

SAWRIDGE FIRST NATION

FINANCIAL ADMINISTRATION ACT

**Introduced At A General Assembly Held February 20, 2010
Pursuant to Provisions of the Sawridge Constitution**

First Reading ó February 20, 2010

Second Reading ó March 27, 2010

Third Reading ó April 24, 2010

Came into Force ó April 24, 2010

*An Act to provide for the financial administration
of the Government of the Sawridge First Nation,
the establishment and maintenance of the accounts of the First Nation,
and the control of its agencies and institutions.*

Short Title

1. This Act may be cited as the *Sawridge Financial Administration Act*.

Interpretation

- 2.(1) In this Act,

“appropriate member of Council” means,

- (a) with respect to an agency named in Schedule I, the Council member designated to preside over the agency;
- (b) with respect to an agency, commission, or body created by an Order or Regulation, the Council member designated as responsible by the Order or Regulation;
- (c) with respect to any body established by the Sawridge First Nation Constitution or by law, member of Council designated to act as Chairperson of the body;

“appropriation” means

- (a) any authority of the General Assembly to pay money out of Sawridge funds; or
- (b) any provision in this or another Act that expressly authorizes payment of Sawridge funds;

“authorized agent” means any person authorized by the Sawridge First Nation Council to act as the Council’s agent for specified purposes;

“banking instrument” means a negotiable instrument including a cheque, draft, traveller’s cheque, bill of exchange, postal note, money order, postal remittance, or other similar instrument.

“chair of the Audit and Compensation Committee” means the person selected by that Committee as its chair;

“Chief” means the duly-elected Chief of the Sawridge First Nation;

“designated money” means money received on behalf of another person or entity, or for a specified purpose;

“estimates” means the estimates of revenues and expenditure for a fiscal year presented to the General Assembly, including main estimates and any supplementary estimates;

“expenditure” means amounts appropriated for payments, amortization, allowances for doubtful accounts or other non-cash expenditures;

“First Nation” means, unless otherwise specified, the Sawridge First Nation;

“fiscal year” means the period beginning on April 1 in one year and ending on March 31 in the next year;

“liability” means a financial obligation of the Sawridge Government that is incurred during the fiscal year, regardless of when it is payable;

“pension fund” means a pension fund

- (a) established through an Act of the General Assembly;
- (b) held in trust by the Sawridge government or a Sawridge officer;
- (c) that has been established for the benefit of employees of any part or all of the Sawridge government;

“Sawridge company” means a body constituted pursuant to Sawridge law to operate at arms length from the Council of the First Nation but reporting to it through a member of the Council;

“Sawridge controlled-company” means a body that is an agent of the Sawridge government, and

- (a) of which the Sawridge First Nation or its government owns, directly or indirectly, more than 50% of the issued voting shares,
- (b) of which has a majority of the members of the company or of its board of directors or board of management who have been appointed by the Sawridge government or any of its agencies

“Sawridge funds” means

- (a) the aggregate of all moneys that are on deposit directly or indirectly to the credit of the Sawridge First Nation and/or
- (b) any banking instrument to the credit of or belonging to the Sawridge First Nation;
- (c) any money belonging to the Sawridge First Nation received by or collected by an official of the First Nation in his/her official capacity or any person authorized to receive or collect such money, including money

borrowed by the First Nation or received through the issue or sale of securities;

“Sawridge government” is the total governing structure of the Sawridge First Nation and presided over by the Council, but does not include agencies, companies, trusts, authorities, institutions or other bodies which are stipulated to be at arm’s length from the Sawridge government;

“Sawridge official” includes members of the Sawridge Council and any body established by the Sawridge Constitution and any person employed by any Sawridge body in the administration of Sawridge affairs;

“Sawridge property” means all property, other than Sawridge funds or securities, which belongs to the Sawridge First Nation or any of its agencies or bodies;

“service contractor” means

- a) a person or company whose services are engaged by the Sawridge Government in consideration of the payment of a fee,
- b) a person who contracts to provide the services of one or more individuals to the Government in consideration of the payment of a fee;

“special purpose fund” means money that is paid to the Sawridge Government or a public officer under or pursuant to a law, trust, undertaking or contract to be disbursed for a purpose specified in or pursuant to the law, trust, undertaking or contract.

2.2 Where there is a conflict between the terms of this Act and the terms of any other enactment, this Act shall prevail to the extent of the conflict, unless this Act otherwise provides or another Act specifically states that it operates notwithstanding this Act.

2.3 This Act binds the Sawridge Government.

PART I

ORGANIZATION

Principal Management Officer

1. The principal management officer to administer the affairs of the Sawridge First Nation shall be appointed by the Council of the First Nation.

