

# KITSELAS



## Financial Administration Act

### K.B.C. 2011-01

Kitselas Band Council enacted this law by Resolution on September 26<sup>th</sup>, 2011

Judy Gerow, Chief Councillor of the Kitselas Band, under the authority of the Kitselas Band Council, signed this law on September 26<sup>th</sup>, 2011.

Signature

**Original Signed Copy**  
**is in the Kitselas Lands Management Office**

## Kitselas Band Council

5500 Gitaus Road, Terrace, B.C. V8G 0A9 • Phone (250) 635-5084 Fax (250) 635-5335

Toll free: 1-888-777-2837

**KITSELAS FINANCIAL ADMINISTRATION ACT, 2011***Preamble*

WHEREAS pursuant to section 3.3 of the *Kitselas Reserve Lands Management Act*, the Chief and Council of Kitselas may, through the development of laws, exercise Kitselas' inherent right of self-government and provide for governance that is accessible, stable, effective, accountable and transparent;

*Definitions*

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

**“agent”** means a person, who may or may not be an employee, who has been appointed by resolution to represent Kitselas in dealing with third parties;

**“annual financial statements”** mean the annual financial statements of Kitselas, prepared by the Senior Financial Director, in accordance with section 46;

**“annual report”** means the annual report of Kitselas, prepared by the Senior Financial Director, in accordance with section 65;

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

**“auditor”** means the person appointed by the Council as the auditor for Kitselas in accordance with section 49;

**“budget”** means the annual budget of Kitselas that has been approved by the Council in accordance with section 12;

**“capital project”** means the construction, rehabilitation or replacement of Kitselas' tangible capital assets and any other major capital projects in which Kitselas or its related bodies are investors;

**“committee member”** means a member of a committee of the Council, including the board, or a member of a committee of Kitselas;

**“Committee to the Council”** means the committee established under the Kitselas Committee to the Council Act, 2010;

**“contractor”** means a person who is not an employee of Kitselas, but who works for Kitselas under a contract for services;

**“Council”** has the meaning given to that term in the *Kitselas Interpretation Act*;

**“Councillor”** means a member of the Council of Kitselas;

**“FNFMB”** means the First Nations Financial Management Board established under the First Nations Fiscal and Statistical Management Act;

**“FNFA”** means the First Nations Finance Authority established under the First Nations Fiscal and Statistical Management Act;

“**FNTC**” means the First Nations Tax Commission established under the First Nations Fiscal and Statistical Management Act;

“**financial administration**” means the management, supervision, control and direction of all matters relating to the financial affairs of Kitselas;

“**financial institution**” means the FNFA, a bank, or a credit union;

“**financial records**” mean all records respecting the financial administration of Kitselas, including the minutes of relevant meetings of the Council or the Committee to the Council;

“**fiscal year**” means the 12-month period of time that Kitselas uses for accounting purposes, set out in section 5;

“**GAAP**” means generally accepted accounting principles adopted by the Canadian Institute of Chartered Accountants or other organization, that are at least comparable to the standards generally accepted for governments in Canada, as amended or replaced from time to time;

“**GAAS**” means generally accepted auditing standards adopted by the Canadian Institute of Chartered Accountants or other organization, that are at least comparable to the standards generally accepted for governments in Canada, as amended or replaced from time to time;

“**guarantee**” means a promise or agreement by a person to be liable for the debt or obligation of another person who is primarily responsible for the debt or obligation;

“**INAC**” means Indian and Northern Affairs Canada;

“**indemnity**” means

- (a) a promise to make a person whole from specified losses or costs they may suffer, or
- (b) payment of compensation to make a person whole from a loss they have already suffered;

“**Kitselas’ financial assets**” mean non-physical assets held by Kitselas, including any interest, related security or collateral, in any

- (a) debt, receivable, account, claim or other right to payment,
- (b) contract or obligation that generates or secures anything referred to in paragraph (a), and
- (c) security (other than a voting share of a corporation or an interest in a combination) backed or secured by, or representing an interest in, a thing referred to in paragraph (a) or (b) or in both paragraphs (a) and (b);

“**Kitselas Land**” means Kitselas Indian Reserve Land as defined in Section 5 of the *Kitselas Reserve Lands Management Act*;

