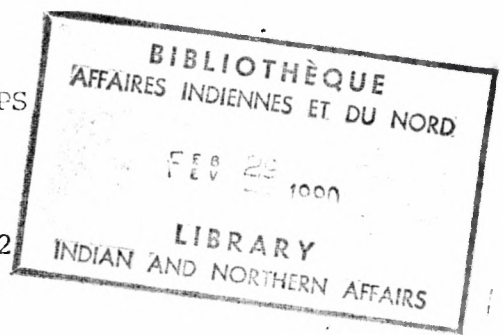


BAND MANAGEMENT SYSTEMS

R. PRICE

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1. General Explanation

The D Circular revisions should accommodate the block funding mechanisms and authority levels in the proposal. The aim of this workshop is review the Circular under consideration, determine if it is required and if so recommend revisions so that:

- 1.1 There is no significant overlap between the circular, the proposed directive and the proposed manual.
- 1.2 The circular becomes a general policy and administrative guide rather than a procedural document.
- 1.3 The circular's provisions do not conflict with the proposal.

Section 4 of this package provides an outline of the outputs, standards and tasks required to meet these objectives.

2. Background and Briefing

Materials provided include:

- 2.1 The revised circular under consideration (essential reading)
- 2.2 Descriptions of the proposed authority levels (essential reading)
- 2.3 A draft of the proposed Departmental Directive (reference only)
- 2.4 A draft outline of the proposal Manual (reference only)

3. General Discussion

The recommendations and/or drafts from all work groups in this session will be consolidated in the general discussion. Where possible, group recommendations will be made, while in those cases where there is no consensus follow up by the study team will be arranged.

#### 4. Outputs Standards and Tasks

Task	Approx. Time	Suggested Method	Outputs	Standards
4.1 Organization (group)	(3)	4.1.1 Select leader represent- ative and recorder		
	(2)	4.1.2 Decide methodology		
4.2 Review material (group)	(25)	4.2.1 Select material to be used		
		4.2.2 Read and compare material and note points for analysis and discussion		
4.3 Analyse material (group)	(30)	4.3.1 Identify key issues and factors	4.5.1 Comparative analy- sis of provisions of levels and circulars	- consideration of relevance of circular to proposal - discussion of need for circular included - comparison of correspondi provisions if any
		4.3.2 Identify conflicts, overlaps and inconsist- encies		
		4.3.3 Note implications of key points in terms of proposals	4.5.2 Comparative anal- ysis of provisions of circular and manual	- same as for 4.5.1
		4.3.4 Identify possible findings and conclus- ions		

## Outputs Standards and Tasks

sk	Approx. Time	Suggested Method	Outputs	Standards		
Recommendations and drafts (group)	(70)	4.4.1	Identify areas requiring improvement	4.5.3	Recommendations for retention of circular	- must decide the exact nature of change required
		4.4.2	Decide required changes			- should include a discussion of perceived advantages of proposed change
		4.4.3	Frame recommendations			
				4.5.4	Recommendations for changes to circular if these are needed	- same as for 4.5.3
				4.5.5	Draft wordings for any of the recommended changes	- include a note indicating whether draft is an addition or revision
					- style and terminology should be as close as possible to original	


# BAND GOVERNMENT SYSTEMS WORKSHOPS

## AGENDA

DATE/PLACE	TIME	ACTIVITY	
25.10.78	08:30-09:00	Opening Remarks	Mr. R.H. Knox
Government Conference Centre (Rideau St.)	09:00-10:00	Presentation	Mr. R. Paton
	10:00-12:00	Small Groups	
	12:00-13:00	Lunch	
	13:00-14:30	Group Reports	
	14:30-16:00	General Discussion	
26.10.78	09:00-09:30	Block Funding Mechanisms	Mr. B.F. MacKenzie
Podium, Place de Ville (Queen St.)  <i>Tower C 2nd Floor.</i>	09:30-11:30	Small Groups	
		<i>SPARKS</i> 1. Assessment of Authorities re- Criteria	
		<i>EASTON</i> 2. Assessment of Authorities re- Controls	
		<i>JETTE</i> 3. Assessment of Model Choice and Range	
		<i>McNEIL</i> 4. Counter Proposal	
	11:30-12:30	General Discussion and Group Reports	Mr. Paul Kyba
	12:30-13:30	Lunch	
	13:30-14:00	General Terms and Conditions	Mr. B.F. MacKenzie
	14:00-16:00	Small Groups	
		1. D-1 — <i>D. SPARKS</i>	<i>1977-50</i>
		2. D-2	
		3. D-3 <i>Present with - PINTER</i>	
		4. D-4 <i>Bert.</i>	

BAND GOVERNMENT SYSTEMS WORKSHOPS

AGENDA

DATE/PLACE	TIME	ACTIVITY	
27.10.78 Podium, Place de Ville (Queen St.)	16:00-17:00	General Discussion	<u>D SPARKS</u> Mr. W. Easton ✓
	09:00-09:30	Community Program Agreements	Mr. B.F. MacKenzie
	09:30-11:00	Small Groups	
		1. Program Provisions- Non Capital Community Services	
		2. Program Provisions- Education	
		3. Program Provisions- Social Services	
		4. Program Provisions - Capital Works	
		5. Program Provisions - Economic Development	
		6. Form and Administration of Agreements	
	11:30-12:30	General Discussion	<u>Wally Sparks</u> Mr. D.G. Sparks
	12:30-13:30	Lunch	
	13:30-14:30	Small Groups:	
		1. Implementation & Band Aware- ness (Information & Planning)	
		2. Implementation Strategy (Training and Methods)	
		3. Operational Procedures (Administration & Evaluation)	
	14:30-15:30	General Discussion	Mr. M.D. Yarymowich
	15:30-16:30	Closing Remarks and Follow up	Mr. Paul Kyba

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## FOREWARD

On September 15, 1978 a discussion paper entitled "Suggested Financial Mechanisms To Support Devolution of Local Autonomy To Indian People" was issued by the project team assigned to investigate block funding mechanisms as a means to increasing Band autonomy. Basically the paper proposed the establishment of six levels of Band financial authority and contained:

- A general discussion of the overall concept
- A detailed descriptions of each proposed authority level
- A set of proposed revisions to the D Circulars
- A series of sample Community Program Agreements

Subsequent discussions of this paper tended to reveal a fair degree of support for the basic concepts presented and many of the specific proposals related to these. As these discussions continued attention began to centre around a schema of implementation. The emerging consensus appears to be that implementation should centre around the following elements:

- A revised Contributions to Bands Authority authorizing the proposed approach
- A Departmental Directive establishing the proposed levels
- A set of D Circulars establishing revised policies and general practices to accommodate this approach
- A manual setting forth the details of implementation and operation some of which are presently covered by the D Circulars

Accordingly this package, which is mainly composed of drafts for these documents, has been prepared in order to reflect the contemplated implementations of that proposal and to facilitate the processes of making specific recommendations as to the content and the drafting of those documents and provisions which have yet to be developed. Despite the final and directive form of the documents being presented it is emphasized that they are as yet still proposals and in no way final.



## DEPARTMENTAL DIRECTIVE

### 1. Purpose

This directive sets forth the policy and operational requirements for the establishment and administration of six levels of financial authority which Councils acting on behalf of the Bands may exercise over Departmental contributions and payments and Band revenue and capital funds. The establishment and operation of these levels is intended to:

- 1.1 Encourage and expand the autonomy and flexibility of Band Governments.
- 1.2 Regulate and govern the transfer of programs to Bands and the negotiation, payment, management and audit of Departmental contributions and payments to Bands.

### 2. Definitions

In this directive the following definitions shall apply:

- 2.1 Activity - means a main activity, being a major financial block encompassing all purposes and funds relating to a general area such as Education.
- 2.2 Agreement - means a Community Program Agreement, being an agreement between accredited representatives of the Department and a Band which sets forth the purposes, amounts, authorities, duties, privileges, terms, conditions, provisions and standards relating to one or more contributions or payments from the Department to a Band.
- 2.3 Authority - means a financial or managerial authority which permits a designated group or individual to perform or arrange for the performance of a specified act or enter into or approve entry into a particular transaction.
- 2.4 Block Funding - means a method of financial allocation by which funds are transferred in separate sums or "blocks" established according to the purpose or use of the funds involved so that the recipient may exercise discretion in the use and management of funds within the block; any block may be part of a larger "super-block" or broken down into smaller "sub-blocks".
- 2.5 Condition - means term or condition, being a requirement, pursuant to an agreement or authority, that a designated individual or group must meet during the term of that agreement or authority; failure to comply with such a term or condition may either render an agreement or authority null or provide a basis for the employment of sanctions or remedies against the party failing to comply with the term or condition.
- 2.6 Council - means a Band Council, being a Council of the Band as defined in the Indian Act, a District Council or any other Committee or Authority authorized to act on behalf of or in place of a Band Council in any matter pursuant to this directive.

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- 2.7 Criteria - means Criteria for Eligibility, being the particular requirements which must be satisfied before the delegation of any level or authority to a Council on behalf of a Band can be considered for approval.
- 2.8 Level - means an Authority Level, being a specific degree of financial and managerial authority which may be delegated to a Council on behalf of a Band providing that the Band meets the defined criteria and agrees to and complies with the required conditions.
- 2.9 Procedure - means a defined method for the accomplishment of a designated task or activity.
- 2.10 Sub-Activity - means a Sub-Activity I or Sub-Activity II, being sub-blocks within a main activity which provide funds for purposes subordinate to that of the main activity; examples include social assistance and policing.
- 2.11 System - means an organized series of defined procedures and requirements governing the accomplishment of a function or task in an orderly and uniform manner.

### 3. Background

Since 1951 the Department has encouraged increasing levels of Band autonomy and self determination in matters of a local nature. Since many such matters are affected by Departmental programs which deliver goods and services to reserve communities the Department has pursued a policy of transferring management of these programs or the funding attached to them to Councils on behalf of Bands. Such transfers have normally been subject to varying kinds and degrees of restriction and control in order to ensure that the Department does not fail in its program responsibilities due to Band mismanagement. Recent efforts to balance the need for local discretion against the need for ensuring program responsibilities are met have led to the following developments and ultimately to the preparation of this directive.

- 3.1 Establishment by the Deputy Minister of a steering committee under the A.D.M. Finance and Administration in early 1978; to rationalize and redefine the structure and format of parliamentary estimates for the Indian and Inuit Affairs Program.
- 3.2 Instructions dated June 12, 1978 from Mr. Brown, A.D.M. Indian and Inuit Affairs to complete Stage II tasks relating to terms and conditions, grants and contributions with all speed and assigning the task of developing a financial delivery system for the funding of Bands by the Department.

### 4. Policy

The ongoing policy of the Department has been to encourage and facilitate the transfer to Bands, via Band Councils, of all programs, activities or portions thereof of a local nature together with the appropriate resources and authorities. This directive constitutes a continuation and refinement of this general policy and seeks to ensure that:

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- 4.1 The authorities and powers transferred or delegated to Councils on behalf of Bands are strictly in accordance with:
  - 4.1.1 The managerial, administrative and governmental capabilities of the Council to whom delegation or transfer is made.
  - 4.1.2 The local conditions and needs of the Band and Council to whom delegation or transfer is made.
- 4.2 Each delegation or transfer is made pursuant to
  - 4.2.1 Established criteria for eligibility of a well defined and specific nature.
  - 4.2.2 Established procedures and standards for the request, negotiation, approval, operation, enforcement and audit for each transfer or delegation.
  - 4.2.3 Negotiated agreements setting forth all considerations, terms, conditions and other provisions of the delegation or transfer in a manner binding on all parties.

## 5. Authorities

All transfers, delegations, contributions or authorities and the procedures relating thereto will be in accordance with and subject to the provisions of the following authorities:

- 5.1 Contributions to Band Authority T.B. 725973 March 28, 1974 as amended.
- 5.2 Votes 5, 10 and 15.
- 5.3 Departmental Directive -
- 5.4 Program Circulars D-1, D-2, D-3 and D-4 as amended.
- 5.5 The Band Financial Management Manual.

If the provisions of two or more authorities are in conflict the first listed authority shall apply.

## 6. Application

This directive will apply to all transfers, delegations, contributions, payments or authorizations made through the Indian and Inuit Affairs Program to any Band or any Council, Committee or Authority acting on behalf of a Band or Bands anywhere in Canada. For purposes of applying this directive the following principle is to be enforced.

- 6.1 All interpretations, rulings or amendments affecting any aspect of the implementation, application or operation of this directive are to be issued over the signature of the Assistant Deputy Minister, Indian and Inuit Affairs in the form of:



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6.1.1 Interpretation Bulletins to be appended to the text

6.1.2 Amended pages to replace existing portions of the text

## 7. Provisions

Under the terms of this directive six authority levels are established under which Bands may assume varying degrees of financial authority over Departmental contributions and payments. These range from a very limited and restricted level to one which is very wide and unrestricted. Each of these levels is composed of a number of major segments including:

7.1 Criteria for eligibility to manage under the model which cover:

7.1.1 Population

7.1.2 Community resources

7.1.3 Consent of the Band

7.1.4 Existing financial systems and procedures

7.1.5 Band staff qualifications

7.2 The financial authorities being granted including:

7.2.1 The level of financial control

7.2.2 The extent of authority to expend funds

7.2.3 The extent of authority to transfer funds

7.2.4 The extent of authority to revise budgets and allocations

7.2.5 The extent of authority to commit funds

7.2.6 The extent of authority to balance surpluses and deficits

7.3 Conditions and restrictions applying to the financial authorities granted including:

7.3.1 The methods and schedules for funding applications and transfers

7.3.2 Approval of the authorities

7.3.3 Bookkeeping and accounting

7.3.4 Expenditure

7.3.5 Systems and procedures

7.4 A required or recommended Band financial management system established by the Department or in accordance with standards established by the Department.

-5-

- 7.5 A negotiated agreement outlining all of the information covered in sub sections 7.1 to 7.4 as well as any additional duties, considerations standards or provisions which may apply.

The authority levels established by this directive are:

- 7.6 Shared Management - which establishes control by item of expenditure within each Sub-Activity II and requires Departmental approval or review of all financial transactions.
- 7.7 Controlled Funding - which establishes financial control within sub-activity II level and is considerably more restrictive than most existing arrangements but provides a more flexible alternative to either program withdrawal or joint management.
- 7.8 Allocation Funding - which establishes control at the sub-activity II level and is slightly less restrictive than Controlled Funding although still more restrictive than most existing arrangements.
- 7.9 Global Funding - which establishes financial control at the sub-activity I level and approximates most existing arrangements.
- 7.10 Flexible Funding - which establishes financial control at the Activity level and offers new authorities such as the ability to balance surpluses and deficits which are presently unavailable to Bands.
- 7.11 Flexible One Block Funding - which establishes financial control at the total community budget level which includes Band and non-departmental funds and offers even greater authority such as the power to utilize funds for purposes other than those for which they were provided.