Principal Financial Officer

2. (1). The Chief of the First Nation is responsible for the management of the finances of the Sawridge First Nation affairs within the framework set out in this Act.
 - a. The Chief may delegate responsibility for the First Nation's financial affairs to a Councillor by announcing the delegation at a General Assembly.
 - b. The Chief or alternatively the Councillor so designated by the Chief will have the title of "Principal Financial Officer".
 - c. The Principal Financial Officer, pursuant to this Act or any other Act, shall be responsible for matters relating to the fiscal policy of the Sawridge Government, including
 - (i). management of Sawridge funds and Sawridge debts,
 - (ii). direction of all matters related to the financial affairs of the Government that are not assigned by this or any other enactment to any other authority or person;
 - (iii) fiscal relationships with the Canadian Government and the Government of the Province of Alberta, and
 - (iv) supervision, control and direction of all matters relating to Sawridge financial affairs, accounts, revenues, payments and expenditures which are not by law assigned to the Management Board, the Comptroller, or any other Accounting Officer or member of Council.
 - d. The Principal Financial Officer may enter into and execute agreements or engage in activities of a financial nature respecting the investment of Sawridge money or the management of Sawridge debt, including agreements for management of risks, interest rates or other matters.
 - e. The Sawridge Council may authorize the seal of the Principal Financial Officer and may prescribe its use on documents.

Powers of Principal Financial Officer

- (2). The Principal Financial Officer may
 - (i). examine any record of the Government that he/she considers necessary to exercise the powers or perform the duties of the Principal Financial Officer;
 - (ii). require any official or employee of the Government to provide the information and explanations that are necessary for the Principal Financial Officer to exercise his/her powers and perform his/her duties, including information and explanations that would enable the Principal Financial Officer to determine whether Sawridge funds were disbursed or expended for the purpose for which they were appropriated.

Appointment of a Deputy Principal Financial Officer

- (3). The Principal Financial Officer may appoint an employee of the Sawridge First Nation to act as a Deputy Principal Financial Officer to assist the Principal Financial Officer in the performance of his or her duties by performing the duties that the Principal Financial Officer might assign.

Management Board

3. (1). A committee of the Sawridge Council called “the Management Board” is established with responsibility for the financial management and administration of the Sawridge Government.

Composition of the Management Board

- (2). The Chief has the authority and responsibility to appoint three or more members of the Council (including himself if he/she so wishes) to be members of the Sawridge Management Board.
 - a. Whether or not appointed by the Chief, the Chief or his/her delegated Councillor if any, is automatically a member of the Management Board.
 - b. The Chief shall appoint one Councillor to act as Chair of the Management Board.

Meetings of the Management Board

- (3). Meetings of the Management Board are not to be construed as being “meetings of the Sawridge Council”.

- a. Decisions of the Management Board shall be presented to the next Special or Regular General Assembly.
- b. Deliberations of the Management Board shall be deemed to be private administrative discussions.

Secretary of the Management Board

(4). The Chair of the Management Board, on the recommendation of the Board, shall appoint an employee of the Sawridge Government or a person contracted for the purpose to be the Secretary of the Board, and the Secretary shall perform the duties that the Board may assign.

Responsibilities of the Management Board

- (5).(a) The Board shall act on all matters related to the management and finances of the Sawridge First Nation government including
- (i) accounting and budgeting policies;
 - (ii) the Estimates and Sawridge Accounts;
 - (iii) the controlling and recording of financial commitments, assets, liabilities, expenditures and revenues;
 - (iv) evaluating the efficiency, economy, and effectiveness of programs and services;
 - (v) reviewing annual and long-term expenditure and revenue plans and
 - (vi) any other matter referred to it by the Council

(b.) Subject to this Act and any directions of the Council, the Management Board shall determine its own rules and procedures.

(c) In exercising its powers and performing its duties, the Board is subject to the direction of the Council, always with the stipulation that the Council's directions shall be set out in the Minutes of Decisions of the Council.

(6). Directives and Other Statements of the Board

- (a). The Management Board is responsible for developing and adopting administrative policies for the Sawridge Government.
- (b). The Management Board has authority to issue directions in matters related to the management and control of funds and assets.
- (c). The Management Board may issue rules which will govern the conduct of Sawridge officials and employees and impose duties upon

them, including rules governing the collection of Sawridge funds, managing the funds, and spending the funds

(d). The Management Board is empowered by this Act to make and publish Regulations related to matters within the parameters of the Board's authority, such Regulations having the effect of legal instruments, and may impose sanctions for the breach of Regulations.

(e). The Management Board may also issue non-binding guidance, benchmarks, training manuals, and other papers regarding Sawridge administration.

(f). Nothing in this act shall be construed as implying that this Act and documents issued pursuant to this Act cover all rules and principles covering good management practices.

(g). The Management Board's authority and powers are intended to be paramount in matters of administration of the Sawridge Government but are not intended to limit the discretion and authority of Sawridge officials in non-administrative matters.

Power to obtain information

4. The Board may direct a public officer, service contractor, or agent of the Sawridge Government to provide to the Board, and that person shall provide, any information or document that the Board considers necessary to exercise or perform any of its powers or duties under this or any other Act.

Confidentiality of Information

5. A person who receives information under this Act from a person whose right to disclose that information is restricted by law, holds that information under the same restrictions respecting disclosure as those which governed the person from whom the information was obtained.

