwépemc.

(2) In this Part, a reference to a contractor includes a reference to each employee or agent of the contractor who is engaged to perform duties or functions under the contract with Tkemlúps te Secwépemc.

Contractor Acting as Officer or Employee

17. If a contractor is retained to exercise the powers or perform the duties or functions of an officer or employee, the contractor must comply with Part III of this Schedule as if the contractor were an officer or employee of Tkemlúps te Secwépemc.

General Obligations

18.(1) A contractor must act at all times with integrity and honesty

(a) in its dealings with Tkemlúps te Secwépemc; and

(b) in its dealing with any third party when the contractor is representing or acting on behalf of Tkemlúps te Secwépemc.

(2) A contractor must not attempt to obtain preferential treatment from Tkemlúps te Secwépemc by offering gifts or benefits that a Tkwenm7íple7 (Councillor), committee member, officer or employee is prohibited from accepting under this Schedule.

(3) A contractor must ensure that every employee or agent of the contractor who is engaged to perform duties or functions under the contract with Tkemlúps te Secwépemc is informed of their obligations under this Part and must take steps to ensure that these employees or agents comply with these obligations.

Business Opportunities

19. A contractor must not take advantage of a business or investment opportunity being considered by Tk̓emlúps te Secwépemc and which the contractor becomes aware of while performing services for Tk̓emlúps te Secwépemc unless Tk̓emlúps te Secwépemc has determined not to pursue the opportunity.

First Nation Property and Services

20. If a contractor has been provided the use of any property or services of Tk̓emlúps te Secwépemc in order to perform services for Tk̓emlúps te Secwépemc, the contractor must not use the property or services for any purposes unrelated to performance of those services.

PART V - Confidential Information

Interpretation

21.(1) In this section:

"Confidential Information" means:

(a) any information disclosed (directly or indirectly) that is in written, graphic, machine readable or other tangible form that is marked "Confidential," "Proprietary", or is orally identified as confidential at the time of disclosure;

(b) traditional knowledge that is disclosed as "traditional knowledge", regardless of whether it is in written or oral form ("Traditional Knowledge");

(c) oral information that is not Traditional Knowledge and which is disclosed (directly or indirectly), provided that such information is designated as confidential at the time of disclosure;

(d) information otherwise reasonably expected to be treated in a confidential manner under the circumstances of disclosure or by the nature of the information itself. Confidential Information may include information of a third party and is disclosed without breach of any confidential obligation owed to the third party; and

(e) any information that is considered confidential may be shared internally without breach between Tk̓emlúps te Secwépemc employees, officers and Tkuk̓wenm7íple7 (Councillors) only to the extent the information is required while performing their duties or functions. The confidential information must be treated in a confidential manner at all times and must not be disclosed externally under any circumstances or unless approved by resolution and signed by a quorum of Tkuk̓wenm7íple7 (Council).

Tkuk̓wenm7íple7 (Councillors) and Committee Members

22.(1) Tkuk̓wenm7íple7 (Councillors) must keep confidential all information that the Tkuk̓wenm7íple7 (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 Tk̓emlúps te Secwépemc.

(2) Tkuk̓wenm7íple7 (Councillors) must only use confidential information referred to in section (21) of this Schedule for the specific purposes for which it was provided to the Tkuk̓wenm7íple7 (Councillors).

(3) Tkuk̓wenm7íple7 (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.

Officers and Employees

23.(1) An officer or employee must keep confidential all information as described in section (21) of this Schedule 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 Tk̓emlúps te Secwépemc.

(2) An officer or employee must only use any confidential information referred to in section 21 of this Schedule 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.

Contractors

24. (1) A contractor must keep confidential all information as described in section (21) of this Schedule that the contractor receives in the course of performing their duties or functions unless the information is generally available to members of the public.

(2) A contractor must only use any confidential information referred to in section (21) of this Schedule for the specific purposes for which it was provided to the contractor.

(3) A contractor must not make use of any information received in the course of performing its duties or functions to benefit the contractor's interests or those of the contractor's relatives, friends or associates.