The procedures and guidelines covering applications, negotiations, approval, operation, enforcement, audit, change from and withdrawal from any of these models pursuant to this directive are set out in the following documents and their appendices:

- 7.12 Circulars D-1, D-2, D-3 and D-4
- 7.13 The Band Financial Management Manual

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PROPOSED CONTENTS AND ORGANIZATION**

<u>Chapter</u>	<u>Part</u>	<u>Section</u>	<u>Sub Section</u>
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			1.1.2 Contributions
			1.1.3 Delegations to Bands
			1.1.4 Agreements
			1.1.5 Autonomy and Control
			1.1.6 Equity
			1.1.7 Protection of Interest
			1.1.8 Program Objectives
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			1.2.2 T.B. 725973
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			1.3.2 Early 1970's
			1.3.3 Program Circulars
			1.3.4 Projects
			1.3.5 Current work
	2. Administrative Policy	2.1 General	2.1.1 Non Binding Nature
			2.1.2 Exclusions
			2.1.3 Authorizations
		2.2 Eligibility	2.2.1 Establishment
			2.2.2 Investigation
			2.2.3 Verification
		2.3 Negotiation	2.3.1 Manual's Provisions
			2.3.2 Required Matters
			2.3.3 Responsibility
			2.3.4 Ratification
			2.3.5 Other Commitments
		2.4 Compliance	2.4.1 Cooperation
			2.4.2 Enforcement
			2.4.3 Disputes



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			3.1.2 Votes 5, 10 and 15
			3.1.3 Departmental Directive
			3.1.4 Program Circulars
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			3.2.2 Conflicts with Other Authorities
			3.2.3 Conflicts within Authorities
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			3.5.4 Issue of Ammendment
			3.5.5 Publication of Ammendments
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			2.2.09 Contracts
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		2.09 Program Provisions - Lands & Membership	
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			2.10.2 Definitions
			2.10.3 Termination
			2.10.4 Non Compliance

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		1.1	Budgets
			1.1.1 Resource Forecasts
			1.1.2 Needs forecasts
			1.1.3 Format
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			1.1.6 Submission
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		1.5	Commitments
		1.6	Transfers
		1.7	Contracts
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		1.9	Revenues

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		3.4	Reporting
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# BAND FINANCIAL MANAGEMENT MANUAL PROPOSED CONTENTS AND ORGANIZATION

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**BAND FINANCIAL MANAGEMENT MANUAL  
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Chapter

Part

Section

Sub Section

6. Flexible One Block  
Funding

- 6.1 Budgets
- 6.2 Expenditures
- 6.3 Bookkeeping
- 6.4 Reporting
- 6.5 Commitments
- 6.6 Transfers
- 6.7 Contracts
- 6.8 Audits and Inspections
- 6.9 Revenues

## Part 1 - Introduction

### 1.1 Purpose

This manual describes the detailed systems, procedures and other operational features which govern the implementation and operation of each of the following:

- 1.1.1 The transfer of departmental activities and sub-activities to Bands for management by Councils.
- 1.1.2 The making of contributions and payments to Bands for management by Councils.
- 1.1.3 The granting, transfer and delegation of financial and management authorities to Bands to be exercised by Councils.
- 1.1.4 The negotiation, ratification and implementation of Community Program Agreements between the Department and Bands, as represented by Councils, for the regulation of all matters mentioned in sub-sections 1.1.1 to 1.1.3 inclusive, of this Chapter.

The establishment of these provisions is intended to regulate, guide and support the processes relating to all aspects of departmental activities and sub-activities coming under the management of Bands including all questions of finance and management pertaining thereto in a manner ensuring that:

- 1.1.5 All Bands are enabled to exercise the maximum degree of financial and managerial authority consistent with both their need for local autonomy and their level of managerial, administrative and operational competence.
- 1.1.6 All arrangements made either internally or with any Band or Bands are as equitable and consistent as individual circumstances allow.
- 1.1.7 In all cases the legitimate interests of the Government, as represented by the Department; the Band, as represented by Council; and of individual Band members, are considered and protected to the maximum possible extent.
- 1.1.8 The management and administration of activities and sub-activities by Councils for the Bands supports, in so far as possible, the achievement of the specific program objectives related to these activities and sub-activities.

### 1.2 Definitions

In this manual the definition for all terms are the same as those given by:

- 1.2.1 The Indian Act
- 1.2.2 The Contributions to Band Authority T.B. 725973 March 28, 1974, as amended.

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### 1.2.3 Departmental Directive

### 1.2.4 Program Circulars D-1, D-2, D-3 and D-4, as amended.

These definitions are provided in full for reference purposes in Appendix 1B at the end of this Chapter; should there be any discrepancy between any of the above noted sources in reference to the definition of any term the following shall apply:

1.2.5 In cases where one definition is more specific and detailed; then the more specific and detailed definition shall apply.

1.2.6 In cases where all definitions are equally detailed and specific than the definition found in the first listed of the above noted sources shall apply.

## 1.3 Background

For several decades, it has been the policy of the Department to facilitate the growth of increasing levels of Band autonomy and local control in matters relating to the governance of reserve communities. Considering that most such matters relate to the various activities and sub-activities by which the Department delivers goods and services to these communities, it has long been the practice of the Department to transfer the management of these and the resources associated with them to Councils on behalf of Bands. In making such transfers the Department has encountered difficulties in balancing the need for local autonomy with the need for ensuring that program responsibilities pertaining to the transferred programs are fulfilled. Efforts at resolving these difficulties have included the following developments:

1.3.1 The institution of Contributions to Bands in the early 1960's.

1.3.2 The institution of a local government task force to revise the Contribution to Bands approach in the early 1970's.

1.3.3 The establishment of the D Circulars in 1976.

1.3.4 The initiation of a number of projects to review various aspects of Band funding and financial management between 1975 and 1978.

1.3.5 The establishment of a project to develop approaches to block funding, financial authority delegation and Band financial management systems.

The last development resulted in a discussion paper entitled "Suggested Financial Mechanisms To Support Devolution of Local Autonomy to Indian People" dated September 15, 1978. As a result a draft Directive and Manual were developed which incorporated the provisions of that paper, culminating in the issue of this document.



## Part 2 - Administrative Policy

### 2.1 General

This manual has been established pursuant to the policies set forth in the Departmental Directive and Circulars D-1, D-2, D-3 and D-4, as amended, and describes the administrative systems and procedures developed to ensure the comprehensive and uniform implementation of these policies.

Accordingly, the administrative policies set down in this Part have been established to ensure that implementation and operation of these systems and procedures is performed in a manner consistent with the purposes of this manual. In general the policy shall be that, with the exception of the circumstances noted below, all provisions of this manual shall be binding upon all participants and in all of the cases to which they refer. The only exceptions permitted will be where:

- 2.1.1 A provision is *specifically* designated as being a guideline, recommendation or in any other way designated as being non binding.
- 2.1.2 An individual, group or area is excluded in the part dealing with Application so that the Manual does not apply to them.
- 2.1.3 An authorization is obtained in writing from the Assistant Deputy Minister, Indian and Inuit Affairs, to dispense with or replace the provisions of this manual or certain portions thereof in a specified area or circumstances for a particular period of time.

### 2.2 Eligibility

The application of the provisions of this manual pertaining to the determination of eligibility shall be governed by a policy of reliance, to the largest possible extent, on the knowledge, experience and judgement of local officials of the Program. Within the general framework of this policy and subject to the provisions of this manual the following principles shall apply:

- 2.2.1 The burden of *establishing* eligibility in accordance with defined criteria lies upon those seeking that eligibility and requires that they shall present evidence to support their claim.
- 2.2.2 The responsibility for *investigating* claims and evidence of eligibility should be delegated to local officials of the Program.
- 2.2.3 The responsibility for *verifying* claims and evidence of eligibility should be reserved to senior Program officials within the Region.

### 2.3 Negotiation

The application of the provisions of this manual pertaining to the negotiation and ratification of agreements and other understandings and arrangements shall be governed by the following principles.

- 2.3.1 The application of the provisions of this manual are not subject to negotiation.



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- 2.3.2 Those items, matters and provisions designated by this manual as being required in any agreement shall not be subject to negotiation.
- 2.3.3 Wherever possible the *negotiation* of any matters between representatives of the Department and Bands will be carried out at the most local level provided that these representatives are duly accredited and competent to negotiate the matter at hand.
- 2.3.4 Wherever possible the *ratification* of negotiated agreements be done in a formal manner by the highest authorities of the negotiating parties within the Region.
- 2.3.5 Program officials in a Region shall avoid entering into negotiations pertaining to matters beyond the scope of the Region or in which the Region is already bound by previous commitments or authorities.

## 2.4 Compliance

The application of the provisions of this manual pertaining to the enforcement of the systems and procedures described and of any commitments, arrangements or agreements made pursuant to this manual shall be governed by a general policy of minimum enforcement. This policy shall be guided by the following principles:

- 2.4.1 Wherever possible compliance should be obtained on a co-operative basis between officials of a Band and a local Program office.
- 2.4.2 Where enforcement of compliance through the employment of remedies and sanctions is deemed necessary such remedies and sanctions are to be kept to a minimum.
- 2.4.3 Where compliance is hindered by disputes over the validity, interpretation or application of a provision or provisions such disputes should be referred to the lowest possible level of Program authority and onward through regular channels until both parties are satisfied with the judgement or settlement or until the matter has been considered and decided on by the Assistant Deputy Minister.

## Part 3 - Authority

### 3.1 Sources

The authority for the establishment of this manual and its provisions is derived from the Departmental Directive made pursuant to the revised Contributions to Bands Authority which Directive established the general system of authority levels and their administration. The authorities for all provisions of this manual in order of force are:

- 3.1.1 Contributions to Bands Authority T.B. 725973 March 28, 1974 as amended.
- 3.1.2 Votes 5, 10 and 15.
- 3.1.3 Departmental Directive
- 3.1.4 Program Circulars D-1, D-2, D-3 and D-4 as amended.
- 3.1.5 Band Financial Management Manual.

### 3.2 Application of Authorities

The application of all authorities pertaining to the provisions of this manual will be governed by the following procedures:

- 3.2.1 In cases of conflict between the provisions of any of the authorities listed in section 3.1 of this Chapter the first listed of those authorities shall be deemed to apply.
- 3.2.2 In cases of conflict between the provisions of any of the authorities listed in section 3.1 of this Chapter and any other authority the procedures described in section 3.4 of this Chapter shall apply.
- 3.2.3 In cases of conflict between the provisions *within* any authority listed in section 3.1 of this Chapter the procedures described in section 3.3 of this Chapter shall apply.

### 3.3 Interpretation

The sole authority for the final and definitive interpretation of any of the provisions of the authorities listed in section 3.1 shall be vested in the Assistant Deputy Minister, Indian and Inuit Affairs to whom all such questions must be referred in the following manner:

- 3.3.1 The Program office when the question first arises will describe the question and submit it through regular channels together with any comments and recommendations to the next level of program management.
- 3.3.2 Each successive level of program management shall then submit the question together with additional comments and recommendations to the next level of program management until it has been submitted to the office of the Assistant Deputy Minister, Indian and Inuit Affairs.

- 3.3.3 When a final interpretation has been approved by the Assistant Deputy Minister, Indian and Inuit Affairs this interpretation shall be issued in the form of an interpretation bulletin to all holders of this manual as a schedule to be attached thereto. All such bulletins will have the same force as an actual provision of this manual.
- 3.3.4 In cases where circumstances require an immediate interpretation an interim interpretation may be issued by the official heading the level of program management where the question arises who shall then submit the question, together with his interim interpretation, in the manner described in sub-sections 3.3.1 through 3.3.3 of this Chapter.
- 3.3.5 In cases where an interim interpretation is disallowed or not confirmed in a final interpretation bulletin then such an interim interpretation shall be revoked, in writing, by the issuing officer and all operations pursuant to that interim interpretation suspended and resumed pursuant to the final interpretation bulletin.
- 3.3.6 In cases where the interpretation of any of the provisions of any of the authorities listed in section 3.1 of this Chapter is not only in question but in dispute then the procedures described in section 3.4 shall apply.

#### 3.4 Rulings

The final authority for the resolution of any disputes arising out of any of the provisions of any of the authorities listed in section 3.1 of this Chapter shall be the Assistant Deputy Minister, Indian and Inuit Affairs. The settlement of disputes and issue of rulings shall be made in the following manner:

- 3.4.1 In cases where the dispute is internal to the Program and is solely concerned with a question of fact the case shall be submitted to the program manager to whom all parties to the dispute are accountable who shall then issue a ruling which shall be binding and cannot be appealed.
- 3.4.2 In cases where a dispute is *not* internal to the Program and is solely concerned with a question of fact, the case shall be heard as described in sub-section 3.4.1 of this chapter but may be appealed by any of the parties to the next highest level of program management. Appeals may be continued until the case reaches the office of the Assistant Deputy Minister, Indian and Inuit Affairs whose decision shall be final.
- 3.4.3 In cases where the dispute involves a question of interpretation or application then all parties to the dispute shall prepare a case and recommendations which shall be submitted through successive levels of program management to the office of the Assistant Deputy Minister, Indian and Inuit Affairs, who may either; institute a hearing; refer the matter to a court or simply render a decision. When a final ruling has been approved by the Assistant Deputy Minister it shall be issued in the form of an interpretation bulletin as described in sub-section 3.3.3 of this Chapter.



- 3.4.4 In cases where circumstances require an immediate ruling an interim ruling may be issued by an officer as described in sub-section 3.4.1 of this chapter. Such a ruling shall be subject to the same procedures as apply to interim interpretation and which are described in sub-section 3.3.4 to 3.3.5 of this Chapter.

### 3.5 Amendments

The sole authority for the amendment of any of the provisions of any of the authorities noted in sub-sections 3.1.3. to 3.3.5 of this Chapter shall be vested in the Assistant Deputy Minister, Indian and Inuit Affairs who shall in addition have final authority to recommend amendments to the authorities listed in sub-sections 3.1.1 and 3.1.2 of this Chapter. All amendments shall be considered and issued in accordance with the following procedures:

- 3.5.1 Requests for amendments shall be prepared by the originating program office which shall submit them to the next highest level of program management which shall in turn resubmit these, together with any comments or recommendations until they have been submitted to the office of the Assistant Deputy Minister, Indian and Inuit Affairs.
- 3.5.2 In cases where a request for amendment involves the authorities noted in sub-sections 3.1.1 and 3.1.2 of this chapter the Assistant Deputy Minister, Indian and Inuit Affairs may either refuse such requests or recommend the requested amendments to the appropriate officials.
- 3.5.3 In cases where a request for amendment involves the authorities noted in sub-sections 3.1.2 to 3.1.5 of this chapter, the Assistant Deputy Minister, Indian and Inuit Affairs may either approve or disapprove such an amendment on his own authority.
- 3.5.4 Where an amendment is approved upon recommendation of the Assistant Deputy Minister, Indian and Inuit Affairs it shall be issued in the form and manner prescribed in the authority being amended.
- 3.5.5 Where an amendment is approved on the authority of the Assistant Deputy Minister, Indian and Inuit Affairs; it shall be issued in the form of a new page or pages replacing those portions of the authority being amended and forwarded to all holders of copies of that authority.

### 3.6 Delegation

The delegation any responsibilities, powers and duties contained in any of the provisions of any of the authorities listed in section 3.1 of this chapter shall be made in accordance firstly with those provisions of each authority which may relate to such delegation and secondly in accordance with the following procedures.

- 3.6.1 A delegation may only be approved where no official is specifically designated to exercise the authority to be delegated or where the

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designated official is *specifically* empowered to delegate that authority.

- 3.6.2 A delegation may only be approved where the official making the delegation holds that authority from its source.
- 3.6.3 All requests for delegation shall be submitted from the requesting office to the next highest level of program management and re-submitted together with any comments or recommendations until it reaches the official empowered to approve the delegation.
- 3.6.4 All approved delegations shall be issued in writing and in the form and manner used for delegations of authority pursuant to the *Indian Act* and the *Financial Administration Act*.
- 3.6.5 All delegations of authority to be exercised at the Band level shall designate a particular group or individual within the Band who shall be responsible for the exercise of the delegated authority.

## Part 4 - Application

### 4.1 Areas

In accordance with the policies set forth in section 2.1 of this chapter this manual and its provision shall be deemed to apply to all offices of the Indian and Inuit Affairs Program and all Bands with the exception of the following:

- 4.1.1 Offices or Bands specifically exempted pursuant to an interpretation bulletin, ruling or amendment pursuant to sections 3.3 to 3.5 of this chapter.
- 4.1.2 Offices or Bands not involved in the transfer of activities and sub-activities and related resources or in any agreements pertaining to these.

### 4.2 Cases

Further pursuant to the policies stated in section 2.1 of this chapter, this manual and its provisions shall apply in all cases covered by the contents of its provisions and subject only to the exceptions noted in sub-sections 4.1.1 and 4.1.2 of this chapter.