Appointment of Members of Council As Responsible for Departments, Agencies, Companies and Other Units of Government

6. (1). The Chief may appoint himself or any other member of Council to have responsibility for one or more departments, agencies, companies, or other units of the Sawridge Government.

(2). The Chief shall insure that there is no department, agency, company or other unit of the Sawridge Government which does not have a member of Council responsible for it.

(3). Each member of Council shall ensure that each department, agency, company or other unit of the Sawridge Government for which he or she is responsible complies with this Act and the regulations made pursuant to the Act.

(4). With respect to the management of each department, agency, company or other unit of the Sawridge Government for which a member of Council is responsible, the responsible member of Council is subject to the general direction of the Management Board and the Principal Financial Officer.

Accountability of members of Council

(5). Each member of Council shall report, in the form that the Board or the Principal Financial Officer might direct, to the Council or the Management Board on the financial affairs of each department, agency, company or unit for which he or she is responsible.

(6). Each member of Council shall report to the General Assembly as the General Assembly might require regarding each department, agency, company or unit for which he is responsible.

Comptroller

7. (1). The Principal Financial Officer shall appoint with the approval of the Management Board an employee of the Sawridge Government or a person contracted for the purpose to be the Comptroller of the First Nation's Government.

(2). The Comptroller shall

(i) ensure that the Sawridge Accounts are prepared for each fiscal year;

(ii) establish the form and content of financial records and accounting system;

(iii) establish and maintain systems and procedures to ensure that all Sawridge funds are collected and accounted for, all Sawridge property is properly controlled, all disbursements are properly authorized, and all other financial matters under the responsibility of the Comptroller are carried out in accordance with his/her requirements;

iv) ensure that each person receiving, handling, or disbursing Sawridge funds is using the record-keeping system established for that

person's position by the Comptroller so as to facilitate internal audit in a manner appropriate to that person's duties;

(v) perform such other financial matters assigned to the Comptroller in accordance with his/her requirements,

(vi) perform any other duties that may be assigned by the Principal Financial Officer and the Board.

Delegations

8. The Management Board may delegate to any Sawridge official or employee or person contracted for the purpose any power or duty of the Board under this Act that is prescribed as being capable of delegation.
9. A member of Council and the Comptroller may delegate any of their powers to a Sawridge employee or person contracted for the purpose.
10. A Sawridge employee or person contracted for the purpose shall not in turn sub-delegate the power or duty delegated unless such further delegation is authorized by the terms of the original delegation.

Separate Officials

11. No person shall act in the capacity of more than one official set out in this portion of the Act.

Internal Audit

12. Each employee of Sawridge First Nation responsible for any aspect of finances, including receipt of funds, handling of funds, and disbursement of funds, shall use the system of financial record-keeping established by the Comptroller.

Accounting Officers

13. (1) The Management Board may designate an employee of Sawridge First Nation as an "accounting officer", meaning a person accountable to the Audit and Compensation Committee established pursuant to the Sawridge Constitution for
 - (i) the measures taken to organize the resources of the accounting officer's area of responsibility to deliver programs and services in compliance with policies and procedures established by the Sawridge government;

(ii) the measures taken to maintain effective systems of internal control in that person's areas of responsibility;

(iii) the signing of the accounts that are required by the Comptroller to be kept for the preparation of the Sawridge Accounts;

(iv) the performance of any other specific duties assigned under this or any other Act in relation to the administration of the Accounting Officer's area of responsibility.

(2). Every Department, Agency, Company or other unit of the Sawridge Government shall have an "Accounting Officer". A person appointed as "Accounting Officer" may be appointed to more than one Department, Agency, Company or other unit.

(3). An obligation of an accounting officer under this section is to appear before the Audit and Compensation Committee and answer questions put to him or her by members of the committee in respect of carrying out the responsibilities and performance of the duties referred to in subsection (1).

(4). Where a member of Council appointed as responsible for a Department, Agency, Company, or other unit of the Sawridge Government and the Accounting Officer appointed to that same unit are unable to agree on the interpretation or application of a policy, directive, standard of the Management Board or a law of the Sawridge First Nation, the Accounting Officer shall seek guidance in writing on the matter from the Secretary to the Management Board.

(5). Where the guidance is provided under subsection (4) and the matter remains unresolved, the appropriate Member of Council shall refer the matter to the Management Board for a decision.

(6). A decision by the Management Board made pursuant to subsection (5), shall be in writing and a copy shall be provided to the Sawridge Auditor.

PART II

SAWRIDGE FUNDS

1. (1). The Management Board shall designate one Accounting Officer as “Principal Accounting Officer”.
- (2). The Principal Accounting Officer shall establish one or more accounts for the deposit of Sawridge Funds with
 - (i) any Canadian chartered bank;
 - (ii) any Sawridge financial institution established pursuant to Sawridge law;
 - (iii) any financial institution outside Canada that the Management Board may designate; or
 - (iv) any cooperative credit society member of the Canadian Credit Union Central of Canada or its successor organization.
- (3) Subject to this Part, all Sawridge Funds shall be deposited without delay to the credit of an account established pursuant to this section.