**“Kitselas Reserve Lands Management Act”** means the act that has been adopted by Kitselas under the *First Nations Lands Management Act*;

**“Kitselas’ tangible capital assets”** mean all non-financial assets of Kitselas having physical substance that 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

- (a) have useful economic lives extending beyond one accounting period,
- (b) are to be used on a continuing basis,
- (c) are not for sale in the ordinary course of operations, and
- (d) have a historical cost of at least \$10 000;

**“Land Code”** means the land code that has been adopted by Kitselas under the *First Nations Land Management Act*;

**“life-cycle management program”** means the program of inspection, review and planning for management of Kitselas’ tangible capital assets as described in section 81;

**“local revenue account”** means a local revenue account referred to in section 13 of the *First Nations Fiscal and Statistical Management Act*;

**“local revenue law”** means a local revenue law made by Kitselas under the *First Nations Fiscal and Statistical Management Act*;

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

**“multi-year financial plan”** means the plan prepared in accordance with section 6,

**“natural resource”** means any material, in its natural state, found on or under the Nation’s lands which, when extracted, has economic value;

**“officer”** means the Senior Administrative Director, human resources officer, senior financial officer, lands and resources officer, health and social services officer, and any other employee of Kitselas established by Order of the Council as an officer;

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

**“records of Kitselas”** mean all records respecting the governance, management, operations and financial administration of Kitselas;

**“rehabilitation”** includes alteration, extension and renovation but does not include routine maintenance;

**“related body”** means

- (a) any agency of Kitselas,
- (b) any corporation in which Kitselas has a material interest or that is controlled by Kitselas,

(c) any partnership in which Kitselas, an agency of Kitselas, or a corporation of Kitselas is a partner, or

(d) a trust of Kitselas;

**“replacement”** includes substitution, in whole or in part, with another of Kitselas’ tangible capital assets;

**“representative of Kitselas”** means a current or former Councillor, officer, or an employee named by resolution as a representative of Kitselas;

**“resolution”** means a motion passed and approved by a majority of the Council present at a duly convened meeting;

**“tax administrator”** means the person appointed as tax administrator under Kitselas’ local revenue laws;

2. Except as otherwise provided in this law, words and expressions used in this law have the same meanings as in the *Kitselas Interpretation Act*.
3. Unless a word or expression is defined under subsection (1) or (2) or another provision of this law, the definitions in the *Kitselas Interpretation Act* and the *Kitselas Statutory Instrument Act* apply.
4. Except as otherwise indicated, all references to named enactments in this law are to enactments of the Government of Canada or Kitselas.

## **Financial Plans and Annual Budgets**

### *Fiscal Year*

5. The fiscal year of Kitselas is April 1 to March 31 of the following year.

### *Multi-Year Financial Plan*

6. For the purpose of informed financial decision-making, no later than March 31 of each year the Chief and Council shall approve a multi-year financial plan that has a planning period of five years comprised of the current fiscal year and the four succeeding fiscal years.

### *Content of Annual Budget*

7. The annual budget shall encompass all the operations for which Kitselas is responsible and shall identify
  - (a) each confirmed source of revenue and estimate the amount of revenue;
  - (b) an estimate of all anticipated expenditures; and,
  - (c) any annual surpluses or annual deficits and the application of year end surpluses.
8. All revenues derived from Kitselas’ lands shall be shown separately in the annual budget from other revenues and shall include a sub-category for revenues from natural resources obtained from Kitselas’ lands.

9. Revenues derived from Kitselas' lands may not be expended until allocated by Council by band council resolution in accordance with sections 12 and 13.