## APPENDIX 1A - SUMMARY OF AUTHORITY LEVELS

LEVEL 1 SHARED MANAGEMENT	LEVEL 2 CONTROLLED FUNDING	LEVEL 3 ALLOCATION FUNDING	LEVEL 4 GLOBAL FUNDING	LEVEL 5 FLEXIBLE FUNDING	LEVEL 6 FLEXIBLE ONE BLOCK FUNDING
CONDITIONS AND RESTRICTIONS					
Bands will accompany applications for funding with a B.C.R. approving the budget and stating acceptance of the conditions of their authority and copies of the agreement or agreements covering the programs being managed.	Bands will accompany applications for funding with a B.C.R. approving the budget and stating acceptance of the conditions of their authority and copies of the agreement or agreements covering the programs being managed.	Bands will accompany applications for funding with a B.C.R. approving the budget and stating acceptance of the conditions of their authority, a copy of the instrument granting their authority and copies of the agreement or agreements covering the programs being managed.	Band will accompany applications for funding with a B.C.R. approving the budget and stating acceptance of the conditions of their authority, a copy of the instrument granting their authority and copies of the agreement or agreements covering the programs being managed.	A Band application for funding will include a copy of the proposed total community budget and an approved B.C.R. that duly authorized the Council to receive funds under the "Flexible" system. Council will also indicate that councillors have fully accepted the terms and conditions of the flexible funding level.	Band applications for funds will include a B.C.R. approving the total community budget and acceptance of the conditions of their authority, a copy of the instrument granting their authority and of the agreement(s) covering transferred programs.
Bands will maintain accounting records which meet the normal standards for Canadian Chartered Accounting.	Bands will maintain accounting records which meet the normal standards for Canadian Chartered Accounting.	Bands will maintain accounting records which meet the normal standards for Canadian Chartered Accounting.	Bands will maintain accounting records which meet the normal standards for Canadian Chartered Accounting.	Bands will maintain accounting records which meet the normal standards for Canadian Chartered Accountants.	Bands will maintain account systems and reports meeting program standards and make them available for inspection by Band members on the same hour of the first working day succeeding presentation of a valid, written request.



## APPENDIX 1A - SUMMARY OF AUTHORITY LEVELS

LEVEL 1 SHARED MANAGEMENT	LEVEL 2 CONTROLLED FUNDING	LEVEL 3 ALLOCATION FUNDING	LEVEL 4 GLOBAL FUNDING	LEVEL 5 FLEXIBLE FUNDING	LEVEL 6 FLEXIBLE ONE BLOCK FUNDING
CONDITIONS AND RESTRICTIONS					
Bands will not exceed the limits of the authority granted.	Bands will not exceed the limits of the authority granted.	Bands will not exceed the limits of the authority granted.	Bands will not exceed the limits of the authority granted.	Bands will not exceed the limits of the authority granted.	Bands will not exceed the limits of the authority granted.
Band expenditures within any sub-sub-activity may only be authorized up to the total amount budgeted for that sub-sub-activity.	Band expenditures may exceed the funds allocated within any sub-sub-activity by no more than 10% provided the total funds allocated by the Department within any sub-activity are not exceeded.	Band expenditures may exceed the funds allocated within any sub-activity by no more than 10% providing the total of the funds allocated by the Department within any main activity is not exceeded.	Band expenditures may exceed the funds allocated within any sub-activity by a maximum of 10% providing the total of funds allocated by the Department within the main activity is not exceeded.	Band expenditures may exceed the funds allocated within any main activity by a maximum of 10% providing the total funds allocated by the Department are not exceeded.	Band expenditures will be limited to the total funds available for the community budget.
Band "administration overhead" expenditures related to transferred programs will be authorized by the Department up to 12% of the total contributions to the Band.	Band "administrative overhead" expenditures related to transferred programs will not exceed 12% of the total community program contributions to the Band.	Band "administrative overhead" expenditures related to transferred programs will not exceed 12% of the total program contributions to that Band.	Band administrative overhead expenditures related to transferred programs will not exceed 10% of the total program contributions to that Band.	Band Administrative overhead expenditures related to transferred programs will not exceed 10% of the total program contributions to that Band.	Band expenditures will be limited to purposes and items falling within the total community budget.
Band expenditures made within the budget for any item of expenditure will be only for that item of expenditure.	Band expenditures made from within any sub-sub-activity will only be for items falling within that sub-sub-activity.	Band expenditures made from within any sub-activity will only be for items falling within that sub-activity according to the established classification of accounts.	Band expenditures made from within any main activity will only be for items falling within that main activity according to the established classification of accounts.	Band expenditures made from within any main activity will only be for items falling within that main activity according to the established chart of accounts.	Bands must make complete annual reports available to all Band members.

## APPENDIX 1A - SUMMARY OF AUTHORITY LEVELS

LEVEL 1 SHARED MANAGEMENT	LEVEL 2 CONTROLLED FUNDING	LEVEL 3 ALLOCATION FUNDING	LEVEL 4 GLOBAL FUNDING	LEVEL 5 FLEXIBLE FUNDING	LEVEL 6 FLEXIBLE ONE BLOCK FUNDING
CONDITIONS AND RESTRICTIONS					
Bands will submit to the Department and make available to members monthly financial reports and submit to and cooperate with annual independent audits.	Bands will submit to the Department and make available to members monthly financial reports and submit to and co-operate with annual independent audits.	Bands will submit to the Department and make available to the members quarterly financial reports and submit to and co-operate with annual independent audits of their financial records.	Bands will submit to the Department and make available to Band members annual financial reports and submit to and co-operate with annual independent audits of their financial records.	Band will submit to the Department and make available to Band members annual financial reports and submit to and co-operate with annual independent audits of Band financial records.	Bands must submit to, co-operate with and make available to their members, a complete, independent, annual audit.
Bands will implement and maintain the Community Government Program Circulars D-1 to D-4 and the administrative and financial management systems therein described or such other systems and guidelines previously approved in lieu thereof by the Regional Director General.	Bands will implement and maintain the Community Government Program Circulars D1-D4 and the administrative and financial management systems therein described or such other systems and guidelines previously approved in lieu thereof by the Regional Director General.	Bands will implement and maintain the Local Government Program Circulars D1-D4 and the administrative financial management systems therein described or such other systems and guidelines as previously approved in lieu thereof by the Regional Director General.	Bands will implement and maintain the Local Government Program Circulars D1-D4 inclusive and the administrative and financial management systems therein described or such other similar systems and guidelines as previously approved in lieu thereof by the Regional Director General.	Bands will implement and maintain the revised Local Government Program, Circulars D1-D4 inclusive and the administrative and financial management systems therein described or such other similar systems and guidelines previously approved in lieu thereof by the Regional Director General.	Band will implement the Local Government Regulations and guidelines as approved by the Regional Director General.

## APPENDIX 1A - SUMMARY OF AUTHORITY LEVELS

LEVEL 1 SHARED MANAGEMENT	LEVEL 2 CONTROLLED FUNDING	LEVEL 3 ALLOCATION FUNDING	LEVEL 4 GLOBAL FUNDING	LEVEL 5 FLEXIBLE FUNDING	LEVEL 6 FLEXIBLE ONE- BLOCK FUNDING
CONDITIONS AND RESTRICTIONS					
Bands will maintain a basic commitment control system as part of their management systems.	Bands will maintain a basic commitment control system as part of their management systems.	Bands will maintain a basic commitment control system as part of their management systems.	Bands will establish and maintain a comprehensive commitment control as part of their management systems.	Bands will establish and maintain comprehensive commitment control as part of their management systems.	Bands must maintain financial and program management systems meeting basic standards as determined by departmental guidelines.
					Bands must show evidence that objectives of programs which have been transferred to the Band are being met.

## APPENDIX 1A - SUMMARY OF AUTHORITY LEVELS

LEVEL 1 SHARED MANAGEMENT	LEVEL 2 CONTROLLED FUNDING	LEVEL 3 ALLOCATION FUNDING	LEVEL 4 GLOBAL FUNDING	LEVEL 5 FLEXIBLE FUNDING	LEVEL 6 FLEXIBLE ONE BLOCK FUNDING
CRITERIA FOR ELIGIBILITY					
Band or District Councils applying for authority will have:	Band or District Councils applying for authority will have:	Band or District Councils applying for authority will have:	Band or District Councils applying for authority will have:	Band or District Councils applying for authority will have:	Band or District Councils applying for authority will have:
			an on-reserve population of approximately 50 members or a total Band budget in excess of \$100,000.	an on-reserve population of approximately 50 members or a total Band budget in excess of \$250,000 being administered by the Band.	an on-reserve population in excess of 50 members or a total community budget in excess of \$250,000 being administered by the Band.
A qualified Band administrator.	a Band clerk meeting provincial or Departmental bookkeeping qualifications.	a Band clerk meeting provincial or Departmental bookkeeping qualifications.	a qualified Band Administrator/Manager on staff for a period of at least 6 months.  a Band employee to perform bookkeeping qualifications.	a qualified Band Manager and an accountant who is either on staff or on a retainer contract basis.	a qualified Band Manager, a qualified bookkeeper on staff and arrangements for the services of a certified accountant all of whom have been working for the Band for at least one fiscal year.

## APPENDIX 1A - SUMMARY OF AUTHORITY LEVELS

LEVEL 1 SHARED MANAGEMENT	LEVEL 2 CONTROLLED FUNDING	LEVEL 3 ALLOCATION FUNDING	LEVEL 4 GLOBAL FUNDING	LEVEL 5 FLEXIBLE FUNDING	LEVEL 6 FLEXIBLE ONE BLOCK FUNDING
CRITERIA FOR ELIGIBILITY					
	Bands will establish a commitment control system to record all firm commitments against contribution funds.	Bands will establish a commitment control system to record all firm commitments against contribution funds.	established comprehensive financial management systems and administrative procedures.	a co-ordinated community budgeting format in use which covers all anticipated revenue and planned expenditures at least on full fiscal year in advance.	a co-ordinated community budgeting format which covers all anticipated revenue and planned expenditures at least one full fiscal year in advance.
	a set of books complying with (Canadian accounting) standards.				
		a Band bank account.	a Band bank account.		
		at least one year's experience with a contribution relating to a Band administration function.	at least one year's experience with managing local service contribution without major delivery or accounting difficulties and otherwise have met the criteria for the "allocation system" of Band contributions funding.		



## APPENDIX 1A - SUMMARY OF AUTHORITY LEVELS

LEVEL 1  
SHARED  
MANAGEMENT

LEVEL 2  
CONTROLLED  
FUNDING

LEVEL 3  
ALLOCATION  
FUNDING

LEVEL 4  
GLOBAL  
FUNDING

LEVEL 5  
FLEXIBLE  
FUNDING

LEVEL 6  
FLEXIBLE ONE  
BLOCK FUNDING

## CRITERIA FOR ELIGIBILITY

adopt and maintain  
the Band Council  
meeting regula-  
tions pursuant to  
the Indian Act.

adopt and maintain  
the Band Council  
meeting regulations  
pursuant to the  
Indian Act.

an approved community  
plan spanning a period  
of at least 3 fiscal  
years in advance (and  
covering all major  
program activities  
and depicting est-  
ablished socio-economic  
development strate-  
gies).

a Chief and Council  
duly elected by demo-  
cratic process by the  
majority vote of the  
Band constituency.

an approved community  
plan spanning a period  
of at least 5 fiscal  
years, covering all  
major program activi-  
ties, depicting est-  
ablished socio-economic  
development strategies  
and in successful oper-  
ation for at least one  
full fiscal year.

a Chief and Council  
duly elected by demo-  
cratic process by the  
majority vote of the  
Band constituency.

Band shall adopt pro-  
visions for the pro-  
tection of members  
against conflict of  
interest; unjust dis-  
crimination and lack  
of privity.

TRIBAL  
1 &  
SQUAMISH



## APPENDIX 1A - SUMMARY OF AUTHORITY LEVELS

LEVEL 1	LEVEL 2	LEVEL 3	LEVEL 4	LEVEL 5	LEVEL 6
SHARED MANAGEMENT	CONTROLLED FUNDING	ALLOCATION FUNDING	GLOBAL FUNDING	FLEXIBLE FUNDING	FLEXIBLE ONE BLOCK FUNDING

## CRITERIA FOR ELIGIBILITY

established financial and program management systems complying with minimum Departmental standards including inventory, contracting and commitment control sub-systems.

Band applications for authority will include:

a legitimate B.C.R. stating willingness to complying with the restrictions and conditions of all programs being transferred

a community program agreement approved and signed by the designated managers of all programs being transferred and a quorum of the duly signed constituted Band or District Council

a proposed program budget for the fiscal year during which authority will be exercised approved by Council.

Band applications for authority will include:

a legitimate B.C.R. stating willingness to comply with restrictions and conditions of this authority level and of all programs being transferred;

a community program agreement approved and signed by the designated managers of all programs being transferred and a quorum of the duly constituted Band or District Council.

a proposed program budget for the fiscal year during which authority will be exercised, approved by Council.

Band applications for authority will include:

a legitimate B.C.R. willingness to comply with restrictions and conditions of this authority level and of all programs being transferred.

## APPENDIX 1A - SUMMARY OF AUTHORITY LEVELS

LEVEL 1  
SHARED  
MANAGEMENT

LEVEL 2  
CONTROLLED  
FUNDING

LEVEL 3  
ALLOCATION  
FUNDING

LEVEL 4  
GLOBAL  
FUNDING

LEVEL 5  
FLEXIBLE  
FUNDING

LEVEL 6  
FLEXIBLE ONE  
BLOCK FUNDING

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CRITERIA FOR ELIGIBILITY

Band applications for  
authority will include:

certification by the  
District Manager and  
officers of the trans-  
ferred programs that  
Band is able to manage  
community service con-  
tributions satisfac-  
torily,

certification by the  
District Manager that  
the Band meets the  
criteria for Flexible  
Funding,

a legitimate refer-  
endum signifying that  
two thirds of the  
reserve residents are  
willing to see the  
authorities under  
this system granted to  
the Council. (See  
note 3, Referendum  
Procedures).

## APPENDIX 1A - SUMMARY OF AUTHORITY LEVELS

LEVEL 1 SHARED MANAGEMENT	LEVEL 2 CONTROLLED FUNDING	LEVEL 3 ALLOCATION FUNDING	LEVEL 4 GLOBAL FUNDING	LEVEL 5 FLEXIBLE FUNDING	LEVEL 6 FLEXIBLE ONE BLOCK FUNDING
AUTHORITIES					
Under this system Bands will be authorized to assume and manage transferrable programs subject to the scrutiny and approval of designated departmental officials.	Under this system Bands will have the authority to assume and manage transferrable programs.	Under this system Bands will have the authority to assume and manage transferrable programs.	Under this system Bands will have authority to assume and manage transferrable programs.	Flexible Funding will allow Bands to assume, plan, manage and administer transferrable programs.	Under this system Bands will have full authority to assume, plan, manage and administer transferrable programs.
Bands will be authorized to request funds for previously approved expenses pertaining to transferred programs upon submission and verification of bills and receipts.	Bands will be authorized to apply for funding for transferred programs in budgets broken down to the Sub-Activity II level and by items of expenditure within each Sub-Activity II.	Bands will authorize to apply for funding for transferred programs in budgets broken down to the Sub-Activity II level and by item of expenditure within each Sub-Activity II.	Bands will be authorized to apply for funding for transferrable programs in budgets broken down to the sub-activity I level and by purpose and item of expenditure within each sub-activity one.	Band will be authorized to apply for funding blocks at the main activity level. The expenditures in each of the main activities will be individually itemized and the purpose of the expenditure indicated.	Bands will be authorized to apply for funding for transferred programs in a single block sum with support information containing a breakdown by purpose and item of expenditure.
Bands will be authorized to request payment of all authorized expenses subject to the verification of such items by the Department.	Bands will be authorized to expend funds on any budgeted item of expenditure or purpose falling within the sub-sub-activity for which funds are allocated.	Bands will be authorized to expend funds on any item of expenditure or purpose falling within the sub-sub-activity for which funds are allocated.	Bands will be authorized to expend funds on any item of expenditure or purpose falling within the sub-activity for which funds were allocated.	Bands will be authorized to expend funds on any item of expenditure or purpose falling within a main activity.	Bands will be authorized to expend funds on any purpose or item of expenditure falling within their total community budget.

