

MUSQUEAM INDIAN BAND

FINANCE BY-LAW

On January 18, 1980, the Musqueam Indian Band adopted "The Musqueam Band Budget By-Law, By-Law No. 1980-1981, under Section 83, sub-section (1)(b) of the Indian Act" and was for the second time adopted as amended by the Musqueam Band on August 20, 1987, and is hereafter designated as By-Law No. 1987-1988, under Section 83. The following is therefore a copy of the amended By-law.

"MUSQUEAM BAND OF INDIANS BY-LAW NO. 1987-1988

BAND BUDGET BY-LAW"

"WHEREAS:

- A. The Musqueam Band of Indians has been declared by Order in Council P.C. 1966-547 dated March 23, 1966 to have reached an advanced stage of development pursuant to Section 83(1) of the Indian Act.
- B. The Council of a Band that has reached an advanced stage of development may make By-Laws for the appropriation and expenditure of moneys of that Band pursuant to Section 83(1) paragraph (b) of the Indian Act.

NOW THEREFORE the Council of the Musqueam Indian Band in open meeting assembled enacts as follows:

1. For the purposes of this By-Law:
  - (a) "Annual Budget" means the budget of Moneys of the Band for a Fiscal Year of the Band.
  - (b) "Band" means the Musqueam Indian Band.
  - (c) "Band Council" means the Council of the Musqueam Indian Band.
  - (d) "Band Office" means the Administration Office of the Musqueam Indian Band.
  - (e) "Fiscal Year" means the year commencing on the first day of April of a calendar year and ending

on the last day of March of the next following calendar year.

- (f) "Moneys of the Band" means the income of the Musqueam Indian Band received from all sources, other than Court awarded damages, the anticipated figures for which for the current Fiscal Year, excepting therefrom governmental grants, contributions and loans which are the subject of separate agreements, are as shown on Schedule "A" (Band Receipts) attached hereto.
- (g) "Revenue Moneys" means money collected by the Musqueam Indian Band pursuant to authority vested in it under Section 69(1) of the Indian Act.

2. The Band Council is hereby authorized to make expenditures to defray Band expenses for the current Fiscal Year as shown on Schedule "B" (Maximum Anticipated Expenditures) attached hereto.
3. Schedules "A" and "B" in respect of a particular Fiscal Year must be approved by a resolution of a majority of those Band electors who are present at a duly convened meeting for that purpose on or before the 15th day of February preceeding the commencement of the fiscal year for which a budget is being considered and schedules A & B. Once approved will be incorporated as part of this By-Law until the end of the Fiscal Year to which they apply.
4. All governmental grants, contributions and loans to the Band which are the subject of separate agreements must be expended and administered in accordance with the terms and conditions of such agreements.
5. The Band Council may not make an expenditure that will cause the total amount allocated for the expenditure in the Annual Budget or any amendments thereto to be exceeded.
6. The Band Council may by a resolution approved by a majority of all the members of Council at a regular or special meeting of Council make an amendment to the Annual Budget PROVIDED THAT no such amendment can be approved by the Band council unless:
  - (i) it has first been posted on the notice board in the Band Office or at such other place as the Band Council may direct for a period of not less than ten (10) days before being referred to a meeting of the members of the Band, and

- (ii) it has been approved by a resolution of a majority of those Band electors present at a General Band Meeting duly convened for that purpose.
7. A copy of the approved By-Law and a copy of all amendments thereto, including amendments to Schedules "A" and "B", will be available for inspection by members of the Band at all reasonable times during the Fiscal Year.
8. Subject to sections 10 and 11 of this By-Law, the Band Council may not incur any expenditures on behalf of the Band that would cause the total expenditures incurred on behalf of the Band in the Fiscal Year to exceed:
- (a) the Moneys of the Band; and
  - (b) any accumulated revenue surplus of prior years appropriated for the Annual Budget or any amendments thereto.
9. For the purposes of this By-Law, the Band Council can enter into a contract for the supply of materials, equipment and services, professional or otherwise, required for the operation, maintenance and administration of the Band and the Band property without the consent of the electors of the Band, but the duration of the contract shall not exceed three years.
10. Notwithstanding anything to the contrary herein contained, the Band Council may with the consent of the Band contract for the supply of materials, equipment and services, professional or otherwise, required for the operation, maintenance and administration of the Band and the Band property for a duration exceeding three years.
11. (a) Except for resolutions described in section 7 hereof, the Band Council may not authorize expenditures contrary to the provisions of this By-Law.
- (b) An employee as designated by the Council may be authorized to approve expenditures that are provided for in the Annual Budget PROVIDED THAT no single expenditure approved by such employee may exceed the budgetted amount for any specific activity.
- (c) Any member of the Band Council who has financial signing authority and any employee designated pursuant to sub-section (b) hereof shall first be

bonded by a public bonding company in an amount satisfactory to the Band.

12. The Band Membership shall appoint an auditor to audit the accounts and transactions of the Band and every administrative body handling Moneys of the Band for which no statutory provision is made.