*Budget and Planning Process Schedule*

10. On or before January 31 of each year the Senior Financial Director shall prepare, or cause to be prepared, a preliminary work plan and budget for each Kitselas department for the next fiscal year.
11. On or before February 28 of each year, the Committee to the Council shall review
  - (a) the draft annual budget and recommend an annual budget to the Chief and Council for approval, and
  - (b) the draft multi-year financial plan and recommend a multi-year financial plan to the Chief and Counciland may recommend to Chief and Council revisions to the budget and financial plan.
12. Prior to the end of the fiscal year, the Chief and Council shall review and approve the annual budget which shall include the authorized expenditures, revenues, surpluses and deficits for each Kitselas department for the next fiscal year.
13. On or before June 15 of each year, the Senior Financial Director shall prepare and submit to the Committee to the Council for review a draft amendment of the component of the annual budget respecting Kitselas' property taxation revenue account.
14. On or before June 30 of each year, the Committee to the Council shall review the draft amendment of the component of the annual budget respecting Kitselas' property taxation revenue account and recommend an amendment to the annual budget to the Chief and Council for approval.
15. No later than July 15 of each year, the Chief and Council shall, by Order of Council, approve the amendment of the component of the annual budget respecting Kitselas' property taxation revenue account.

*Additional Requirements for Budget Deficits*

16. If a draft annual budget contains an unavoidable deficit, the Committee to the Council shall
  - (a) recommend to the Chief and Council measures to ensure that the Kitselas' multi-year financial plan demonstrates how and when this deficit will be addressed and how it will be eliminated; and
  - (b) monitor the deficit quarterly and make further recommendations to Chief and Council as necessary.

*Amendments to Annual Budgets*

17. The annual budget of Kitselas may only be revised with the approval of the Chief and Council.

18. Subject to section 13 and to section 27, budget revisions must only be approved if there are:
- (a) confirmed revenues to support the revisions; and,
  - (b) an expenditure plan for the revised budget.

### **Financial Institution Account**

#### *Financial Institution Accounts*

19. No account may be opened for the receipt and deposit of Kitselas money unless the account is
- (a) in the name of Kitselas;
  - (b) opened in a financial institution; and,
  - (c) authorized by the Senior Administrative Director.
20. Kitselas shall establish the following bank accounts in a financial institution
- (a) a general bank account for money from any sources other than those described in paragraph (b);
  - (b) a property taxation revenue bank account for money from property taxation revenues, which funds shall be kept separate from other moneys of Kitselas.
21. On the recommendation of the Committee to the Council, Kitselas may establish any other bank accounts not referred to in section 20 as may be necessary and appropriate to manage Kitselas' financial assets.

#### *Accounts Management*

22. The Senior Financial Director shall be responsible for the safekeeping of all money received by Kitselas.
23. The Senior Financial Director shall ensure that all moneys received by Kitselas are deposited as soon as practicable into the appropriate bank accounts described in section 20.
24. The Chief and Council shall not authorize payment of money from a bank account described in sections 20 and 25 unless the payment relates to the subject matter for which the account was established and the expenditure process set under this Act has been followed.

### **Expenditures**

#### *Prohibited Expenditures*

25. Money in a property taxation revenue bank account shall not be used for any purpose other than that permitted under a Kitselas revenue act.

#### *No Expenditure Without Authorization*

26. Money shall not be paid out of any account unless it is an authorized expenditure.

*Emergency Expenditures*

27. Notwithstanding section 26, a quorum of the Chief and Council may authorize an expenditure for an emergency purpose that was not anticipated in the budget if the expenditure is not expressly prohibited by or under this Act or another Kitselas act.
28. As soon as practicable after authorizing an emergency expenditure in accordance with section 27 the Chief and Council shall amend the budget to include the expenditure, and the resulting adjusted revenues.

*Authorized Expenditure*

29. An expenditure shall only be expended for an authorized purpose.
30. The total amount expended by a Kitselas department shall not exceed the authorized budget for that department.
31. Every person who is responsible for managing a departmental budget shall do so in accordance with the Kitselas financial policies and procedures.

*Authorized Form of Payment*

32. No money may be paid out of any account without an authorized form of payment in accordance with the Kitselas financial policies and procedures.
33. No money may be paid out of petty cash without an authorized requisition in accordance with the Kitselas financial policies and procedures.
34. No payment may be made or given unless it is an actual charge against an authorized expenditure or an authorized use of money in a trust.

*Form of Payment*

35. Payments by Kitselas may be made by cheque, draft, electronic transfer or other similar instrument signed by any two authorized signatories.

**General Matters***Prepayments*

36. The Senior Administrative Director or the Senior Financial Director may approve prepaid expenses that are chargeable against an authorized expenditure in the current fiscal year or the next fiscal year.