Duty of Persons Receiving Sawridge Funds

2. Subject to any regulations made under section 4, every person employed in the collection or management or receipt of Sawridge Funds shall transmit those funds without delay to the Principal Accounting Officer.

Record of Handling of Sawridge Funds

3. Every person who collects or receives Sawridge Funds shall keep a record of receipts and deposits thereof in such form and manner as the Management Board may prescribe by regulation.

Regulations

4. The Management Board may make regulations prescribing the manner in which Sawridge Funds shall be paid to the Principal Accounting Officer.

Charges for services or use of facilities

5. The Sawridge Government may, on the recommendation of the Management Board,

(a) by regulation prescribe the fees or charges to be paid for a service or use of a facility by the recipients or users or categories of recipients and users or

(b) authorize the appropriate member of Council to prescribe by order those fees or charges, subject to terms and conditions which may be specified by the Chief and Council.

Charges for Rights and Privileges

6. The Sawridge Government may, on the recommendation of the Management Board,
 - (a) by regulation prescribe the fees or charges to be paid for a right or privilege which it confers by means of a license, permit or other authorization by those persons or groups of persons on behalf of whom the right or privilege is conferred, including regulations providing for the adjustment of said fees or charges,
 - (b) authorize the appropriate member of Council to prescribe by order those fees or charges, subject to terms and conditions which may be specified by the Sawridge Government.
7. Regulations and orders made pursuant to this Part are subject to other provisions of Sawridge law, but for greater certainty, may be made even though an Act of the Sawridge General Assembly requires the provision of the service or facility or the conferral of the right or privilege.

Return of Deposits, Funds, or Non-Sawridge Money

8.
 - (1). Where money is received by the First Nation or any agency thereof, as a deposit to ensure the doing of any act or thing, the First Nation or agency shall hold or dispose of the money in accordance with regulations set by the Management Board.
 - (2). Where money is paid by any person to a Sawridge official or employee for any purpose that is not fulfilled, the money may, in accordance with regulations of the Management Board, be returned or repaid to that person, less any sum as in the opinion of the Board is properly attributable to any service rendered.
 - (3). Money paid to the credit of the Principal Accounting Officer that is not public money may be returned or repaid in accordance with regulations of the Management Board.

Remission of Taxes, Fees and Penalties

9. (1). The Sawridge Government may, on the recommendation of the appropriate member of Council, remit any taxes, fees, debts or penalties, including interest paid or payable, where the Sawridge Government considers that the collection of the tax, fee, debt or enforcement of the penalty is unreasonable or unjust or that it is otherwise in the interest of the Sawridge First Nation to remit the tax, fee, debt or penalty.
- (2). A remission pursuant to this section may be total or partial or conditional or unconditional and may be granted
- (a) before, after or pending any suit or proceeding for the recovery of the tax, fee, debt or penalty in respect of which the remission is granted;
 - (b) before or after any payment of the tax, fee, debt or penalty has been made or enforced by process or execution, and
 - (c) with respect to a tax, fee or other debt, in any particular case or class of cases and before the liability therefor arises.
- (3). A remission pursuant to this section may be granted.
- (a) by forbearing to institute a suit or proceeding for the recovery of the tax, fee, penalty or other debt in respect of which the remission is granted;
 - (b) by delaying, staying or discontinuing any suit or proceeding already instituted;
 - (c) by forbearing to enforce, staying or abandoning any execution or process on any judgment;
 - (d) by the entry of satisfaction on any judgment; or
 - (e) by repaying any sum of money paid to or recovered by the Principal Accounting Officer for the tax, fee, penalty or other debt.

Conditional remission

- (4). Where a remission is granted pursuant to this section subject to a condition and the condition is not fulfilled, the tax, penalty or other debt may be enforced, or all proceedings may be had, as if there had been no remission.

Effect of remission

- (5). A conditional remission, on fulfilment of the condition, and an unconditional remission have effect as if the remission were made after the tax, penalty or other debt in respect of which it was granted had been sued for and recovered.
 - (6). Where a penalty imposed by any law relating to the revenue has been wholly and unconditionally remitted pursuant to this section, the remission has the effect of a pardon for the offence for which the penalty was incurred, and thereafter the offence has no legal effect prejudicial to the person to whom the remission was granted.
10. Remissions or forgiveness granted under this Act or any other Act of the Sawridge General Assembly may be paid out of Sawridge Funds and shall be reported in the Sawridge Accounts for the fiscal year in which the remission or forgiveness is made.
11.
 - (1). The Management Board may make regulations respecting the writing off, in whole or in part, of any debt or obligation due to the Sawridge First Nation or any claim by the Sawridge First Nation, and without restricting the generality of the foregoing, may make regulations prescribing
 - (a) the criteria for determining whether any debt, obligation or claim may be written off;
 - (b) the requirements to be met and the procedures to be followed before any debt, obligation or claim may be written off; and
 - (c) the information and records to be kept in respect of debts, obligations and claims that are written off.
 - (2). Any debt, obligation or claim written off under this or any other Act of the Sawridge General Assembly during a fiscal year shall be reported in the Sawridge Accounts for that year in such form as the Management Board may direct.
12. No payments shall be made out of Sawridge Funds without the authority of the Sawridge General Assembly.
13. All estimates of expenditures submitted to the Sawridge General Assembly shall be in respect of payments during the fiscal year to which

the estimates relate and expenditures that will be incurred during that fiscal year.