13. This By-Law shall be hereafter cited as the Musqueam Band Budget By-Law, By-Law No. 1987-1988.

This By-Law was received by the Council of the Musqueam Band of Indians at a duly convened Council meeting held August 11, 1987, and

was discussed at a meeting of the members of the Musqueam band, held August 20, 1987 (copy of the notice is herewith attached as Schedule "C") and a majority of the electors actually voting endorsed the proposed budget and By-Law at a referendum of the Band held AUGUST 20, 1987.

The by-Law herein was reconsidered and approved by a resolution at a duly convened meeting of the Council of the Musqueam Band held on SEPTEMBER 29, 1987.

The original was signed by:

CHIEF WENDY GRANT

Susan A. Point  
COUNCILLOR SUSAN A. POINT

Joe Becker  
COUNCILLOR JOE BECKER

Marilyn Point  
COUNCILLOR MARILYN POINT

Mary Charles  
COUNCILLOR MARY CHARLES

Myrtle McKay  
COUNCILLOR MYRTLE MCKAY

MUSQUEAM INDIAN BAND

BUDGET

YEAR ENDED MARCH 31, 1989

Schedule A

A. Leases and Permit Revenue

Shaughnessy Golf Course		\$33,218	
Musqueam Recreation-Base		15,156	
-Participation		31,006	
Parcel A		35,209	
Cai Wai Lee Farms		2,358	
Lai Kab Farm		767	
Chinese Users Fee		2,021	
Canadian Forest Products		22,806	
Whonnock		25,126	
North Fraser Harbour Commission		6,000	
Pacific Towing		62,000	
Ed McKim Farm/Ladner #4		8,000	
Alliance Tribal Council		3,600	
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TOTAL REVENUES			\$247,243
Less: Shaughnessy fees held in trust			33,218
			-----
			\$214,025
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B. Interest

Ministerial Funds	\$330,000	7.5%	\$24,750	
Principal Funds	1,265,000	9.0%	113,850	
Property Tax Reserve	24,998	7.5%	1,875	
Canada Life Mortgages	81,000	11.0%	8,910	
Surplus funds, savings account, etc.	500,000	7.5%	37,500	
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TOTAL INTEREST REVENUE				\$186,475
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MUSEUM INDIAN BAND

BUDGET FOR YEAR ENDED MARCH 31, 1989

BAND REVENUE FUNDS

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	1988/1989	1987/1988	REMARKS
<b>REVENUE</b>			
Rent and lease	214,025	241,262	See Schedule A
Interest	186,475	205,550	See Schedule A
User fees	4,500	3,744	Water users
Transfer of funds - Ottawa	453,000	407,057	85% of interest
Miscellaneous Revenue	5,000	5,000	
Transfer - Special Purposes Fund	0	334,838	
Transfer - Other Programs	12,000	16,875	See Programs 12, 24, 29
Transfer Community Health	4,500	4,320	See Program 125
	875,500	1,218,646	
<b>EXPENDITURES</b>			
Sundry	1,007	2,300	
C.H.E.C.	125,820	125,820	Member mortgages
Distribution - current	70,000	70,000	
Funerals	7,600	8,214	
Christmas party - Children	4,200	3,500	
Legal fees - Shaughnessy	15,000	20,000	
Legal fees - general	25,000	50,000	
Locatee Payments	0	137,347	
<b>Subsidy:</b>			
Recreation	18,630	18,490	See Program 121
Administration	152,662	114,220	See Program 125
Local Govt. Service	125,115	112,610	See Program 127
Capital Projects Officer	-24,800	21,700	See Program 133
Capital Housing Fund	70,000	100,000	
Capital Housing - 5 units	71,000	0	5 dev housing units - shortfall
housing - revenue	30,211	24,954	See Program 142
Drug and Alcohol	0	4,954	See Program 124
Elders History	0	30,000	Carry over surplus
Education	63,300	61,470	See Program 180
Community Based Services	1,200	3,700	See Program 126
Property Study - Celtic	0	200,000	
Crisis Centre Group Home	22,000	0	Renovations / start-up costs
Elders Centre	25,950	0	See Program 122
Special Purpose Fund	0	72,295	
Longhouse Expenses	1,000	4,000	
Contingency	0	1,600	
	575,500	1,137,224	
<b>EXCESS REVENUES/EXPENDITURES</b>	0	21,422	

## SCHEDULE "C"

## MUSQUEAM BAND BUDGET BY-LAW

BY-LAW NO. 1980-1981

## N O T I C E

There will be a referendum of the Band members of the Musqueam Band from 8:00 A.M. TO 8:00 P.M. on February 18, 1980 to be held at the Band Community Hall for the following purposes:

To consider the proposed Band Budget By-Law and to consider the proposed budget of receipts and expenditures of Moneys of the Band for the Fiscal Year commencing April 1, 1980 and, upon receipt of approval of a majority of electors of the Band there present, the Band Council intends to approve the proposed Band Budget By-law and to incorporate as part of that By-Law for the Fiscal Year commencing April 1, 1980 the said budget of receipts ending April 1, 1980 the said budget of receipts and expenditures of Moneys of the Band.