*Write Off and Extinguishment of Debts*

37. All or part of a debt or obligation owed to Kitselas may be written off or extinguished if recommended by the auditor and approved by the Chief and Council.

**Borrowing***Borrowing*

38. Kitselas 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 the Chief and Council approves.

#### *Financial Agreements*

39. Kitselas may enter into agreements for the purpose of the efficient management of Kitselas' financial assets, including agreements with financial institutions and related services agreements.

### **Financial Reporting**

#### *Accounting Practices*

40. All accounting practices of Kitselas shall comply with GAAP.

#### *Monthly Financial Information*

41. No more than 20 days following the end of each month, the Senior Financial Director shall prepare, or cause to be prepared
- (a) a current financial statement containing a balance sheet and combined income statement;
  - (b) the previous year's surpluses and deficits; and,
  - (c) provide the information in subsection (a) and (b) to the Committee to the Council.
42. The Committee to the Council shall consider the financial information provided under subsection 41 (a) and (b) and provide recommendations to the Chief and Council.

#### *Quarterly Financial Statements*

43. No more than 30 days after the end of each quarter of the fiscal year, the Senior Financial Director shall
- (a) prepare financial statements for Kitselas for that quarter;
  - (b) prepare a financial report for the remaining quarters which identifies projected deficits and surpluses; and
  - (c) provide the information in subsections 43 (a) and (b) to the Chief and Council and the Committee to the Council.
44. The quarterly financial statements in section 43 shall be reviewed by the Committee to the Council, who shall provide recommendations to Chief and Council.
45. Chief and Council shall review the quarterly financial statements and consider any recommendations.

#### *Annual Financial Statements*

46. Within 45 days of the end of each fiscal year the Senior Financial Director shall prepare the annual financial statements of Kitselas for that fiscal year in accordance with GAAP and to a standard that is at least comparable to that generally accepted for governments in Canada.

47. The annual financial statements shall include the following information:
  - (a) the financial information of Kitselas and its related bodies for the fiscal year;
  - (b) the revenue categories for Kitselas' lands referred to in subsection 25 (2).
48. The annual financial statements shall include any special purpose reports required under any act, regulation or agreement.

#### *Appointment of Auditor*

49. Kitselas shall appoint an auditor to hold office until the later of
  - (a) the date the Chief and Council approves the audited annual financial statements for that fiscal year; or
  - (b) the date the auditor's successor is appointed.
50. The terms and conditions of the appointment of the auditor shall be set out in an engagement letter approved by the Committee to the Council and shall include the auditor's obligation to complete the audited financial statements and provide them to Kitselas within 120 days of fiscal year end and confirm that the annual financial statements and the audit of them comply with the First Nations Fiscal and Statistical Management Act, and First Nation's Financial Management Board standards, any government requirements, and all other applicable acts.
51. To be eligible for appointment as the auditor of Kitselas, an auditor shall
  - (a) be a member in good standing of an association of accountants or auditors incorporated under the acts of a province or territory, and
  - (b) be independent of Kitselas.

#### *Audit Requirements*

52. The auditor shall audit the annual financial statements of Kitselas in accordance with GAAS.
53. The auditor shall conduct the audit of that part of the annual financial statements respecting the property taxation revenue account in accordance with the FNFMB's Local Revenue Account Financial Reporting Standards and shall report on that account separately from other accounts.
54. When conducting the audit, the auditor shall provide
  - (a) an audit opinion of the annual financial statements; and
  - (b) an audit opinion or review comments on the special purpose reports referred to in section 48.

#### *Auditor's Authority*

55. To conduct an audit of the annual financial statements of Kitselas, the auditor shall be given access to

- (a) all records of Kitselas for examination or inspection and given copies of these records on request; and
  - (b) any Councillor, officer, employee, contractor or agent of Kitselas to ask any questions or request any information.
56. On request of the auditor, every person referred to in subsection 55 (b) shall
- (a) make available all records referred to in subsection 55 (a) that are in that person's care or control; and
  - (b) provide the auditor with full information and explanation about the affairs of Kitselas as necessary for the performance of the auditor's duties.
57. The auditor shall be given notice and minutes of
- (a) every meeting of the Committee to the Council;
  - (b) every Chief and Council meeting where matters relating to the annual audit, including the approval of the annual financial statements, are to be considered; and,
  - (c) every meeting of Kitselas members where the financial administration of Kitselas is to be considered.
58. The auditor may attend any meeting for which the auditor shall be given notice under this section and shall be given the opportunity to be heard at those meetings on any subject that concerns the auditor as auditor of Kitselas.
59. The auditor may call a meeting of the Committee to the Council to discuss any subject that concerns the audit of Kitselas.