## APPENDIX 1A - SUMMARY OF AUTHORITY LEVELS

LEVEL 1 SHARED MANAGEMENT	LEVEL 2 CONTROLLED FUNDING	LEVEL 3 ALLOCATION FUNDING	LEVEL 4 GLOBAL FUNDING	LEVEL 5 FLEXIBLE FUNDING	LEVEL 6 FLEXIBLE ONE BLOCK FUNDING
AUTHORITIES					
Bands will be authorized to request the transfer of funds between items of expenditure within any sub-sub-activity for which funds are allocated subject to approval of the Department.	Bands will be authorized to transfer funds between objects of expenditure within each sub-sub-activity allocated.	Bands will be authorized to transfer funds between sub-sub-activities falling within the same sub-activity.	Bands will be authorized to transfer funds between sub-activities falling within the same main activity.	Bands will be authorized to transfer funds between main activities.	Bands will be authorized to transfer between all community budget items and purposes.
Bands will be authorized to make recommendations to the Department by B.C.R. for the addition, deletion or revision of items of expenditure to any sub-sub-activity.	Bands will be authorized to make recommendations to the Department by B.C.R. for the addition, deletion or revision of items of expenditure to any sub-sub-activity.	Bands will be authorized to add or delete items of expenditure to any sub-sub-activity and make recommendations by B.C.R. to the Department on other budget adjustments.	Bands will be authorized to revise all existing budget items for sub-activities within a <u>main activity</u> .	Bands will be authorized to revise main activity budgets at anytime during the fiscal year.	Bands will be authorized to revise total community budgets.
Bands will be authorized to balance surpluses and deficits between items of expenditure within any purpose of expenditure at the sub-sub-activity level.	Bands will be authorized to balance surpluses and deficits between items of expenditure at the sub-sub-activity level.	Bands will be authorized to balance surpluses and deficits within each sub-activity.	Pending regional approval, Bands will be authorized to add or delete programs and expenditures at the sub-activity level.  Bands will be authorized, pending Regional approval to balance surplus and deficits within main activities at the end of each fiscal year.	Bands will be authorized to balance surplus and deficits between main activities at the end of each fiscal year.	Bands will be authorized to balance surpluses and deficits within their total community budget at the end of any fiscal period.

## APPENDIX 1A - SUMMARY OF AUTHORITY LEVELS

LEVEL 1 SHARED MANAGEMENT	LEVEL 2 CONTROLLED FUNDING	LEVEL 3 ALLOCATION FUNDING	LEVEL 4 GLOBAL FUNDING	LEVEL 5 FLEXIBLE FUNDING	LEVEL 6 FLEXIBLE ONE BLOCK FUNDING
AUTHORITIES					
Bands will be authorized to commit funds for any period within a quarter, subject to departmental approval.			Bands will be authorized pending Regional approval to commit funds for a period of up to five years in advance.		
	Pending regional approval, Bands will be authorized to commit funds for any period within the fiscal year.	Pending Regional approval Bands will be authorized to commit funds for any period within the current fiscal year.		Pending regional approval, Bands will be permitted to commit funds for a period of up to five fiscal years in advance.	
Bands will be authorized to adopt financial systems, procedures and reports based on the requirements prescribed by the Department.	Bands will be authorized to adopt financial systems, procedures and reports based on the requirements prescribed by the Department.	Bands will be authorized to adopt prescribed financial procedures, systems and reports or similar ones approved by the Regional Director General.	Bands will be authorized to adopt prescribed financial procedures, systems and reports or similar ones approved by the Regional Director General.	Bands will be authorized to adopt prescribed financial procedures, systems and reports or similar ones approved by the Regional Director General.	Bands will be authorized to adopt any financial procedures, systems and reports which permit them to meet the conditions and restrictions pertaining to this authority level.

## APPENDIX 1A - SUMMARY OF AUTHORITY LEVELS

LEVEL 1 SHARED MANAGEMENT	LEVEL 2 CONTROLLED FUNDING	LEVEL 3 ALLOCATION FUNDING	LEVEL 4 GLOBAL FUNDING	LEVEL 5 FLEXIBLE FUNDING	LEVEL 6 FLEXIBLE ONE BLOCK FUNDING
AUTHORITIES					
Band will be authorized to request an accounting of their revenue and capital funds from the Department.	Bands will be authorized to manage Band revenue funds within the conditions set forth by the Indian Act and pursuant regulations.	Bands may be authorized to manage Band funds and certain aspects of lands, etc., subject to the Indian Act and pursuant regulations and Orders-in-Council.	Bands will be authorized to manage Band funds and certain aspects of lands, etc., subject to the Indian Act and pursuant regulations and Orders-in-Council.	Bands will be authorized to manage Band funds and certain aspects of lands, etc., subject to the Indian Act and pursuant regulations and Orders-in-Council.	Bands will be authorized to exert complete management of all revenue operations and Band Funds. (See note 2) Indian Act Revisions.
Bands will be authorized to receive advances on the basis of verified submissions to the Department.	Bands will be authorized to receive funds on a quarterly basis.	Bands will receive annual funds normally on a quarterly advance basis.	Bands will normally receive annual funds on a quarterly advance basis.	Bands will normally receive annual funds on a semi-annual advance basis subject to the availability of funds to the Department.	Bands will normally receive annual funds on an annual advance basis subject to the availability of funds to the Department.



APPENDIX 1B - SUMMARY OF DEFINITIONS

<u>TERM</u>	<u>DEFINITION</u>	<u>SOURCE</u>
Activity	means a main activity, being a major financial block encompassing all purposes and funds relating to a general area such as Education.	Departmental Directive
Agreement	means a Community Program Agreement being an agreement between accredited representatives of the Department and a Band which sets forth the purposes, amounts, authorities, duties, privileges, terms, conditions, provisions and standards relating to one or more contributions or payments from the Department to a Band.	Departmental Directive
Auditor	normally means an accredited member of a recognized accounting association. (i.e. public accountant) but may mean an officer appointed by the Regional Director General to examine the financial records of a Band Council.	Program Circular D-4
Authority	means a financial or managerial authority which permits a designated group or individual to perform or arrange for the performance of a specified act or enter into or approve entry into a particular transaction.	Departmental Directive
Band	has the same meaning ascribed to it in the Indian Act	Program Circular D-1
	means a body of Indians for whose use and benefit in common, lands, the legal title to which is vested in Her Majesty have been set apart before, on or after the 4th day of September 1951,	Indian Act
	for whose use and benefit in common, moneys are held by Her Majesty, or	
	declared by the Governor in Council to be a band for the purposes of this Act.	
Band Council	has the same meaning as "Council of the Band"	Program Circular D-1

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<u>TERM</u>	<u>DEFINITION</u>	<u>SOURCE</u>
Block Funding	means a method of financial allocation by which funds are transferred in separate sums or "blocks" established according to the purpose or use of the funds involved so that the recipient may exercise discretion in the use and management of funds within the block; any block may be part of a larger "super-block" or broken down into smaller "sub-blocks".	Departmental Directive
Community Program	means a good, facility or service utilizing Departmental contribution funds which may be provided/managed in whole in part at the community level. For examples, see 3 of Program Circular D-4.	Program Circular D-1
Community Program Agreement	means a Band Council Resolution, a contract, or a written agreement which describes mutually satisfactory arrangements for providing a community program to Band members. For more details, see Section 4.3 of Program Circular D-4.	Program Circular D-1
Condition	means term or condition, being a requirement, pursuant to an agreement or authority, that a designated individual or group must meet during the term of that agreement or authority; failure to comply with such a term or condition may either render an agreement or authority null or provide a basis for the employment of sanctions or remedies against the party failing to comply with the term or condition.	Departmental Directive
Council	means a Band Council, being a Council of the Band as defined in the Indian Act, a District Council or any other Committee or Authority authorized to act on behalf of or in place of a Band Council in any matter pursuant to this directive.	Departmental Directive
Council of the Band	has the meaning ascribed to it in the Indian Act	Program Circular D-1
	means in the case of a band to which section 74 applies, the council established pursuant to that section,	Indian Act

-3-

TERMDEFINITIONSSOURCE

in the case of a band to which section 74 does not apply, the council chosen according to the custom of the band, or, where there is no council, the chief of the band chosen according to the custom of the band;

Criteria

means Criteria for Eligibility, being the particular requirements which must be satisfied before the delegation of any level or authority to a Council on behalf of a Band can be considered for approval.

Departmental  
Directive

Department

has the meaning ascribed to in the Indian Act

Program Circular  
D-1

means the Department of Indian Affairs and Northern Development

Indian Act

Joint  
Management

means management through a mutually agreed upon combination of Departmental and Band staff for a defined transitional period during which the Band gradually assumes total administrative responsibility for the program. While a program is under joint management, approval and signing authorities related to the program require co-signature by the designated Band and Departmental official.

Program Circular  
D-1

Level

means an Authority Level, being a specific degree of financial and managerial authority which may be delegated to a Council on behalf of a Band providing that the Band meets the defined criteria and agrees to and complies with the required conditions.

Departmental  
Directive

Procedure

means a defined method for the accomplishment of a designated task or activity.

Departmental  
Directive

Regional  
Director  
General

means the senior executive officer of a Departmental region or a person designated by him.

Program Circular  
D-1

-4-

TERMDEFINITIONSSOURCE

Sub  
Activity

means a Sub-Activity I or Sub-Activity II, being sub-blocks within a main activity which provide funds for purposes subordinate to that of the main activity; examples include social assistance and policing.

Departmental  
Directive

System

means an organized series of defined procedures and requirements governing the accomplishment of a function or task in an orderly and uniform manner.

Departmental  
Directive

PURPOSE:

D 1

To state the position of the Department with respect to Indian Local Government.

I. GENERAL:

- 1.1 The policies and procedures relevant to Indian local government are described in a revised series of program circulars which take effect on April 1, 1979.

Program Circular D-1

Indian Local Government

Program Circular D-2

District Councils

Program Circular D-3

Band Core Funding

Program Circular D-4

Funding of Band Operated Community Programs

- 1.2 These circulars also apply to the Inuit settlement of Northern Quebec.

- 1.3 In these circulars:

- a) "Department", "Indian", "Band" and "Council of the Band" have the meanings ascribed to them in the Indian Act. "Band Council" has the same meaning as "Council of the Band".

- b) "Community Program" means a good, facility or service utilizing Departmental contribution funds which may be provided/managed in whole or in part at the community level. For examples, see 3 of Program Circular D-4.
  - c) "Community Program Agreement" means a Band Council Resolution, a contract, or a written agreement which describes mutually satisfactory arrangements for providing a community program to Band members. For more details, see Section 3 of Program Circular D-4.
  - d) "Regional Director General" means the senior executive officer of a Departmental region or a person designated by him.
  - e) "Auditor" normally means an accredited member of a recognized accounting association. (i.e. public accountant) but may mean an officer appointed by the Regional Director General to examine the financial records of a Band Council.
- 1.4 The Indian Local Government Guidelines as described in the D series of Program Circulars apply to all Departmental activities that can be transferred to the control of a Band Council.
- 1.5 Suggestions for improvement or amendment to this Circular may be sent to the Regional Director General or to the Director General, Program Support, Indian and Inuit Affairs Program, 10 Wellington Street, Hull, Quebec K1A 0H4.



## 2. SOME BASIC POLICY CONSIDERATIONS:

- 2.1 Indian Bands have the right to exercise the fullest degree of responsibility for local government that is consistent both with law, and the customs and traditions of the Band.
- 2.2 Indian Bands can exercise this right and its related obligation without:
  - a) diminishing their unique and continuing relationship to the Federal Government; or
  - b) relieving the Federal Government of its responsibilities to meet commitments under law or the various treaties; or
  - c) affecting adversely the special status of Indians and Indian lands; or
  - d) reducing the number of quality or community programs available to Band members.
- 2.3 Band Councils and provincial and national Indian organizations will be consulted to the extent reasonable about policy and program developments before implementation.
- 2.4 The Department is accountable to Parliament through the Minister for funds appropriated to it and therefore must establish certain standards for their use.
- 2.5 The Department will supply Bands with financial and other assistance required to provide community programs within the limits of appropriated funds. It is expected that Indian Bands will contribute to the cost of community programs from their own resources wherever this is possible and appropriate.

- 2.6 A Band Council is responsible for determining the needs, priorities and method of delivery for community programs.
- 2.7 A Band Council may supply a community program direct through its own staff or it may:
- a) delegate this function to a committee or authority appointed by and responsible to it; or
  - b) arrange for the program to be provided by another organization acting as its agent such as a District Council or a School Board.
- 2.8 The Department will continue to provide programs through its own staff where Bands wish it to do so or because of some requirement in law or government policy.
- 2.9 The Department will participate in the planning and/or administration community programs that are managed by a Band Council or some other organization when one or more of the following conditions apply:
- a) Departmental funds are contributed to the program.
  - b) The Indian Act specifically requires Departmental participation.
  - c) No Departmental funds are involved but:
    - i) A Band has requested Departmental participation and the Department has agreed to the request.
    - ii) A Band has arranged for the provision of a community program with an agency which requires Departmental participation.

### 3. SOME BASIC PRINCIPLES AND PRACTICES OF INDIAN LOCAL GOVERNMENT:

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3.1 In order for Band members to receive the benefits of community control community programs, Band Councils need to develop financial and administrative practices acceptable to the Regional Director General and consistent with the following principles:

- a) that the electorate support the Band Council in assuming management responsibility for a local program;
- b) that the program be provided to Band members by a qualified staff;
- c) that the rights of individual Band members be protected;
- d) that the Band Council account to Band members for all funds received and expended by it;
- e) that all Departmental funds provided to the Band Council be expended for the purpose approved;
- f) that the Band Council establish and follow suitable financial and administrative practices;
- g) that Band Accounts be audited at least once a year.

3.2 A sample guideline which illustrates a suitable framework of financial and administrative practices for Band Councils is attached as an appendix.

- 3.3 Band Councils, meeting the established criteria, may apply for and receive, subject to the approval of the Regional Director General various degrees of financial management authority including the authority to adjust priorities and transfer funds within the specific terms and conditions set forward in the governing community Program agreement.

Assistant Deputy Minister

## APPENDIX "A"

### PURPOSE:

To describe guidelines to assist Band Councils in the development of suitable administrative and financial practices to regulate the administration of community programs in accordance with the basic principles of Indian local government set out in Section 3.1 of Program Circular D-1.

### SPECIAL NOTE:

When Band Councils convert these sample guidelines (or parts of them), into Band Regulations they will need to make certain changes in wording to enable the Council to enforce them and to make them suitable for local conditions. This can be done by Band Council Resolution.

### 1. BAND COUNCIL RESPONSIBILITIES:

The general responsibilities of the Band Council with respect to the administration of community programs would be as follows:

- 1.1 planning, estimating and budgeting for the funds and resources required for local programs.
- 1.2 ensuring sound financial management, including accountability to Band members and to funding agencies.
- 1.3 ensuring that all Band staff and Committee members are adequately trained and qualified for the duties to which they are assigned.