14. Where an appropriation is made for any purpose in any Act of the Sawridge General Assembly for granting to the Sawridge Government any sum of money to defray expenses of the Sawridge government for a fiscal year, no payment shall be made pursuant to that appropriation out of Sawridge Funds unless a warrant, prepared on the order of the Sawridge Government, has been signed by the Principal Financial Officer authorizing expenditures to be charged against the appropriation, and no payments in excess of the amount of expenditures so authorized shall be made.
15. Where a guarantee has been given under the authority of the Sawridge General Assembly for the payment of any debt or obligation, any amount required to be paid by the terms of the guarantee may, subject to the Act authorizing the guarantee, be paid out of Sawridge Funds.

PART III

FINANCIAL STATEMENTS AND PUBLIC ACCOUNTS

Financial statements of general revenue fund

1. The Comptroller shall prepare the financial statements of the Sawridge general revenue fund for each fiscal year in accordance with the accounting policies established by the Management Board.

Financial statements of the Government

2. The Comptroller shall prepare the summary financial statements of the Sawridge Government for each fiscal year in accordance with the accounting policies established by the board.

The Auditor's Report

3. The Auditor shall audit and issue a report on:
 - (a) the Sawridge Funds financial statements; and
 - (b) the summary financial statements of the Sawridge Government.

Sawridge Accounts

4.
 - (1) The Secretary to the Management Board shall cause the Sawridge Accounts to be prepared as soon as is practicable after the end of the fiscal year in the form directed by the Management Board.
 - (2) The Sawridge Accounts must contain:
 - (a) the financial statements of the general revenue fund prepared pursuant to section 3;
 - (b) the summary financial statements of the Sawridge Government;
 - (c) a summary of the financial position of any trust funds managed by a member of the Sawridge Council;
 - (d) any other information required by this Act, any other Act or the Management Board.
 - (3) Before July 1 following the end of the fiscal year with respect to which the Sawridge Accounts relate, the Secretary to the Management Board

shall provide a copy of the Sawridge Accounts to the Principal Management Officer and to the Principal Financial Officer.

- (4) The Principal Financial Officer shall also lay the Sawridge Accounts before the Sawridge General Assembly at the first Assembly held on or after July 1 following the end of the fiscal year with respect to which the Sawridge Accounts relate.
- (5) At any time after July 1 following the end of a fiscal year and prior to the first General Assembly held after July 1, any member of the Sawridge First Nation may during normal business hours review the Sawridge Accounts provided to the Principal Management Officer in the manner prescribed by the Sawridge Constitution.

PART IV

INVESTMENTS

Management and Pooled Investment of Funds

1. Subject to this Part, the Principal Financial Officer may enter into contractual arrangements

- (a) with chartered Canadian financial institutions or
- (b) other agencies or persons stipulated by Act of the General Assembly

for the management and investment of Sawridge Funds which are in excess of the appropriations required by the Sawridge Government or with regard to any other fund established by the Sawridge General Assembly.

Interpretation

2. For the purposes of this Part,

- (a) "shares" means any equity or other share or interest in the capital, property, profits or earnings of a corporation, or with reference to an interest in the success of a corporation, any instrument commonly known as a share, stock, unit or participation certificate or any similar term, or any communication, including one by electronic means, evidencing such an interest,

- (b) shares are purchased if and only if they are acquired for a consideration that consists of or includes the payment of money, and

- (c) a loan of money is made if and only if the borrower is unconditionally required at the time the loan is made to make future repayment of all or part of the money advanced and regardless of by what name the transaction is called.

Restrictions on Investment of Sawridge Funds

3. Notwithstanding any other law, a member of the Council shall not, on behalf of the Sawridge First Nation, directly or indirectly purchase shares, make a loan of money, acquire an existing loan of money or, in a transaction involving the payment of any money, enter into a joint venture or partnership unless that transaction or transactions of a class into which that specific transaction falls are specifically authorized by an Act of the General Assembly or are bonds, debentures or other securities

- (a) of, or the payment of which is guaranteed by, the Government of Canada or of a province of Canada or of a First Nation or First Nation organization offering equivalent security;
- (b) guaranteed by a Canadian chartered bank or of a chartered bank;
- (c) secured by collateral consisting of treasury bills, treasury notes and other securities issued by or guaranteed by the Government of Canada or by the government of a province of Canada or of a First Nation or First Nation organization offering equivalent security;
- (d) secured by collateral consisting of bearer deposit notes, bankers acceptances and similar bank investment instruments issued by or guaranteed by a Canadian chartered bank as to repayment of principal and interest,
- (e) issued or guaranteed by a corporation or trust company that has been included in the highest rating category in each of the 5 years immediately preceding the date of investment by at least 2 security rating institutions in Canada or the United States and are approved by the Sawridge Government prior to being acquired.