#### *Review of Audited Annual Financial Statements*

60. The audited annual financial statements shall be provided to the Committee to the Council for its review and consideration no longer than 105 days after the fiscal year end for which the statements were prepared.
61. The Chief and Council shall review and approve the audited annual financial statements no later than 120 days after the fiscal year end for which the statements were prepared.

#### *Access to Annual Financial Statements*

62. Before the annual financial statements may be published or distributed, they shall
- (a) be approved by the Chief and Council; and
  - (b) be signed by
    - (i) the Chief,
    - (ii) the Chair of the Committee to the Council, and
    - (iii) the Senior Financial Director.
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63. The audited annual financial statements and special purpose reports shall be available for inspection by members of Kitselas at the principal administrative offices of Kitselas during normal business hours.
64. The audit report relating to the property taxation revenue account shall be available for inspection by
  - (a) Kitselas members,
  - (b) any other persons who have an interest in, or the right to occupy, possess or use, Kitselas' lands,
  - (c) the FNTC, the FNFMB, and the FNFA, and
  - (d) any other persons entitled to notice under subsection 14 (2) of the First Nations Fiscal and Statistical Management Act, as amended or replaced from time to time, at the principal administrative offices of Kitselas during normal business hours.

### ***Annual Report***

65. Not later than 120 days after the end of each fiscal year, the Senior Financial Director shall prepare an annual report on the operations and financial performance of Kitselas for the previous fiscal year.
66. The annual report referred to in section 65 shall include a progress report on the multi-year financial plan.
67. The annual report referred to in section 65 shall be made available to members of Kitselas at the principal administrative offices of Kitselas.

## **Information and Information Technology**

### *Ownership of Records*

68. All Kitselas' records that are produced by or on behalf of Kitselas or kept, used or received by any person on behalf of Kitselas are the property of Kitselas.

### *Operations Manual*

69. The Senior Administrative Director shall prepare, or cause to be prepared, and maintain a current operations manual respecting every element of Kitselas' administrative systems, including any financial administration systems referred to in this Act.
70. The operations manual under section 69 shall be made available to Councillors, members of the Committee to the Council and all other Chief and Council committees and officers and employees of Kitselas, subject to reasonable exceptions for those parts of the manual that are appropriate for only limited distribution, determined at the discretion of the Senior Administrative Director.

71. If any part of the operations manual under section 69 is relevant to the services being provided by a contractor or agent of Kitselas, that part of the operations manual may be made available to the contractor or agent.

*Record Keeping and Maintenance*

72. The Senior Administrative Director shall ensure that Kitselas prepares, maintains, stores and keeps secure all financial records of Kitselas that are required under this Act or any other applicable act.
73. No record of Kitselas may be destroyed or disposed of except as permitted and in accordance with this Act, any other applicable act, and the policies, procedures or directions of the Chief and Council.
74. All financial records shall be stored for at least seven years after they were created.
75. The Chief and Council shall establish or cause to be established policies and procedures or give directions respecting access of any person to Kitselas' financial records.

*Property taxation revenue account records*

76. The tax administrator shall prepare, maintain, store and keep secure a complete set of all records respecting Kitselas' property taxation revenue system, including all records referred to in section 5 of the *Local Revenue Management Implementation Regulations*.

*Confidentiality of Information*

77. No person may be given access to records of Kitselas containing confidential information except as permitted in accordance with the policies, procedures and directions of the Chief and Council, and all applicable acts.
78. All persons who have access to records of Kitselas shall comply with all policies, procedures or directions of the Chief and Council respecting the confidentiality, control, use, copying or release of that record or information contained in those records.

*Information Technology*

79. The Chief and Council shall establish or cause to be established policies or procedures or give directions respecting information technology used by Kitselas in its operations to ensure the integrity of Kitselas' financial administration system and its database.