- 1.4 overseeing the work of all Band Council employees.
- 1.5 initiating and conducting investigations and taking such necessary disciplinary action as may be required where an employee does not comply with these or other applicable regulations.
- 1.6 permitting access by Band members, at reasonable times, to the minutes of all Band and Band Council meetings, by-laws and resolutions of the Band, the budget, monthly financial statements and audit reports.
- 1.7 appointing, by resolution, a person or persons (preferably not a member of Council) who will:
  - a) record all resolutions, decisions and other proceedings of the Band Council in a prescribed manner;
  - b) keep the books, records and accounts of the Band Council in accordance with established procedures;
  - c) maintain a filing system in which is kept all minutes of the Band Council meetings, all by-laws, and copies of all vouchers, bank statements, cancelled cheques and correspondence relating to the business of the Band;
  - d) receive, record and deposit all monies received by the Band Council, and pay out those monies in accordance with established procedures;



- e) prepare a monthly statement to be presented at the next regular meeting of the Band Council or in any event at least once a month, showing:
  - i) itemized receipts and disbursements during the preceding month;
  - ii) the standing of the general ledger balances as of the last day of the preceding month;
  - iii) the standing of all accounts as of the last day of the preceding month and any other information that may be required by the Band Council or the Department.

2. ACCOUNTING SYSTEMS:

- 2.1 An adequate double entry bookkeeping system such as one-write accounting system should be maintained daily to record all financial transactions. This system is to include the facility to record:
  - a) all receipts and receivables;
  - b) all disbursements;
  - c) all commitments for goods services or benefits received, but not immediately paid for;
  - d) details of employees' earnings and payroll deductions.
- 2.2 A General Ledger should be maintained and updated monthly to facilitate a continual accounting of revenue received, expenses incurred and changes to assets, liabilities and Band equity.

2.3 Bank reconciliations should be prepared upon receipt of bank statement and cancelled cheques.

2.4 Monthly listings of Accounts Receivable and Accounts Payable should be prepared, and balanced to General Ledger control accounts where applicable.

3. RECEIPTS AND DEPOSITS:

3.1 A receipt, completed at least in duplicate (except in a one-write system), on pre-numbered forms, should be issued for all funds received. The original should be given to the payee, and the duplicate should be retained as a permanent record of the amount, the date, the source and the purpose of the payment. All pre-numbered receipts should be accounted for.

3.2 All funds received should be deposited intact, and without undue delay, in the chartered bank or the trust company or the credit union or the Caisse Populaire, which has been designated by the Band Council.

3.3 Funds received by the Band Council are not to be deposited to the credit of an individual.

3.4 Funds held in trust by the Band Council should be deposited in a separate Band Trust Account designated for that purpose.

4. PURCHASES:

4.1 Purchases can be approved by the Band Council providing that:

- i) the necessary funds are identified in the budget;
- ii) they are required for a community service provided by the Band Council;

- iii) they are made in accordance with the established regulations and procedures of the Band Council;
- iv) the decision is recorded in the minutes of a Band Council meeting or are reflected as a previously approved budgetary item.

4.2 The Band Council, without diminishing its responsibility for the control of purchases, will normally designate an employee to sign purchase orders for approved purposes up to a prescribed limit.

4.3 All purchases of supplies and services are to be authorized in writing, either through the issuance of purchase orders in triplicate or by contract as referred to in 7 below. The original copy of the purchase order should be forwarded to the supplier, and the duplicate and triplicate copies retained at the Band office.

- a) The duplicate copy of the purchase order should be attached to the invoice being processed for payment after the receipt or delivery has been certified as well as the quality, quantity, price and total charge.
- b) The triplicate copy of the purchase order should be filed in numerical order to facilitate the accounting of all purchase order numbers.

5. PAYMENTS:

5.1 Accounts should be approved for payment on or before the due date either by:

- a) a Band Council approving them prior to payment; or
  - b) the Band Council authorizing an employee to approve payments within an established limit for approved budget items of expenditure and subject to appropriate Band Council review.
- 5.2 All decisions of the Band Council relevant to the payment of accounts should be recorded in the minutes of a meeting.
- 5.3 Where payments are made in connection with any contract, the Band Council should hold back a predetermined amount, normally 15% of the contract price, until the contract has been completed to the satisfaction of the Band Council.
6. DISBURSEMENTS:
- 6.1 Disbursements or payments are to be made by pre-numbered cheques on the basis of certified supporting documentation, such as the invoice, the payment voucher and the purchase order. All cheques should be accounted for.
- 6.2 The Band Council should authorize at least three persons, two of whom should be members of the Council, and one a Band employee, to sign cheques drawn on its accounts. All cheques will be signed by at least two of these authorized persons. In the case of agreements which designate specific signing authorities, the terms of the agreements must be complied with.
- 6.3 Band cheques should not be post-dated and must not be signed in blank.

6.4 Where a cheque is reported lost, destroyed, stolen or has not been presented for payment within six months of the date of issue, it should be cancelled and a stop payment notice registered with the bank. A duplicate cheque may then be issued, but the payee should indemnify the Band against further loss.

6.5 Where a petty cash fund is established to facilitate the paying of small incidental expenses:

- a) The Band Council should establish the amount of the fund and designate the employee responsible for it;
- b) The employee should complete a voucher for each disbursement made, and ensure that the total of such vouchers and the cash on hand equals the amount of the fund;
- c) Reconciliation, and when required reimbursement of the fund supported by vouchers should be made not less than once a month and individual expenses should be charged to appropriate activities.

7. CONTRACTS AND TENDERS:

7.1 Except in an emergency, where the contract is expected to exceed \$500 or \$1,000 for bands with special authority levels previously approved by the Regional Director General, tenders should be invited. Normally, three tenders should be obtained before a contract is let.

- 7.2 Where the contract is not expected to exceed \$500, the Band Council can authorize an employee to call for tenders or to negotiate a contract by telephone or by other personal contact, provided that, within a time specified by Council, such a tender call or negotiated contract is documented for presentation to the Council.
- 7.3 The invitation to tender should indicate:
- a) the hour and date of closing;
  - b) sufficient details from which comparable bids can be made;
  - c) the date, hour and place tenders are to be opened; and,
  - d) the amount of security deposit required, if any.
- 7.4 The Council can require a security deposit up to 15% of the total value of the contract from the tenderers. It is suggested that this be done so as to comply to the "Contracting Guidelines for Band Councils" guideline available from the Department.
- 7.5 The tendering period should normally not be less than five (5) working days.
- 7.6 Tenders should be returned in a sealed envelope, addressed to the designated employee for this purpose. Tenders should be clearly marked "Tender for " on the envelope. The date and time of receipt of tenders should be recorded on the unopened envelope and the sealed tenders deposited in a safe place until the appointed time for the opening of bids.



- 7.7 At the appointed time, the designated employee should open all tenders in the presence of at least two members of the Band Council. Tenderers may at their discretion be present.
- 7.8 The designated employee should read aloud all tenders, giving the name of the tenderer and the amount of the bid.
- 7.9 The project, name of tenderer, date and amount of bid should be recorded in a book provided for this purpose.
- 7.10 The designated employee should present all tenders received to the next meeting of the Band Council. The Band Council may seek and have present such professional advisers as may be needed to review the tenders received and it may award a contract.
- 7.11 The lowest tender received is normally accepted. Where the Band Council considers it in the best interest of the Band to do otherwise, the reasons should be recorded in the minutes of the meeting as part of the minute awarding the contract to another tenderer.
- 7.12 Awarding of a contract should be by a recorded vote of Council members. In the event that a member of Council has a personal interest in the contract, he should signify his interest, and thereafter refrain from taking part in the discussion or voting on the motion to award the contract, and, if the Council so directs, leave the meeting until after the contract has been awarded.
- 7.13 After acceptance of a tender, a contract should be developed and signed by both the contractor and the Band Council.

- 7.14 The Band Council should appoint a qualified person to act on its behalf to inspect the work performed, services rendered, or goods supplied by the contractor.
- 7.15 Federal or Provincial labour regulations should be adhered to in all labour contracts.
- 7.16 The Band Council is responsible for the costs of contract preparation and related services.

8. TRAVEL:

- 8.1 All travel for which reimbursement of expenses is to be made, should be approved in advance by the Band Council.
- 8.2 Rates of travel should be established by the Band Council. In this, it is suggested that Treasury Board regulations related to travel be used as a guide.
- 8.3 Approved travel expenses should be paid on the basis of an itemized claim.
- 8.4 Where the duties of an employee require day-to-day travel, the Band Council may approve such travel within predetermined limits, and a travel advance may be issued.
- 8.5 Advances from funds contributed to a Band from Departmental appropriations should be made only for authorized travel by persons travelling on behalf of the Band Council and to pay employees while on earned annual leave.

9. INVENTORIES:

- 9.1 Inventories should be maintained for all equipment, buildings, vehicles and other real assets. A physical count should be completed annually and made available to the auditor.
- 9.2 The write-off of items should be authorized by the Band Council and recorded in the minutes.
- 9.3 The Band Council should obtain adequate insurance coverage to protect its assets.

10. BUDGETS:

- 10.1 An annual budget should be prepared for review by the Band Council, and submission to the Regional Director General at the time and in the form required.
- 10.2 Departmental funds provided to the Band Council are to be expended for the purposes identified in the Community Program Agreements.

11. AUDIT:

- 11.1 Detailed financial statements should be prepared annually or as required by the Band Council or the funding agencies who should state what information is to be included in the statements.
- 11.2 The Band Council should appoint an auditor to audit the financial records and inventories of the Band Council at least once each year. The audit should normally be completed and submitted to the funding agencies and the Band Council before June 30th for the fiscal year ending the preceding March 31st.

11.3 The Band Council should set terms of reference such as the following for its auditor:

- a) the examination must be in accordance with accepted auditing practices, and is to include a general review of accounting procedures, and such tests of accounting records as the auditor considers necessary in the circumstances;
- b) the auditor will have the right to access at all reasonable hours to the accounting records, supporting vouchers and documents, including minutes of Band Council meetings related thereto;
- c) financial statements should be prepared on an accrual basis. They are to report on all Band financial activities under Band Council control and consist of:
  - i) Balance Sheet;
  - ii) Statement of Revenue and Expenditures for each community service;
  - iii) Details of surpluses or deficits for each community service; and,
  - iv) A consolidated Balance Sheet and Statement of Revenue and Expenses.

- d) The auditor is to express an opinion as to the accuracy of the financial statements as a reflection of the financial position of the Band in accordance with generally accepted accounting principles. He should also state recommendations which the Band Council could follow.

11.4 The audited financial statement should be signed by the Chief and a quorum of the Band Council, and by the Band administrator and included in the records of the Band Council.

11.5 The Band Council should ensure that where appropriate the recommendations made by the auditor are implemented and that the auditor's report is available to Band members.

PURPOSE:

D 2

To describe the conditions under which District Councils may be eligible to receive Departmental funds.

1. GENERAL:

1.1 This Circular replaces all previous Program Circulars on this subject and becomes effective April 1, 1979.

1.2 In these guidelines:

a) "District Council" means any grouping of Bands (sometimes referred to as Area Councils or Tribal Councils) incorporated under appropriate federal, provincial or territorial legislation who have voluntarily agreed to combine efforts and resources primarily to facilitate the administration or delivery to Band members of one or more community programs for which financing is provided by the Department, but does not include such groupings whose primary purpose is advisory or consultative in nature.

b) "Department", "Indian", "Band" and "Council of the Band" have the meaning ascribed to them in the Indian Act. "Band Council" has the same meaning as "Council of the Band".

c) "Community Program" means a good, facility or service, utilizing Departmental contributions funds, which may be managed in whole or in part at the community level. For examples see 4.2 of Program Circular D-4.



- d) "Community Program Agreement" means a Band Council Resolution, a contract, or a written agreement which describes mutually satisfactory arrangements for providing community services, goods or facilities to Band members. For examples, see Section 3 of Program Circular D-4.
- e) "Regional Director General" means the senior executive officer of a Departmental region or a person designated by him.

1.3 Suggestions for improvement or amendment to this Circular may be sent to the Regional Director General or to the Director General, Program Support, Indian and Inuit Affairs Program, 10 Wellington Street, Hull, Quebec K1A 0H4.

## 2. INTRODUCTION:

- 2.1 A group of Bands may pool their collective human and financial resources in order to establish a District Council which will administer one or community programs, on behalf of the member Bands. The Department neither encourages nor discourages this.
- 2.2 District Councils are responsible to and take direction from the member Bands.
- 2.3 Bands may not delegate to District Councils the powers and authorities which are designated in the Indian Act as being the exclusive jurisdiction of Band Councils, e.g., the enactment of by-laws under Sections 81 and 83 of the allotment of lands under Section 20.

3. MEMBERSHIP:

- 3.1 Representation on the governing body of a District Council is as stated in the articles of incorporation, but each member Band or its Council is normally to have not less than one representative.
- 3.2 A member Band is to name its representative(s) to the governing body of a District Council by Band Council Resolution, and such representative(s) are to hold office at the pleasure of the Band Council.
- 3.3 When joining or withdrawing from a District Council, a Band Council will:
  - a) demonstrate to the Regional Director General that it has Band member support for its decision.
  - b) pass a Band Council Resolution which indicates the intention to join, or withdraw from, the District Council including the effective date.
- 3.4 A Band Council which is a member of a District Council may administer its own community program, or it may request that the District Council administer specific community programs on its behalf subject to the development of a mutually acceptable agreement.
- 3.5 A Band Council may withdraw from a District Council the authority to administer a community program. The conditions and procedures for withdrawal are to be included in the agreement referred to in 3.4 above.

4. DISTRICT COUNCIL BUDGETS:

- 4.1 Band Councils which elect to become members of a District Council may, at their discretion, provide funds to support the District Council.
- 4.2 Procedures by which the Department will contribute program funds required to provide community programs are described in Program Circular D-4.
- 4.3 At the request of member Band Councils, the Regional Director General may assist a District Council by authorizing a special contribution from Departmental funds. This special contribution will be provided only during the first three years of operation, and only when funds otherwise available to the District Council are inadequate to meet operating costs. Special contributions are intended to help cover:
  - a) salaries, benefits and travel costs for the District Council's senior administrator and his support staff, but not for elected officials;
  - b) costs of office and meeting room space, utilities, office supplies and equipment, telephones, postage, insurance and bank charges, etc., that are directly related to the core operations of the District Council; and,
  - c) professional services (legal, audit, etc.).

4.4 This special contribution shall not exceed:

- a) In the first year, a sum equal to twice the amount of the contribution of the member Bands to a maximum of 20 percent of the total Core funds of member Bands payable for that fiscal year.
- b) In the second year, a sum equal to the amount of the contribution of the member Bands to a maximum of 15 percent of the total Core funds of member Bands payable for that fiscal year.
- c) In the third year, a sum equal to one-half of the amount of the contribution of the member Bands to a maximum of 10 percent of the total Core funds of member Bands payable for that fiscal year.

4.5 During the fourth and succeeding years, it is expected that all operations of a District Council will be funded through normal Program allocations as indicated in 4.2 above.

4.6 For the purpose of determining the Departmental special contribution, 1975/76 was considered "year one" for District Councils formed prior to April 1, 1975.

5. FINANCIAL AUDITS AND PROGRAM EVALUATION:

5.1 The Program Circulars D-1 and D-4 apply to District Councils.

5.2 The funds approved and payable to the District Council will be released at the discretion of the Regional Director General in consultation with the District Council and member Band Councils.

- 5.3 The Department, in consultation with a District Council, may appoint a person(s) from time to time to conduct a program evaluation of those Departmental programs administered by a District Council on behalf of member Bands.
- 5.4 The following documents of a District Council are to be made available to each member Band and to the Department:
- a) the Constitution and any By-laws made pursuant to the Constitution;
  - b) the names and office addresses of all officials of the Council;
  - c) the annual Council budget;
  - d) the financial audit report, and any subsequent reports or actions to be taken in respect thereof;
  - e) program evaluation reports.
- 5.5 A copy of any Band Council Resolution required by these guidelines shall be filed with the Regional Director General and the District Council.

Assistant Deputy Minister

PURPOSE:

D 3

To describe terms and conditions of the payment of Core funds to Band Councils.

1. GENERAL:

1.1 This Circular outlines the policy relevant to Band Core Fund Grants effective April 1, 1979. It replaces all previous Program Circulars on this subject issued February 17, 1975.