Tabling share and loan agreements

4. If the Sawridge First Nation pursuant to an Act makes a loan or acquires shares of capital stock in a corporation, the Principal Financial Officer shall lay the loan agreement, the agreement under which the share is acquired and any material amendment to either agreement before the General Assembly at its next meeting.

Investment of money

5. The Principal Financial Officer may make investments pursuant to this Part and when doing so shall adhere to investment and lending policies, standards and procedures that a reasonable and prudent person would apply in respect of a portfolio of investments to avoid undue risk of loss and obtain a reasonable return.
6. Subject to any regulations made by the Management Board, the Principal Financial Officer may charge a normal cost or expense related to an investment if the cost or expense, in the opinion of the Principal Financial Officer, relates to investing on behalf of the fund and has been approved through the appropriation and estimates process.

7. Any securities acquired by disbursement from Sawridge Funds shall form a part of the Sawridge Funds to be held and administered by the Principal Financial Officer subject to any regulations made by the Management Board.

Agreement re mortgage acquisition and management

8. Subject to regulations established by the Management Board, the Principal Financial Officer may enter into an agreement with a person under which that person provides services to the Principal Financial Officer for
 - (a) the acquisition, in the name of that person, of mortgages authorized under this or any other Act;
 - (b) the administration, management, renewal, substitution and disposition of those mortgages, and
 - (c) the doing of any act relating to the recovery of money payable under those mortgages.

Disposing of investments

9. The Principal Financial Officer may hold or dispose of the securities forming part of Sawridge Funds and/or acquired or held under this Part.

PART V

DEBT

Raising of Loans

1. No money shall be raised by way of loan by the Sawridge Government except under this or some other Act of the General Assembly.

Method

2. (1) Where in an Act authority is given to the Principal Financial Officer to raise by way of loan a sum of money, unless there is some provision to the contrary in the Act, the Principal Financial Officer may raise that money by the issue and sale of securities in a form, at a price, whether at par value or less or more than par value, at a rate of interest and upon those other terms and conditions that the Sawridge Government may approve, and the principal amount of and interest on all securities so issued and sold is a charge on and shall be paid out of Sawridge Funds.

(2) The Sawridge Government may issue a debenture from time to time to any Sawridge fund in an amount that shall not exceed an amount sufficient to cover the unfunded liabilities of the fund at a rate of interest and upon those other terms and conditions that the Sawridge Government may approve, and the principal amount of and interest on all debentures so issued is a charge on and shall be paid out Sawridge Funds.

(3) The Sawridge Government may approve the issue of securities in any currency or partly in one currency and partly in another or other currencies, and may approve a change in the currency or currencies during the life of the loan, where this is agreeable to the lender, and the securities shall be paid in the designated currency at maturity and the Canadian equivalent of that currency shall be a charge on Sawridge Funds.

Payment of loan expenses

3. All money required to secure repayment of securities, for the remuneration and compensation of registrars and fiscal agents and all costs, expenses and charges incurred in the negotiation or raising of loans or in the issue, redemption, servicing, payment and management of a loan and securities issued in respect of that loan, shall be a charge on and be paid out of Sawridge Funds.

Appointment of agent

4. The Sawridge Government may appoint the Principal Financial Officer or another person as the agent of the Sawridge Government for the purpose of negotiating a loan authorized by this or another Act, and the agent so appointed may arrange all details and do, transact and execute the deeds, matters and things that may be required during the conduct of negotiations for the purpose of placing the loan.

Powers of Sawridge Government

5. The Sawridge Government may
 - (a) prescribe the duties of agents and other officials regarding the obtaining of loans.
 - (b) fix the remuneration of an agent;
 - (c) appoint trustees to manage, control and operate funds created under this or another Act and to set out the terms of the trust;
 - (d) require accounting by each agent in a particular form;

Temporary loans

6. (1). Subject to those terms and conditions that the Sawridge Government may prescribe, the Principal Financial Officer may raise by temporary loans
 - (a) in the manner and form;
 - (b) in the amounts;
 - (c) for the period, not exceeding 1 year;
 - (d) at the rates of interest; and
 - (e) on the conditions, including conditions relating to discounts, premiums, charges and commissions,

that the Principal Financial Officer may determine those sums which may be necessary to meet the exigencies of the Sawridge Government.

(2). The aggregate of all outstanding amounts raised by temporary loans under this section shall not at any time exceed the sum that the Sawridge Government may from time to time determine.

7. (1). A sum may be raised by temporary loan in the manner and subject to the conditions set out in section 6 for the purpose of paying off other temporary loans raised under this Act or other liabilities.

(2). The Principal Financial Officer shall lay a detailed account of all temporary loans raised under section 6 and this section before the General Assembly at its next meeting.

Disposition of proceeds

8. All money raised by the issue and sale of securities or borrowed monies other than the expenses connected with their issue and sale, shall be paid into an account of the Sawridge Government and shall form part of Sawridge Funds.