## CAPITAL PROJECTS, OPERATIONS AND MAINTENANCE

*Chief and Council General Duties*

80. The Chief and Council shall take reasonable steps to ensure that
- (a) Kitselas' tangible capital assets are maintained in a good and safe condition;

- (b) the rehabilitation, maintenance or replacement of Kitselas' tangible capital assets is done in accordance with section 81;
- (c) policies and procedures are established for the management of Kitselas' operations and maintenance to the standards that generally apply to local governments in the region in which the majority Kitselas' lands are located;
- (d) capital projects for the construction of buildings or other improvements are financed, planned, managed and constructed in accordance with procedures and to standards that generally apply to the financing, planning and construction of public buildings and other improvements of organized communities in the region in which the majority of Kitselas' lands are located.

*Life-Cycle of Tangible Capital Assets Management Program*

81. The Senior Administrative Director shall establish and keep current a register of all Kitselas' 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 the Chief and Council.
82. On or before December 31 of each year, the Senior Financial Director shall prepare and provide to the Committee to the Council the 5 and 10 year forecasts of the estimated cost for maintenance, rehabilitation, or replacement of Kitselas' tangible capital assets;

*Review by the Committee to the Council*

83. Each year, on or before January 15, the Committee to the Council shall review the five and 10 year forecasts of the estimated cost for maintenance, rehabilitation, or replacement of Kitselas' tangible capital assets in section 82 for the following purposes
- (a) to identify any means to reduce the costs of each rehabilitation or replacement project;
  - (b) to know the effect that each rehabilitation or replacement project is expected to have on the annual operating costs and routine maintenance costs in future years; and

- (c) to determine whether any significant savings might be effected by coordinating the scheduling of projects, deferring any projects or carrying out rehabilitation projects rather than replacement projects.
84. On or before January 15 of each year, the Committee to the Council shall review, and make recommendations to the Chief and Council regarding, any plans for new construction of Kitselas' tangible capital assets including the proposed schedule, budget and impact on annual operating costs and routine maintenance costs in future years.

#### *Capital Projects – Contracts and Tenders*

85. The Chief and Council shall establish policies or procedures or give directions respecting the management of capital projects including the following
- (a) project planning, design, engineering, safety and environmental requirements;
  - (b) project costing, budgeting, financing and approval;
  - (c) project and contractor bidding requirements;
  - (d) tender, contract form and contract acceptance;
  - (e) course of construction insurance;
  - (f) project performance guarantees and bonding;
  - (g) project control, including contract management; and
  - (h) holdbacks, work approvals, payment and audit procedures.
86. All of Kitselas' capital projects shall be managed in accordance with the policies, procedures or directions referred to in section 85.

#### *Signing Authorities*

87. Signing authorities shall be appointed and removed by an Order in Council.
88. The Chief and Council shall develop and implement policies or procedures for signing authorities which include procedures for
- (a) signing cheques;
  - (b) contracts;
  - (c) purchase orders; and,
  - (d) any other signing procedures.

#### *Land Management Obligations*

89. The Chief and Council shall develop and implement a policy that provides a method consistent with the requirements of the *Kitselas Reserve Land Management Act* for being accountable to members of Kitselas for the management of Kitselas' lands and for moneys earned from those lands to satisfy section 6 (1) (e) of the *First Nations Land Management Act*.

*Reports of Breaches and Financial Irregularities, etc.*

90. Subject to subsections 96 and 97, if any person has reason to believe that
- (a) an expenditure, liability or other transaction of Kitselas is not authorized by or under this Act or another First Nation act or policy,
  - (b) there has been a theft, misappropriation or other misuse or irregularity in the funds, accounts, assets, liabilities and financial obligations of Kitselas,
  - (c) a provision of this Act has been contravened, the person may disclose the circumstances to a member of the Committee to the Council or the Senior Administrative Director.
91. If a Councillor becomes aware of any circumstances described under section 90, the Councillor shall report them in writing to the Chair of the Committee to the Council or the Senior Administrative Director.
92. If an officer, employee, contractor or agent of Kitselas becomes aware of any circumstances described under section 90, the officer, employee, contractor or agent, as the case may be, shall report them to the Chair of the Committee to the Council or the Senior Administrative Director.