1.2 "Department", "Indian", "Band" and "Council of the Band" have the meanings ascribed to them in the Indian Act. "Band Council" has the same meaning as "Council of the Band".

1.3 Suggestions for improvement or amendment to this Circular may be sent to the Regional Director General or to the Director General, Program Support, Indian and Inuit Affairs Program, 10 Wellington Street, Hull, Quebec K1A 0H4.

2. INTRODUCTION:

2.1 All Indian Bands located on Indian Reserves or Indian Settlements on Crown lands and Inuit Settlements in Northern Quebec are eligible to apply for core funds.

2.2 Band Councils apply for core funds by submitting a Band Council Resolution to the District Office. The approval of core funding applications is the responsibility of the Regional Director General or a person delegated by him.



- 2.3 Bands and Inuit Settlements have an obligation to contribute towards the cost of local government according to their resources and ability to pay.

3. BAND COUNCIL CORE FUNDING:

- 3.1 The funding formula is based on a scale considered reasonable for a Band of 200 members (a Chief and two Councillors). This base contribution is scaled down for Bands of less than 100 population, and it is increased uniformly to meet additional expenses of larger Bands or Settlements which may have additional Councillors.
- 3.2 Core funds are intended to support the traditional activities of the Band Council by helping to defray such basic costs as:
- i) Operation and maintenance of a Council office, including salaries for full or part-time Council staff, rents, utilities, equipment and office supplies.
  - ii) Honoraria for Band Chiefs, Settlement Presidents and Councillors, and travel expenses arising from the conduct of Council business.
  - iii) Professional Advice - legal, business management or other such services.
  - iv) Band contributions to District Council operations (where required) - see Program Circular D-2.
  - v) Community recreation activities.

vi) Operation of community libraries.

vii) Other similar items incidental to the conduct of Band Council business or community activities supported by per capita based grants.

3.3 For purposes of item 3.2(i), actual cost means that portion of office and staff costs relevant to Band Council business as opposed to program (including overhead) costs as defined in Program Circular D-4.

4. FINANCIAL DETAIL:

4.1 Core funding will be based on the Band's or Settlement's total membership as of December 31st of the previous year in accordance with the following formula:

<u>Membership</u>	<u>Contribution</u>
1 - 49	\$140 per capita
50 - 99	\$160 per capita
100 - 299	\$17,000
300 - 399	\$19,000
400 - 499	\$21,000
500 - 599	\$23,000
600 - 699	\$25,000
700 - 799	\$27,000
800 - 899	\$29,000
900 - 999	\$31,000
1,000 - 1,099	\$33,000
1,100 - 1,199	\$35,000
1,200 - 1,299	\$37,000

- 4.2 Bands located in areas where costs are higher (primarily northern locations) are provided with a percentage increase in core funds to offset these increased costs based on data provided by Statistics Canada. Bands can appeal the Department's decision in this respect to the Regional Director General if they believe such costs have been overlooked. Where approved, payments will be made retroactively to the beginning of the current fiscal year.
- 4.3 Core funds will normally be advanced quarterly during the fiscal year.
- 4.4 Councils may carry over surplus core funds to the next fiscal year. These funds should however to be utilized for purposes described in 3.2 above unless otherwise stipulated in agreements made between the Department and the band.
- 4.5 The core fund grants are to be excluded for purposes of calculating the program overhead costs identified in 5.2 of Program Circular D-4.

Assistant Deputy Minister

PURPOSE:

D 4

To describe the procedures and conditions applicable to the provision of community services by Band Councils and financed from Departmental contributions.

1. GENERAL:

1.1 This Circular replaces all previous Program Circulars dealing with this subject and becomes effective April 1, 1979.

1.2 This Circular also applies to the Inuit Settlements of Northern Quebec.

1.3 In this Circular:

- a) "Department", "Indian", "Band" and "Council of the Band" have the meanings ascribed to them in the Indian Act. "Band Council" has the same meaning as "Council of the Band".
- b) "Community Program" means a good facility or service, utilizing Departmental contributions funds, which may be managed in whole or in part at the community level. For more examples, see 3.2 of Program Circular D-4.
- c) "Community Program Agreement" means a Band Council Resolution, a contract, or a written agreement which describes mutually satisfactory arrangements for providing a community service to Band members. For more details, see Section 3 below.

- d) "Regional Director General" means the senior executive officer of a Departmental region or a person designated by him.
- e) "Auditor" normally means an accredited member of a recognized accounting association (i.e. public accountant), but may mean an officer appointed by the Regional Director General to examine the financial records of a Band Council.
- (f) Joint management means management through a mutually agreed upon combination of Departmental and Band staff for a defined transitional period during which the Band gradually assumes total administrative responsibility for the program. While a program is under joint management, approval and signing authorities related to the program require co-signature by the designated Band and Departmental official.

1.4 Suggestions for improvement or amendment to this Circular may be sent to the Regional Director General or to the Director General, Program Support, Indian and Inuit Affairs Program, 10 Wellington Street, Hull, Quebec K1A 0H4.

## 2. INTRODUCTION AND PRELIMINARY PROCEDURES:

2.1 A Band Council that elects to assume responsibility for the delivery of a community program to its members shall signify its intention to the Department in writing, and well in advance of the proposed transfer date, stating:

- a) the community program involved;
- b) the basic objectives it hopes to achieve in managing this community program;

- c) whether the community program is to be provided direct by employees of the Band Council or through some other organization acting on its behalf;
- d) an estimate of the cost of the community program, and identifying the amount to be obtained from each source;
- e) the name of those persons empowered by the Band Council to act on its behalf in negotiations with the Department in the preparation of a community Program Agreement; and,
- f) other relevant information.

2.2 At the request of a Band Council, the Regional Director General will appoint an official to assist a Band Council in preparing submissions referred to above.

2.3 A Band Council which delegates responsibility for the provision of a community program to another organization such as a school board, a District Council, or a committee, will inform the Department of its decision by means of a Band Council Resolution. It may:

- a) retain the responsibility to negotiate the Community Program Agreement with the Department, and subsequently arrange a contract separately with the organization to provide the actual services goods or facilities;
- b) empower the organization to negotiate a Community Program Agreement with the Department; or



- c) request that the organization share with it responsibility to negotiate a Community Program Agreement with the Department.

2.4 Where the transfer of responsibility for the delivery of a community service, good or facility from the Department to a Band Council or to another organization involves the termination of a Departmental staff position, the request for such a transfer must be referred to Departmental Headquarters by the Regional Director General. This referral should normally be made at least seven months prior to the transfer date. For example, as a school can be transferred to Band Council control only on September 1st, notification must be received at Departmental Headquarters by the preceding February 1st.

### 3. PARTICULARS OF FUNDING ARRANGEMENTS:

- 3.1 Funding Arrangements will vary according to the decision of the band council and the bands demonstrated performance and ability. Financial authorities and control levels will be based on the models displayed in Appendix "A".
- 3.2 Band must meet the eligibility criteria for the selected financial system and this selection must be approved by the Regional Director General.
- 3.3 The authorities, conditions, restrictions described in the financial models must be reflected in all the community programs agreements involving that particular band.

4. COMMUNITY PROGRAM AGREEMENTS:

4.1 Whenever the Department contributes to the cost of a community program, the terms and conditions under which it is to be provided will be set out in a Community Program Agreement which, depending on the complexity of the service good or facility to be provided, can be either one of the following:

- a) A Band Council Resolution submitted by a Band Council and approved by the Regional Director General stipulating all the terms and conditions mutually agreed to but conforming with the requirements of this circular and other applicable regulations.
- b) A memorandum of Agreement or Contract developed and approved by both the Band Council and the Regional Director General.

4.2 Activities within the general categories listed below may be administered as community programs by a Band Council.

- a) Cultural activities;
- b) <sup>3.0</sup> On-reserve education activities, including capital funds for construction;
- c) Education in non-Federal schools only with the concurrence of the school authority where an Agreement already exists;

- d) Other education activities such as educational assistance for students attending educational institutions in urban centres and student residences;
- e) On-reserve social welfare activities including preventive social services and employment programs;
- f) Child welfare services, if the Department has the concurrence of the Province concerned because of provincial legislative responsibility for child welfare;
- g) Community protection including fire-fighting and policing but excluding policing under option 3(b);
- h) Construction and maintenance of community facilities including water and sewer systems, roads and sidewalks, and buildings such as Band offices and community halls;
- i) Band housing programs;
- j) Band Economic Development committees and specific economic development projects negotiated individually with the Department;
- k) Certain specific aspects of land management that do not affect the special status of reserve land;
- l) Certain aspects of membership registration; and,

- m) For bands authorized to manage community programs on a flexible funding or flexible one block system, other community activities duly approved by the Band Council may be treated as Community Programs.

4.3 Community Program Agreements will stipulate:

- a) objectives, standards and details of the service, goods or facilities to be provided;
- b) the responsibilities of each party to the Agreement;
- c) details of funding arrangements and approved authority levels for the Band;
- d) details of financial and other controls and regulations to apply;
- e) any special qualification of persons to be employed or contracted with;
- f) any special training or technical assistance to be provided;
- g) all relevant program requirements;
- h) duration of the Agreement;
- i) the organization which will deliver the program if other than the Band Council;

- j) the procedures and conditions under which an Agreement can be terminated, or the Band's delivery agent changed, including the provisions to ensure continuity of the program.
- k) details of continuing Departmental involvement in the delivery of the community program; and,
- l) that the Department will have access to the financial and other records of the Band relating to the administration of community programs.

4.4 A Regional Director General may enter into or renew a Community Program Agreement when he is satisfied with the following:

- a) the terms of the Agreement - see 4.3 above;
- b) the previous performance of the Band Council or organization supplying the service, as revealed by financial audit and program evaluation reports,
- c) that the Band continues to meet the qualifications for the level of management authority requested as per the established criteria for eligibility; (see Appendix "A")
  - i) program objectives and standards were met;
  - ii) internal financial control was fully satisfactory;
  - iii) monies were spent for the purposes identified in the Community Program Agreement and related budget.

- d) Band financial procedures as stipulated in Section 3 of Program Circular D-1 have been adopted by the Band Council; and,
  - e) that there is evidence of Band member support, where the Band Council wishes to enter into a new Community Program Agreement that involves a major community program.
- 4.5 Where a Band Council wishes to terminate or make significant changes in a Community Program Agreement involving a major community program, the Regional Director General will ensure that there is evidence of community support for the action.
- 4.6 Where it is necessary for the orderly transition of program management from the Department to the Band or for effectiveness of program delivery, a mutually agreed period of joint Departmental/Band management may be a condition of the Agreement.
- 4.7 Where a Community Program Agreement is in effect, and performance under the terms of that Agreement has not been satisfactory, a Regional Director General may - instead of terminating the Agreement - continue funding subject to certain additional conditions that are stipulated in writing to the Band Council, and agreed to by the Band Council.
- 4.8 A Regional Director General may refuse to enter into or renew a Community Program Agreement, but in such instances, he is to inform the Band Council in writing, giving:



- a) specific reasons for refusal;
- b) specific recommendations on actions that may be required by the Band Council;
- c) a description of the nature, scope and source of assistance available to the Band Council to prepare it to assume or re-assume responsibility for the delivery of the program.

4.9 A Community Program Agreement may be terminated by either party:

- a) under the terms and conditions described in the Community Program Agreement; or,
- b) when either party considers that the other party has not fulfilled its obligations under the Agreement.

4.10 A Regional Director General may terminate a Local Program Agreement when, in his judgement the Band Council's performance under the Agreement:

- a) endangers the rights, health, safety or welfare of any persons; or,
- b) constitutes mismanagement of program and delivery systems;
- c) in the situation where formal appeal or other individual protective systems are in existence at the Band level and an appeal, grievance or referendum result has been formerly upheld and the prescribed action has not been initiated by the Band Council within reasonable time.

This decision should be based on substantive evidence, and action taken only after efforts to overcome problems have failed.

5. BUDGET CRITERIA:

5.1 Band Councils, jointly with the Regional Director General, or officers appointed by him, are responsible for calculating and budgeting community program costs. Community program costs consist of elements which must be shown separately in requests for funds: These include.

5.2 Program costs (including program administration) include:

- a) acquisition construction, delivery, operation and maintenance costs for services, facilities, materials and supplies provided to Band members under a specific community program as listed in Section 4.2 above. Program management and direct administrative costs such as;
- b) salaries, benefits and travel expenses incurred by personnel employed in the operation of a specific community program.
- c) Administrative overhead costs incurred by the use of a central administrative staff and facility providing support to the program staff mentioned in (b) above.

5.3 A combination of the following factors will be taken into consideration in calculating program costs:

- a) Type of service to be rendered;
- b) Population, nature and size of the area to be serviced;
- c) Geographic location;
- d) Number and qualifications of staff required;
- e) Previous year's costs;
- f) Availability of other resources including the Band's own capital and revenue funds;
- g) Availability of funds in the regional budget;
- h) Specific terms and conditions of a particular community service;
- i) Overhead costs as mentioned in 4.1 (c) will include salaries, benefits and travel costs of personnel who supply general support to persons referred to in 4.1 (b) above; and,
- j) The cost of office supplies, facilities and services such as postage, utilities janitorial services, communications bonding, audits, applicable to the administration overhead of the programs involved.
- k) Calculation of the administrative overhead portion of the program costs will also take into consideration these additional factors:

- i) nature of office accommodation required
  - ii) Notwithstanding all the factors mentioned above, the total of all overhead costs will be calculated on the actual costs as can be demonstrated by the Band but shall not exceed 12% of the total program contributions from the Department; and for Bands with
    - x Global, Flexible or Flexible One Block Financial Authority the maximum will normally be 10%; (see Appendix "A")
  - iii) For the purposes of calculating Departmental contributions for overhead administration as described above, all items included in core funding grants will be excluded as will Band Fund budget items and costs arising from contributions or grants from other Departments or agencies.
- 5.4 Any payments made to Band Chiefs or Councillors who are assigned as part of their duties as elected officials, specific responsibilities (or portfolios) for community programs such as social assistance, education or public works, etc. are not chargeable to community program contributions from the Department without the specific prior approval of the Regional Director General who may consider unusual circumstances for Bands under the Flexible Funding or Flexible One Block Funding authorities.
- 5.5 Funds received by the Band Council are not to be deposited to the credit of an individual nor is a Band Council to make loans from these funds.

6. SURPLUS/DEFICITS:

- 6.1 Funds provided for a specific community service which become surplus at the year-end will, unless specified otherwise in the community Program Agreement or program circulars, be shown in the budget for the ensuing year and applied against the cost of the appropriate community program.
- 6.2 When a Band Council for any reason ceases to provide a community program, all unexpended Departmental funds relating to that program must be returned to the Department unless otherwise specified in the applicable Community Program Agreement.
- 6.3 In the event a Band Council incurs a deficit for a community program and the Department cannot authorize additional funds during the same fiscal year, a charge against the next year's budget will be made as a first commitment and the Band Council will have to seek other funding or cut back in the delivery of a particular community program unless otherwise provided for in the applicable Community Program Agreement.

7. AUDITS:

- 7.1 Where the Band Council does not ensure that an audit or program evaluation is performed adequately, the Regional Director General may appoint an official to perform such an audit or program evaluation with or without Band Council approval.

8. APPEALS:

8.1 Parties to a Community Program Agreement may appeal to any Regional Local Government Board/Commission or Committee established and empowered by the federal government for such arbitration purposes but only after all attempts to resolve the issue at the district/regional levels have failed and when:

- a) an unfavourable decision has been rendered that is deemed to be contrary to 4.8 or 4.10 above;
- b) a violation has been alleged of the terms of a Community Program Agreement.

8.2 Arbitration decisions of a recognized body such as mentioned in 8.1 above shall be binding on all parties to the agreement subject only to appropriate legal recourse.