Authority of Legislature

9. Nothing in this Act except for the provisions of this Part authorizes an increase in the Sawridge debt without the express authority of the General Assembly.

Guaranteed securities interest

10. Where the raising of funds has been authorized by the General Assembly, the Sawridge Government is authorized to guarantee the principal and interest of the bonds, debentures, loans or other securities and may direct or approve those arrangements that it considers expedient.

Power to borrow re guarantees

11. Where a guarantee has been given by or on behalf of the Sawridge First Nation or the First Nation is liable as guarantor for the payment of the principal or interest or both of a loan or obligation, and it becomes necessary under the terms of a guarantee to make a payment under the guarantee, the Sawridge Government may raise by way of loan in the manner provided by this Act the sum necessary to fulfil a guarantee or a

part of a guarantee and may expend the sum without a further or other appropriation than is provided by this section.

12. The Principal Financial Officer shall make an annual report of all guaranteed loans paid in part or in whole and shall lay the report before the Sawridge General Assembly at its first meeting after June 1 of each fiscal year, and the report shall show the name of the individual, society or organization whose guarantees have been paid, the full amount guaranteed and the amount of payment in each case.

Regulations

13. The Sawridge Government may make regulations
 - (a) for the management of the Sawridge debt;
 - (b) for the inscription of securities; and
 - (c) for the management of securities.

PART VI

SPECIAL FUNDS

1. The Sawridge Government may, on the recommendation of the Chair of the Management Board and the Principal Financial Officer, establish special funds for the financing of activities relating to the sale of goods or services and for the financing of information technologies used by a Sawridge department, agency, or other unit of government.
2. A special fund may not, however, be established by the Sawridge Government where the goods or services in question are offered to the department, agency, or other unit of government on an exclusive basis or where the latter alone offer the goods or services in question.
3. (1). The Sawridge Government shall determine the name of each special fund, the date of the beginning of its activities and its assets and liabilities.

(2). It shall also determine the nature of the goods, services and assets financed by the special fund and the nature of the costs chargeable to it. The Government shall designate the member of Council responsible for the special fund.

Management of a Special Fund.

4. The manner in which each special fund is to be managed shall be determined by the Management Board.
5. A special fund shall be made up of the following, exclusive of the interest earned:
 - (a) the money collected from the sale of goods or services financed by the special fund;
 - (b) the money paid into it by the member of Council responsible for the special fund out of the appropriations granted for that purpose by the General Assembly;
 - (c) gifts, legacies and other contributions paid into it to further the achievement of the objects of the special fund; and
 - (d) the money paid into it by the responsible member of Council pursuant to the sections below.

6. (1). The management of the money making up a special fund is entrusted to the responsible member of Council.
- (2). The money shall be paid to the order of the member of Council and deposited with the financial institutions designated by the Member of Council.

Books of account

7. (1). The member of Council responsible for the special fund shall keep the books of account of the special fund and record the financial commitments chargeable to it.
- (2). The member of Council shall also ensure that such commitments and the payments arising therefrom do not exceed and are consistent with the available balances.

Borrowings

8. (1). The member of Council responsible for a special fund may, as the manager of the special fund, borrow funds from another special fund.
- (2). Any amount paid into a special fund pursuant to such a loan shall be repayable out of the special fund.

Advances

9. (1). The Principal Financial Officer may, with the authorization of the Sawridge Government and on the conditions it determines, make advances to a special fund out of Sawridge Funds.
- (2). The Principal Financial Officer may, conversely, make advances to Sawridge Funds on a short-term basis and on the conditions the Principal Financial Officer determines, out of any money paid into a special fund that is not required for its operation.
- (3). Any advance made to a fund shall be repayable out of that fund.

Remuneration

10. The remuneration and expenses pertaining to the employee benefits and other conditions of employment of the persons assigned to activities related to a special fund shall be paid out of the special fund.

Surpluses

11. The surpluses accumulated by a special fund shall be paid into Sawridge Funds on the date and to the extent determined by the Sawridge Government.

Fiscal year

12. The fiscal year of a special fund ends on 31 March.

Deficiency

13. Notwithstanding any provision to the contrary, the Principal Financial Officer shall, in the event of a deficiency in Sawridge Funds, pay out of the special funds any amount required for the execution of a judgment against the Sawridge Government that has become *res judicata*.

PART VII

SAWRIDGE PROPERTY AND REVOLVING FUNDS

Prohibition

1. No revolving fund shall be established except by an Act passed by the General Assembly.

Interpretation

2. A "revolving fund" means a fund that is provided with continuous and non-lapsing authority to retain revenues and to make disbursements from Sawridge Funds for specific purposes and within specific limits.

Duties Regarding a Revolving Fund

3. At the end of each fiscal year, each Accounting Officer whose department or unit administers a revolving fund shall
 - (a) prepare a balance sheet and a statement of operations for the revolving fund and any other information that the Comptroller may require;
 - (b) transfer any profit in a revolving fund to Sawridge Funds as public revenue; and
 - (c) charge any loss in the revolving fund to an appropriation.