*Inquiry into Report*

93. If a report in writing is made to the Senior Administrative Director under section 90, the Senior Administrative Director shall provide a copy to the Senior Financial Director who shall maintain a confidential registry of such complaints.
94. If a report in writing is made to the Senior Administrative Director under section 90, the Senior Administrative Director shall inquire into the circumstances reported and report the findings to the Committee to the Council as soon as practicable.
95. If a report in writing is made to the Chair of the Committee to the Council under section 90, the Chair of the Committee to the Council shall provide a copy to the Senior Financial Director who shall maintain a confidential registry of such complaints.
96. If a report is made to the Chair of the Committee to the Council under section 90, the Chair shall inquire into the circumstances reported and report the findings to the Committee to the Council as soon as practicable.
97. The Committee to the Council may make a further inquiry into any findings reported to it under this section but, in any event, shall make a report to the Chief and Council respecting any circumstances reported to the Committee to the Council under this section including the Committee's recommendations, if any.

*Protection of Parties*

98. All reasonable steps shall be taken by the Senior Administrative Director, the members of the Committee to the Council and the Chief and Council to ensure that the identity of the person who makes a report under section 90 is kept confidential to the extent practicable in all the circumstances.

99. A person who makes a report in good faith under section 90 shall not be subjected to any form of reprisal by Kitselas or by a Councillor, officer, employee, contractor or agent of Kitselas as a result of making that report.
100. If a person makes a report under section 90 without reason to believe that this Act has been contravened and is guilty of dishonesty, negligence or malicious or wilful misconduct when providing the information the following actions may be taken
- (a) a Councillor may be held personally liable for the costs of an investigation;
  - (b) an officer or employee may be disciplined, up to and including dismissal, in accordance with the personnel policy;
  - (c) a contractor's contract may be terminated;
  - (d) the appointment of a member of a committee may be revoked; or
  - (e) the appointment of an agent may be revoked.
101. The Senior Administrative Director and the Chair of the Committee to the Council shall take all necessary steps to ensure that section 98 is not contravened and shall report any contravention or suspected contravention to the Chief and Council.
102. The Chief and Council shall establish policies or procedures or give directions for
- (a) the recording and safeguarding of reports made under section 90 and any records prepared during the inquiry or investigation into those reports;
  - (b) the inquiry or investigation into reports made under section 90; and,
  - (c) the fair treatment of a person against whom a report has been made under section 90.

*Liability for Improper Use of Financial Assets*

103. A resolution or other instrument that is signed by Council directing Kitselas' financial assets to be expended, invested or used in a manner that is found to be contrary to this Act, or another Kitselas act, is of no force or effect.
104. A Councillor who causes Kitselas' financial assets to be expended, invested or used through a resolution or instrument that is found to be of no force or effect under section 103 is personally liable to Kitselas for that amount.
105. Section 104 does not apply if the Councillor relied on information provided by an officer or employee of Kitselas and the officer or employee was guilty of dishonesty, negligence or malicious or wilful misconduct when providing the information. An amount owed to Kitselas under section 104 may be recovered by Kitselas or a person who holds a security under a borrowing made by Kitselas.
106. It is a good defence to any action brought against an officer or employee of Kitselas for an unauthorized expenditure, investment or use of Kitselas' financial assets if it is proved that the officer or employee gave a written and signed warning to the Chief and Council that in his or her opinion, the expenditure, investment or use would be unlawful.

*Indemnification Against Proceedings*

107. Subject to section 108, the Chief and Council may, by resolution, provide an indemnity to a named representative of Kitselas, a category of representatives of Kitselas or all representatives of Kitselas in accordance with the terms specified in the resolution.
108. The Chief and Council shall not pay a fine that is imposed as a result of the conviction of a representative of Kitselas for an offence, unless the offence is a strict or absolute liability offence and the fine would be paid by other local governments in British Columbia.

*Periodic Review of Act*

109. The Committee to the Council shall conduct periodic reviews of this Act
- (a) to determine if it Committee to the Council facilitates effective and sound financial administration of Kitselas; and,
  - (b) to identify any amendments to this Act that may better serve this objective.