Assistant Deputy Minister



COMMUNITY PROGRAM AGREEMENTCONTROLLED FUNDING

1. TITLE: Band Community Programs 1978-79
2. AUTHORITY: Band Council Resolution # , Contributions Budget
3. DURATION: September 15, 1978 to September 15, 1979
4. OBJECTIVE:
  - a) To provide reliable daily transportation of pupils to the townsite school
  - b) To conduct approved adult education classes for eligible band members.
  - c) To construct six new on reserve housing units.
  - d) To provide band constable policing services on the reserve.
  - e) To provide program management, administrative services and administrative overhead support.
5. ELEMENTS:

PROGRAM ELEMENTS	CODING BLOCK (DEPARTMENTAL ONLY)						AMOUNT
	VOTE	RESP'Y CENTRE	COST CENTRE	LINE OBJECTIVE	PROGRAM	ACTIVITY	
Daily Transportation							
Adult Education							
Housing Construction							
Policing							

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6. FINANCIAL PROVISIONS:

Contributions are approved in this program in the total amount of \_\_\_\_\_.

7. ADMINISTRATION AND MANAGEMENT:

The administrative and on site supervision will be carried out by the Band Council or their delegated representatives. Region or District will provide advisory resources staff who will co-sign all cheques issued. Books and records of the band will be open to the departmental monitoring and inspection and subject to annual general audit. Local program circulars D1, D2, D3 and D4 will govern the administration of the programs involved in this agreement.

8. GENERAL:

- a) The attached terms and conditions in Schedule A-L shall apply to this agreement.
- b) No member of the House of Commons of Canada, the Senate, or the Legislative Assembly of the (Province), or Municipality or official thereof, shall be admitted to any share or part of any contract, agreement or commission made pursuant to this agreement or to any benefit to arise therefrom.

IN WITNESS WHEREOF this agreement has been executed on behalf of the Department of Indian Affairs by the Regional Director General of (Province) and on behalf of the (Band) by the elected Chief and Councillors.

Chief (Band)

Councillor

Councillor

Councillor

Regional Director General  
Department of Indian Affairs

DATE:

PLACE:

### SCHEDULE A - Daily Transportation Pupils

#### Terms and Conditions for Controlled Funding - Contributions to Bands

The Band contributions budget approved by the Director General or his delegate and the Band Council shall provide for the activities and transactions pursuant to this agreement.

The following additional terms and conditions apply to this agreement:

1. Definitions are as described in the Local Program Circulars D1 to D4 inclusive:
2. The Department will:
  - 1) Upon approval by the Director General or his appointed delegate, provide funds not to exceed the approved amount for the fiscal year and disburse payments according to the following schedule:
    - a) April 1st - provide the Band with an amount equal to one quarter of the total of the operating costs of the program outlined in this agreement.
    - b) July 1st - one quarter payment covering July, August and September; however, this payment is subject to the receipt by the Department of a signed audited Financial Statement covering the previous fiscal years operations of the Band.
    - c) October 1st - one quarter payment covering October, November and December, less any balance on hand from the previous year as indicated in the June 30th audit report.
    - d) January 1st - one quarter payment covering January, February and March.
  - 2) Grant to the Band Council beneficial use and occupancy of School Building, staff residences, equipment, and furnishings as long as these are required for educational purposes for the duration of this agreement.
3. The Band will assume responsibility for the planning, operating, and necessary administrative support to accomplish the daily transportation of all enrolled elementary school pupils, excluding designated holidays, and where place of residence is less than one mile from the school. The estimated number of children to be transported will be 169.
4. This transportation service is to be provided as per the established routes (Appendix A) and supported by:
  - a) registry of bus routes
  - b) nominal roll of riders
  - c) sketch map of individual bus routes
5. Bus routes and route mileages will be as designated by the District Superintendent of Education Department of Indian Affairs in consultation with the community school committee.

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6. Adequate third party liability insurance must be maintained by the Band Council. Coverage shall be in the amount of \$5,000 per seated passenger. Evidence of adequate insurance for the duration of each school term must be supplied to the District Superintendent of Education Department of Indian Affairs.
7. A Band Council must ensure that all bus drivers are fully qualified and certified to operate such vehicles according to provincial regulations and that vehicles must be equipped and maintained according to the motor vehicles standards of the province.
8. Extra-curricular trips must have the prior approval of the District Superintendent of Education.
9. Employ and maintain administrative and financial practices as set out in the \_\_\_\_\_ Band Financial Management Procedures adopted by our Band Council Resolution No. \_\_\_\_\_ dated \_\_\_\_\_ 19 \_\_\_\_\_ which has been approved by the Director General.
10. The Band Council and their respective bus operators shall perform, observe, executive, and comply with all laws, directions, rules, requirements, ordinances, by-laws and regulations of every public local authority or agency, applicable to the vehicles employed hereunder and to their operation.
11. The Band Council shall indemnify and save harmless "the Queen in Right of Canada", Her servants, agents and employees, the minister, from and against all claims, suits, or causes of action, by or on behalf of any passenger, public or local authority, incorporated body or person, arising from the condition for operations of any vehicle employed hereunder.
12. This agreement may be terminated at any time by
  - a) mutual consent of the parties hereto.
  - b) either party giving to the other party 90 days written notice.
13. This agreement may be amended from time to time by agreement in writing between the Council of the \_\_\_\_\_ band and the Regional Director General.
14. Funds received by the band for daily transportation purposes shall not be used for any other purpose whatsoever without the prior written consent of the Regional Director General.
15. Under this agreement total funds available will be based on a per student per mile rate of \$.025.

COMMUNITY PROGRAM AGREEMENTALLOCATION FUNDING

1. TITLE: Band Community 1978-79
2. AUTHORITY: Band Council Resolution and Contributions Budget
3. DURATION: Spetember 15, 1978 to September 15, 1979
4. OBJECTIVE:
  - a) to provide daily reliable transportation of pupils to the townsite school.
  - b) to conduct approved adult education classes for eligible band members.
  - c) to conduct six new on-reserve housing units.
  - d) to provide band constable policing services on the reserve.
  - e) to provide program management, administrative services and administrative overhead support.
5. ELEMENTS:

PROGRAM ELEMENTS	CODING BLOCK (DEPARTMENTAL ONLY)						AMOUNT
	VOTE	RESP'Y CENTRE	COST CENTRE	LINE OBJECTIVE	PROGRAM	ACTIVITY	
Daily Trans- portation Students							
Adult Education							
Housing Construction							
Policing							

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6. FINANCIAL PROVISIONS:

Contributions are approved in this program in the total amount of \$ \_\_\_\_\_.

7. ADMINISTRATION AND MANAGEMENT:

The administrative and on site supervision will be carried out by the Band Council on their delegated representatives. Region or District will provide advisory resources staff in the person of a Local Government Advisor, Financial Trainer and Band Training Facilitator and such other District staff as periodically required. Books and records of the band will be open to the departmental monitoring and inspection and subject to an annual general audit. Local program circulars D1, D2, D3 and D4 will govern the administration of the programs involved in this agreement.

8. GENERAL:

- a) The attached terms and conditions in Schedule A-D shall apply to this agreement.
- b) No member of the House of Commons of Canada, the Senate, or the Legislative Assembly of the (Province), or Municipality or official thereof, shall be admitted to any share or part of any contract, agreement or commission made pursuant to this agreement or to any benefit to arise therefrom.

IN WITNESS WHEREOF this agreement has been executed on behalf of the Department of Indian Affairs by the Regional Director General of (Province) and on behalf of the (Band) by the elected Chief and Councillors.

Chief (Band)

Councillor

Councillor

Councillor

Regional Director General  
Department of Indian Affairs

DATE:

PLACE:



SCHEDULE A - Daily Transportation Pupils

Terms and Conditions for Controlled Funding - Contributions to Bands

The Band contributions budget approved by the Director General or his delegate and the Band Council shall provide for the activities and transactions pursuant to this agreement.

The following additional terms and conditions apply to this agreement:

1. Definitions are as described in the Local Program Circulars D1 to D4 inclusive:
2. The Department will:
  - 1) Upon approval by the Director General or his appointed delegate, provide funds not to exceed the approved amount for the fiscal year and disburse payments according to the following schedule:
    - a) April 1st - provide the Band with an amount equal to one quarter of the total of the operating costs of the program outlined in this agreement.
    - b) July 1st - one quarter payment covering July, August and September; however, this payment is subject to the receipt by the Department of a signed audited Financial Statement covering the Band operations in the preceding fiscal year.
    - c) October 1st - one quarter payment covering October, November and December, less any balance on hand from previous year as indicated in the June 30th audit report.
    - d) January 1st - one quarter payment covering January, February and March.
  - 2) Grant to the Band Council beneficial use and occupancy of School Building, staff residences, equipment, and furnishings as long as these are required for educational purposes for the duration of this agreement.
3. The Band will assume responsibility for the planning, operating, and necessary administrative support to accomplish the daily transportation of all enrolled elementary school pupils, excluding designated holidays and where place of residence is less than one mile from the school. The estimated number of children to be transported will be 169.
4. This transportation service is to be provided as per the established routes (Appendix A) and supported by:
  - a) registry of bus routes
  - b) nominal roll or riders
  - c) sketch map of individual bus routes

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5. Bus routes and route mileages will be as designated by the District Superintendent of Education, Department of Indian Affairs in consultation with the community school committee.
6. Adequate third party liability insurance must be maintained by the band council. Coverage shall be in the amount of \$5,000 per seated passenger. Evidence of adequate insurance for the duration of each school term must be supplied to the District Superintendent of Education, Department of Indian Affairs.
7. A Band Council must ensure that all bus drivers are fully qualified and certified to operate such vehicles according to provincial regulations and that vehicles must be equipped and maintained according to the motor vehicles standards of the province.
8. Extra-curricular trips must have the prior approval of the District Superintendent of Education.
9. Employ and maintain administrative and financial practices as set out in the \_\_\_\_\_ Band Financial Management Procedures adopted by our Band Council Resolution No. \_\_\_\_\_ dated \_\_\_\_\_ 19 \_\_\_\_ which has been approved by the Director General.
10. The Band Council and their respective bus operators shall perform, observe, executive, and comply with all laws, directions, rules, requirements, ordinances, by-laws and regulations of every public local authority or agency, applicable to the vehicles employed hereunder and to their operation.
11. The Band Council shall indemnify and save harmless "the Queen in Right of Canada", Her servants, agents and employees, the minister, from and against all claims, suits, or causes of action, by or on behalf of any passenger, public or local authority, incorporated body or person, arising from the condition for operations of any vehicle employed hereunder.
12. This agreement may be terminated at any time by:
  - a) mutual consent of the parties hereto.
  - b) either party giving to the other party 90 days written notice.
13. This agreement may be amended from time to time by agreement in writing between the Council of the \_\_\_\_\_ band and the Regional Director General.
14. The Band Council, by a B.C.R. duly passed, may transfer funds allocated for daily transportation of pupils to support the adult education program providing that such funds are surplus in that these funds are not required to fulfill the objectives and conditions of this agreement.
15. Under this agreement total funds available will be based on a per student per mile rate of \$.025.

COMMUNITY PROGRAM AGREEMENT

GLOBAL FUNDING

1. TITLE: Band Community Programs 1978-79
2. AUTHORITY: Band Council Resolution # , Contributions Budget
3. DURATION: September 15, 1978 to September 15, 1979
4. OBJECTIVE:
  - a) to provide band constable policing services on the reserve.
  - b) operate approved community kindergarden program.
  - c) to construct six miles of reserve access road and 10 new housing units.
  - d) to administer the social assistance program as per provincial standards.
  - e) to re-activate band economic development committee and complete community profile/employment strategy.
  - f) to provide reliable daily transportation of pupils to twonsite school.
  - g) to provide program management, administrative services and administrative overhead support.
5. ELEMENTS:

PROGRAM ELEMENTS	CODING BLOCK (DEPARTMENTAL ONLY)						AMOUNT
	VOTE	RESP'Y CENTRE	COST CENTRE	LINE OBJECTIVE	PROGRAM	ACTIVITY	
Social Assistance							
Daily Transportation							
Adult Education							
Housing Construction							
Policing							

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6. FINANCIAL PROVISIONS:

Contributions are approved in this program in the amount of \$\_\_\_\_\_.

7. ADMINISTRATION AND MANAGEMENT:

The administration and on site supervision will be carried out by the Band Council on their delegated representatives. Region or District will provide advisory resources staff who will assist the Band. Books and records of the band will be open to the departmental monitoring and inspection and subject to annual general audit. Local program circulars D1, D2, D3 and D4 will govern the administration of the programs involved in this agreement.

8. GENERAL:

- a) The attached terms and conditions in Schedule A-E shall apply to this agreement.
- b) No member of the House of Commons of Canada, the Senate, or the Legislative Assembly of the (Province), or Municipality or official thereof, shall be admitted to any share or part of any contract, agreement or commission made pursuant to this agreement or to any benefit to arise therefrom.

IN WITNESS WHEREOF of this agreement has been executed on behalf of the Department of Indian Affairs by the Regional Director General of (Province) and on behalf of the (Band) by the elected Chief and Councillors.

Chief (Band)

Councillor

Councillor

Councillor

Regional Director General  
Department of Indian Affairs

DATE:

PLACE:

SCHEDULE A - POLICING

Terms and conditions for Global Funding: Contributions to Bands

The following additional terms and conditions apply to this agreement:

1. Definitions are as described in the Local Program Circulars D1 to D4 inclusive.
2. The Department agrees to provide the funds as specified in this agreement once endorsed by both parties, on condition of the Band Council fulfilling all their responsibilities under this agreement. Equal amounts will be advanced quarterly.
3. The Band Council agrees in consideration of the contribution funds received from the Department to employ qualified Band Constable staff to provide for the following security, enforcement and prevention services to the \_\_\_\_\_ Reserve No. \_\_\_\_\_.
  - a) Enforcement of the by-laws of the Band on the Reserve.
  - b) Enforcement of such Provincial Acts or Statutes and their Regulations as authorized by the Solicitor General of the Province or his delegated officer.
4. The Band Council will ensure that the Band Constable(s) at all times during their employment are holders of a valid Certificate of Appointment as a Special Constable issued by the provincial government department having such jurisdiction except in special circumstances agreed to in writing by the Regional Director General which would allow for training and interim employment periods.
5. Other duties of the Band Constable will be determined by the Band Council but will include:
  - a) Security of Band owned buildings and works on Reserve.
  - b) Liaison and cooperation with the RCMP forces.
  - c) Liaison with the community.
  - d) Involvement in preventative aspects and related activities.
  - e) Regular reports to the Band Council.
6. The authority of a peace officer will extend only to the extent that is authorized by the Constable's Certificate of Appointment as a Special Constable.
7. No Band Constable will be permitted to carry a restricted weapon unless authorized to do so by the Solicitor General of the Province.
8. All receipts realized by the Band Council through the operation of this community program are subject to the general terms and conditions mentioned in this agreement relative to revenue accounting.



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9. Fines and fees collected which arise exclusively from the enforcement of Band By-laws are in total the property of the Band and will be deposited to the account of the Band.
10. Cost of administering and operating this policing service which are incurred over and above the total contribution amount payable by the Department as per this agreement, which includes the program administrative overhead costs, are the responsibility of the Band Council.
11. In the event that the Solicitor General of the Province or his authorized officer disapproves, cancels or fails to renew the Certificate of Appointment as a Special Constable of any band constable employed under this agreement, that constable's employment will be terminated immediately and the Band Council will make every reasonable effort to ensure that this employee returns the original Certificate of Appointment to the Director of Law Enforcement of the Province, the nearest detachment of the RCMP or the District Office of Department of Indian Affairs and Northern Development.
12. Specifically, the Band Council will be responsible to expend the contribution funds received for the salary benefits, travel, necessary uniforms and equipment of the Band Constable(s); each item in total charged to the contribution funds is not to exceed the following maximum limits per constable per year without the written approval of the Director-General.