Records of Sawridge Property

4. Every Accounting Officer shall ensure that adequate records are kept in respect of the Sawridge property administered by the department or unit for which he or she is responsible.

Boards of Review

5. (1). The Principal Financial Officer may, by order, establish Boards of Review, fix their duration, and specify the nature of their inquiries and subjects of their review.

Composition

- (2). The Principal Financial Officer may appoint as many Sawridge officers to be members of a Board of Review as he or she considers appropriate.

Duties of Board of Review

6. (1). A Board of Review shall
 - (a) inquire into and make recommendations on revolving funds; and
 - (b) perform other duties that may be prescribed or assigned to it by the Principal Financial Officer.

Frequency of Reviews

- (2). An inquiry must be made by a Board of Review for each revolving fund at least once every four years.

Deletion of Sawridge Property

7. Where a Board of Review or a Sawridge official recommends the deletion of any public property from the inventory of a revolving fund or any department or unit,
 - (a) the Accounting Officer may direct the deletion of all or any part of that property from the inventory if the value of the property to be deleted does not exceed \$20,000; and
 - (b) the Management Board may direct the deletion of all or any part of that property from the inventory if the value of the property to be deleted exceeds \$20,000.

Disposal of Sawridge Property

8. (1). Where the Board determines that Sawridge property is surplus to the requirements of the Sawridge Government or that its disposal is in the best interests of the Sawridge Government, the Board may authorize the disposal of the property.

Proceeds of Disposal

- (2). The proceeds from the disposal of Sawridge property must be credited to an appropriate revenue account.

PART VIII

REFUSAL OR REVOCATION OF LICENSES AND PERMITS

Refusal

1 (1). In this section,

“applicant” means any individual or corporation that has applied under terms of an enactment for the issuance, grant, or renewal of a license or permit;

“applicant’s guarantee” means a guarantee for the payment of any debt or obligation that an applicant, under a contract or agreement, either has provided to the Sawridge First Nation for the benefit of a third party and is legally obliged to fulfill;

“contract” or “agreement” includes a guarantee;

“corporation” includes a partnership, cooperative association or a body corporate, whether formed or incorporated under Sawridge law or of any province or of Canada or outside of Canada;

“guarantee” includes an indemnity or surety;

“license” or “permit” means a license or permit that is authorized to be issued, granted or renewed under an enactment,

“financial assistance” means any loan, any payment of a debt or obligation under a guarantee, and any other financial assistance, including any loan, payment, or financial assistance of a class or type prescribed by the regulation, that

- (i) the Sawridge First Nation or a Sawridge corporation has provided to an applicant or to a third party for the benefit of the applicant, under a contract or agreement, and
- (ii) the applicant is legally obliged to repay to the Sawridge First Nation or to a Sawridge corporation.

1 (2). For the purposes of this section, a corporation and another corporation shall be deemed to be one corporation if

- (a) the corporation and the other corporation are directly or indirectly controlled by the same person, group or organization or
- (b) the shares or assets of the corporation are held by the other corporation.

- 1 (3). When an applicant applies to a Sawridge official for the issuing, granting, or renewal of a license or permit, and the applicant is, in the opinion of the Board, in default of any debt or obligation in relation to
 - (a) any financial assistance that has been provided to the applicant or to a third party for the benefit of the applicant, or
 - (b) any applicant's guarantee that has been provided by the applicant,no issuing, granting or renewal shall take place until the Board has made a decision pursuant to this Part.
- 1 (4). Within thirty days of the date of the Application, the Board shall consider the application, and the default mentioned in subsection (3), and notwithstanding any provision of any other enactment, the Board may, in its absolute discretion and in accordance with this section, direct the appropriate Sawridge official to refuse to issue, grant or renew a license or permit to an applicant for reason of the default.
- 1 (5). The decision of the Board to issue a direction or not issue a direction shall be recorded in the Minutes of the Board.
- 1 (6). Where the Board makes a direction pursuant to subsection (4), it shall provide the applicant and the Sawridge official responsible for the application, with written notice of the direction.
- 1 (7). The license or permit shall be deemed to continue to be valid for thirty days following the issuing of the notice.
- 1 (8). Notwithstanding any provision of any other enactment, no Sawridge official shall issue, grant or renew a license or permit after a direction has been issued pursuant to subsection (4), and should a license or permit be issued, it shall be without validity.
- 1 (9). An applicant may, within one month of the date of the notice referred to in subsection (6), make arrangements satisfactory to the Board for
 - (i) repayment of the financial assistance or
 - (ii) the payment of the debt or obligation in respect of which the applicant's guarantee was given,as the case may be, in which case the Board shall provide a written direction to the Sawridge official to whom the notice was issued pursuant to subsection (4) to disregard the notice.
- 1 (10). Notwithstanding anything set out herein, no applicant shall be granted a license or permit unless they meet all of the requirements set out in any law which authorizes such license or permit. Where such grant is

discretionary, the mere fact that the applicant is not in default shall not automatically entitle the applicant to a license or permit.