Salary and benefits.....	\$10,000
Transportation.....	800
Uniforms.....	200
Miscellaneous Equipment.....	<u>100</u>

Total Yearly Maximum Contribution.....\$11,000

13. Any change in the status of the Band Constable staffing, such as termination, hiring or re-hiring, changes in levels of authority, etc., will be reported immediately to the Regional Director General.
14. The Band Council, by B.C.R. duly passed, may transfer funds allocated for the Band constable policing program to support the social assistance program providing that such funds are not required to fulfill the objectives and conditions of this agreement.



COMMUNITY PROGRAM AGREEMENT

Flexible Funding

1. TITLE: Band Community Programs 1978-79
2. AUTHORITY: Band Council Resolution # , Contributions Budget
3. DURATION: September 15, 1978 to September 15, 1979
4. OBJECTIVES:
  - a) to provide basic education from Kindergarden to grade 8;
  - b) to provide essential community services, i.e. police, fire protection, water and sanitation, road maintenance, social assistance and preventative social services;
  - c) to provide new housing units plus renovations to existing units and complete community physical planning exercise.
  - d) to carry on Band economic development committee activities according to established plan.
  - e) to provide program management, administrative services and administrative overhead support.
5. ELEMENTS:

PROGRAM ELEMENTS	CODING BLOCK (DEPARTMENTAL ONLY)						AMOUNT
	VOTE	RESP'Y CENTRE	COST CENTRE	LINE OBJECTIVE	PROGRAM	ACTIVITY	
Capital Programs Schedule 'A'							
Education							
Community Services (Affairs)							
Economic Development							

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6. FINANCIAL PROVISIONS:

Contributions are approved in this program in the total amount of \$ \_\_\_\_\_ subject to the attached schedules.

7. ADMINISTRATION AND MANAGEMENT:

The administrative and on-site supervision will be carried out by the Band Council or their delegated representative. Region or district will provide advisory resources if the Band so requests. Region will carry out post-completion inspection. At least once a year a Departmental official will review the goods, facilities, services provision activities and will inspect the management and administrative records associated with this program to ensure that program objectives are being met and that proper administrative procedures are being maintained. Local program circulars D1, D2, D3 and D4 will govern the administration of the programs involved in this agreement. The community program activities undertaken relative to this agreement are to be as included in the five year community plan adopted by B.C.R. No. \_\_\_\_\_ and dated \_\_\_\_\_.

8. GENERAL:

- a) The attached terms and conditions in Schedule A-D shall apply to this agreement.
- b) No member of the House of Commons of Canada, the Senate, or the Legislative Assembly of the Province, or Municipality or official thereof, shall be admitted to any share or part of any contract, agreement or commission made pursuant to this agreement or to any benefit to arise therefrom.

IN WITNESS WHEREOF this agreement has been executed on behalf of the Department of Indian Affairs by the Regional Director General of (Province) and on behalf of the (Band) by the elected Chief and Councillors.

Chief (Band)

Councillor

Councillor

Councillor

Regional Director General  
Department of Indian Affairs

DATE:

PLACE:

SCHEDULE ATerms and Conditions for Flexible Funding Contributions to Bands

The Community Budget as adopted or officially amended by the Band Council under Band Council Resolution(s) No. (s) \_\_\_\_\_ and dated \_\_\_\_\_ shall provide for the contributions program transactions pursuant to this agreement.

The following additional terms and conditions apply to this agreement:

1. Definitions are as described in the Local Government Program Circulars D1 to D4 inclusive.
2. For the purposes of this specific agreement the following additional definitions apply:
  - a) Housing Authority refers to any committee created by and reporting to the Band Council which is recognized by the Band Council and the Department as having been delegated responsibility by the Band Council for the administration of the community housing program and/or related infrastructure programs.
3. Subject to the availability of funds, the Department agrees to advance the funds as specified in this agreement, once endorsed by both parties, on condition of the Band Council fulfilling all their responsibilities under this agreement. A maximum of 6 months total approved contributions will be released in the April - September period and the remaining 6 months advance payable on October 1, shall be contingent on receipt by the Department of a copy of a satisfactory previous year's annual audit statement of Band operations.
4. Subsidies - Housing subsidies will be provided to band members on the basis of needs criteria approved by the band under B.C.R. No. \_\_\_\_\_ and dated \_\_\_\_\_.
5. In consideration of the motion passed at the general Band meeting on \_\_\_\_\_, the band undertakes and agrees:
  - (1) In consideration of the contribution funds received from the Department, to administer the Capital housing and infrastructure programs through a properly constituted Housing Authority. The Housing Authority will be responsible to the Band Council for project planning and administration, including the following functions:
    - (a) Recommendation of housing priorities to Band Council.
    - (b) Planning of housing development including infrastructure services.
    - (c) Implementation of fire insurance programs.
    - (d) Management of Rental Developments and the collection of loan payments.
    - (e) Approval of the resale of houses where loans involve the Housing Authority.
    - (f) Establishment of appeal procedure for Band members.

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- (g) Provision of training to their staff and Band members.
  - (h) Management of maintenance program for Band owned houses.
  - (i) The housing authority will also establish policies and practices to ensure the repayment of loan funds and the reselling or releasing of units where loan payments are in default.
  - (j) Ensuring that all houses constructed meet the standards and specifications adopted by the Band Council under Band Council Resolution No. \_\_\_\_\_ dated \_\_\_\_\_.
  - (k) Ensuring that all capital works undertaken relative to this agreement conform to the "Infrastructure Standards" adopted by the Band under approved Band Council Resolution No. \_\_\_\_\_ dated \_\_\_\_\_.
  - (l) Ensuring that all construction and purchase contracts entered into relative to this agreement meet fully with the "Guidelines for Contracts" adopted by the Band Council under Band Council Resolution No. \_\_\_\_\_ dated \_\_\_\_\_.
- (2) To indicate the amount to be provided from band funds or personal contributions following the schedule set out in B.C.R. No. \_\_\_\_\_ and \_\_\_\_\_.
  - (3) To guarantee CMHC loans under the subsidy program or on reserve housing programs.
  - (4) To outline the proposed plan of program administration indicating the manner in which recovery of funds will be made, i.e., buy, sale, rental, rental purchase, etc.
  - (5) The Band Council will establish total housing priority list and provide this to the housing authorities giving their body the necessary directives to monitor, list, check out applications and ensure that housing is distributed on a fair non-political basis. Examine all housing and infrastructure plans to ensure sound overall development of the reserve.
  - (6) All receipts realized by the Band Council or its Housing Authority through the operation of this (these) program(s) are subject to the terms and conditions of this agreement relative to revenue accounting.
  - (7) The program cost of administering and operating this (these) housing and infrastructure community program(s) which are incurred over and above the total contribution amount payable by the Department as per this agreement, are the responsibility of the Band Council.
  - (8) The Band Council or its housing authority may recover community program costs through the application of rental or lease charges or through resale of the units to band members who qualify as per the criteria approved by the Band Council.

Band Councils or their housing authorities may borrow additional funds to supplement this program and related infrastructure projects from other sources outside the Department, which funds



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will be subject to the terms and conditions of the specific loan or funding agreement involved.

- (9) To maintain administrative and financial practices as set out in the \_\_\_\_\_ Band Financial Management Regulations adopted by Band Council Resolution No. \_\_\_\_\_ dated \_\_\_\_\_ which has been approved by the Regional Director General.
6. This agreement may be amended from time to time by agreement in writing between the Council of the \_\_\_\_\_ Band and the Director General of the Department of Indian and Northern Affairs.
7. Any notice that is required or permitted under this agreement, to be given by one party to the other party, shall be given in writing and directed to the mailing address of the other party as follows:
8. Levels of authority control and financial flexibility to apply in this agreement are listed in Appendix A local government program circular D-4. The criteria for eligibility for these levels will be maintained through the duration of this agreement.
9. The duly elected Band Council will ensure that the Band Council Meeting Regulations and the \_\_\_\_\_ Band plebiscite and appeal procedure as approved by Band Council Resolution No. \_\_\_\_\_ dated \_\_\_\_\_ are applied throughout the course of this agreement.
10. By a Band Council Resolution, duly signed, the Band Council may transfer funds received from one approved contribution program to another approved contribution program providing that these funds are not required to meet the objectives and conditions associated with the original program for which the funds were allocated.

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Preamble*

COMMUNITY PROGRAM AGREEMENT (CPA)

Flexible One Block Funding

1. TITLE: Band Community Programs 1978-79
2. AUTHORITY: Band Council Resolution # , Community Budget,  
Five-Year Community Plan.
3. DURATION: September 15, 1978 to September 15, 1979
4. OBJECTIVES:
  - a) To provide basic education from Kindergarten to Grade 8;
  - b) To provide essential community service, police, fire protection, water and sanitation, road maintenance, social assistance and preventative social services;
  - c) To provide new housing units plus renovations to existing units and complete planning;
  - d) To carry on Band economic development committee activities;
  - e) To provide program management, administrative services and administrative overhead support.
5. ELEMENTS:

PROGRAM ELEMENTS	CODING BLOCK (DEPARTMENTAL ONLY)						AMOUNT
	VOTE	RESP'Y CENTRE	COST CENTRE	LINE OBJECTIVE	PROGRAM	ACTIVITY	
Capital Programs Schedule A							
Education							
Community Services							
Economic Development							



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6. FINANCIAL PROVISIONS:

Contributions are approved in this program in the total amount of \_\_\_\_\_ subject to the attached schedules.

7. ADMINISTRATION AND MANAGEMENT:

The administration and on-site supervision will be carried out by the Band Council or their delegated representative. Region or district will provide advisory resources if the Band so requests. Region will carry out post-completion inspection. At least once a year a Departmental official will review the goods, facilities, services and provision activities and will inspect the management and administrative records associated with these programs to ensure that program objectives are being met and that proper administrative procedures are being maintained. Local program circulars D1, D2, D3 and D4 will govern the administration of the programs involved in this agreement. The community program activities undertaken relative to this agreement are to be as included in the five-year community plan adopted by Band Council Resolution #\_\_\_\_\_ and dated \_\_\_\_\_.

8. GENERAL:

- a) The attached terms and conditions in Schedule A-D shall apply to this agreement.
- b) No member of the House of Commons of Canada, the Senate, or the Legislative Assembly of (Province), or Municipality or official thereof, shall be admitted to any share or part of any contract, agreement or commission made pursuant to this agreement or to any benefit to arise therefrom.

IN WITNESS WHEREOF this agreement has been executed on behalf of the Department of Indian Affairs by the Regional Director General of (Province) and on behalf of the (Band) by the elected Chief and Councillors.

Chief (Band)

Councillor

Councillor

Councillor

Regional Director General,  
Department of Indian Affairs

DATE:

PLACE:

SCHEDULE "A"TERMS AND CONDITIONS FOR FLEXIBLE ONE BLOCK FUNDING  
CONTRIBUTIONS TO BANDS

The Community Budget as adopted or officially amended by the Band Council under Band Council Resolution(s) No. (s) \_\_\_\_\_ and dated \_\_\_\_\_ shall provide for the activity transactions pursuant to this agreement.

The following additional terms and conditions apply to this agreement:

1. Definitions are as described in the Local Government Program Circulars D-1 to D-4 inclusive.
2. For the purposes of this specific agreement the following additional definitions apply:
  - a) Housing Authority refers to any committee created by and reporting to the Band Council which is recognized by the Band Council and the Department as having been delegated responsibility by the Band Council for the administration of the community housing program and/or related infrastructure programs.
3. Subject to the availability of funds the Department agrees to advance funds in the total amounts specified in this agreement, once endorsed by both parties, on condition of the Band Council fulfilling all their responsibilities under this agreement.
4. Subsidies - Housing subsidies will be provided to Band members on the basis of needs criteria approved by the Band under Band Council Resolution # \_\_\_\_\_ and dated \_\_\_\_\_.
5. In consideration of the Band Council referendum dated \_\_\_\_\_ the Band undertakes and agrees:
  - 1) In consideration of the contribution funds received from the Department, to administer the Capital housing and infrastructure programs through a properly constituted Housing Authority. The Housing Authority will be responsible to the Band Council for project planning and administration, including the following functions:
    - a) Recommendation of housing priorities to Band Council.
    - b) Planning of housing development including infrastructure services.
    - c) Implementation of fire insurance programs.
    - d) Management of Rental Developments and the collection of loan payments.

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- e) Approval of the resale of houses where loans involve the Housing Authority.
  - f) Establishment of appeal procedure for Band members.
  - g) Provision of training to their staff and Band members.
  - h) Management of maintenance program for Band owned houses.
  - i) The Housing Authority will also establish policies and practices to ensure the repayment of loan funds and the reselling or releasing of units where loan payments are in default.
  - j) Ensuring that all houses constructed meet the standards and specifications adopted by the Band Council under Band Council Resolution #\_\_\_\_\_ dated \_\_\_\_\_.
  - k) Ensuring that all capital work undertaken relative to this agreement conform to the Infrastructure Standards adopted by the Band under approved Band Council Resolution #\_\_\_\_\_ dated \_\_\_\_\_.
  - l) Ensuring that all construction and purchase contracts entered into relative to this agreement meet fully with the "Guidelines for Contracts" adopted by the Band Council under Band Council Resolution #\_\_\_\_\_ dated \_\_\_\_\_.
- 2) Indicate the amount to be provided from Band Funds or personal contributions following the schedule set out in Band Council Resolution #\_\_\_\_\_ dated \_\_\_\_\_.
  - 3) Guarantee CMHC loans under the subsidy program or on reserve housing programs.
  - 4) Outline the proposed plan of program administration indicating the manner in which recovery of funds will be made, i.e. buy, sale, rental, rental purchase, etc.
  - 5) The Band Council will establish total housing priority list and provide this to the housing authorities giving their body the necessary directives to monitor, list, check out applications and ensure that housing is distributed on a fair non-political basis. Examine all housing and infrastructure plans to ensure sound overall development of the reserve.
  - 6) All receipts realized by the Band Council or its Housing Authority through the operation of this (these) program(s) are subject to the terms and conditions of this agreement relative to revenue accounting.

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- 7) The program cost of administering and operating this (these) housing and infrastructure community program(s) which are incurred over and above the total contribution amount payable by the Department as per this agreement, are the responsibility of the Band Council.
- 8) The Band Council or its housing authority may recover community program costs through the application of rental or lease charges or through resale of the units to Band members who qualify as per the criteria approved by the Band Council.

Band Councils or their housing authorities may borrow additional funds to supplement this program and related infrastructure projects from other sources outside the Department, which funds will be subject to the terms and conditions of the specific loan or funding agreement involved.

- 9) To maintain administrative and financial practices as set out in the \_\_\_\_\_ Band Financial Management Regulations adopted by Band Council Resolution # \_\_\_\_\_ dated \_\_\_\_\_ which has been approved by the Regional Director General.
6. This agreement may be amended from time to time by agreement in writing between the Council of the \_\_\_\_\_ Band and the Director General of the Department of Indian and Northern Affairs.
7. Any notice that is required or permitted under this agreement, to be given by one party to the other party, shall be given in writing and directed to the mailing address of the other party as follows:
8. Levels of authority control and financial flexibility to apply in this agreement are listed in Appendix "A", Local Government Program Circular D-4. The eligibility for these levels as per the criteria given will be maintained through the duration of this agreement.
9. The Band Council as elected pursuant to Section 74 of the Indian Act will ensure that the Band Council Meeting Regulations and the \_\_\_\_\_ Band plebiscite and appeal procedure as approved by Band Council Resolution # \_\_\_\_\_ dated \_\_\_\_\_ are applied throughout the course of this agreement.
10. Band Council being authorized by Order of the Governor in Council # \_\_\_\_\_ dated \_\_\_\_\_ to accept total responsibility for



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the planning, design, management, administration and evaluation of the programs involved. The minister is absolved of the trust responsibility for the functions listed in relation to these programs and in all other Band matters except those pursuant to section 17 (membership); 37 (titles of land); 41 (land surrenders); 74 (elections).

Band choice