Dated this Eighteenth day of January, 1980.

The original was signed by :

W. Grant Anderson  
Electoral Officer.

GENERAL BAND MEETING  
AUGUST 20th, 1987

PRESENT: Jewel Thomas, Debra Campbell, Brenda Campbell, Wendy Grant, Howard E. Grant, Joseph Becker, Betty Point, Susan Point, Marilyn Point, Margaret Robinson, Denise Sparrow, June S. Sparrow, Linda Mackie, Jacqueline Point, Andrew C. Charles, Basil Point, Anne Point, Helen Callbreath, Marilyn Sotgan, Richard Point, Robyn Sparrow, Debbie Sparrow, Jerilyn Sparrow, John Point, Kathy Charles, Charleen Grant, Wesley Grant, L. Ruth Point, Faye Mitchell, Phyllis Harkey, Adeline Point, N. Rose Point, Mary Charles, Myrtle McKay, Band Administrator Chris Robertson.

Chief Wendy Grant called the meeting to order at 6:55 P.M.

Question arose as to whether or not there were changes or additions

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FINANCIAL BY LAW

The Finance Committee and Council reviewed the Financial by law for possible changes as directed by the membership at the April 23rd, 1987 General Band meeting.

The most significant change is the amendment of "PER CAPITAL DISTRIBUTION OF BAND FUNDS". This amendment deals more specifically with formalizing a cut off date - November 15th of each year, and this determines an individuals eligibility for distribution. Further the amendment specifies that if the distribution allocation is not collected by that individual by February 5 of the following year, that the monies would revert to Band funds.

THE ONLY ADDITION TO THE PROPOSED AMENDMENT WAS: item (b) after the wording, "RETURNED TO THE GENERAL BAND FUNDS":...add "AND THAT THE APPLICATION OF THIS POLICY SHALL BE RETRO ACTIVE, AND APPLY TO BAND MEMBERS WHO ARE THE AGE OF MAJORITY."

MOTION: #2

MOTION: KATHY CHARLES  
SECONDED: DENISE SPARROW

--- THAT ON JANUARY 18, 1980, THE MUSQUEAM INDIAN BAND ADOPTED "THE MUSQUEAM BAND BUDGET BY LAW, BY LAW No. 1980 - 81, UNDER SECTION 88, SUE SECTION (1) (b) OF THE INDIAN ACT" AND WAS FOR THE SECOND TIME ADOPTED AS AMENDED BY THE MUSQUEAM BAND ON AUGUST 20, 1987, AND IS HEREAFTER DISGNATED AS BY LAW NO. 1987 - 88, UNDER SECTION 88. THE FOLLOWING IS THEREFORE A COPY OF THE AMENDED BY LAW.

/s/ CARRIED.

Aug  
20  
87



However, in addition to the Musqueam Band Budget By-Law, the following policies shall apply:

1. No purchases shall be made by Band Employees without first being approved by the Band Administrator, or during his absence, by his/her appointee.
2. All purchases shall be made by the use of purchase orders.
3. Payment of bills shall be made within 15 days upon their receipt by the Band.
4. Where a Band Employee owes money to the Band, but who has not repaid the debt, an agreement shall be signed by the Employee and the Employer to have deductions made from his/her payroll to retire the debt.
5. Where required, the Band Administration may set in place an amount not exceeding \$100.00 as petty cash, from either Band funds or Program funds, and when used, the replacement of an equal amount so used shall be reimbursed from the user program funds.
6. When not applicable to the Band Housing program funds, all surpluses from Band funded Programs at the end of each fiscal year shall be returned to the Band Revenue account.
7. Should the Musqueam Indian Band require the use of its principle funds, whether in whole or in part, the amount being considered shall be decided upon by a quorum of two thirds (2/3) majority of the Band Membership at a Band referendum.
8. The Band shall not extend loans in the form of money, services or material costs, to any person, whether or not the applicant is a Musqueam.
9. Where approved by the Band Council, Committees of Council shall receive honouraria, travelling expenses and wage losses.
10. The Band Administration shall circulate to the Musqueam Membership copies of each month end financial statement and at the end of each fiscal year a copy of the Auditor's Report.
11. The disbursement of Committee funds which are managed under Council shall be authorized by the Administrator or his appointee.

(ACCEPTED AT GENERAL BAND MEETING)  
(AUGUST 20, 1987)  
(from Policy Manual - Page 94)

#### PER CAPITA DISTRIBUTION OF BAND FUNDS

Since the Shaughnessy Golf and Country Club lease of 1958, it has been the usual practice of the Musqueam Indian Band to set aside a portion of its income for a per capita distribution varied from time to time and in some cases, the distribution was based on money and kind, such as a turkey for each household at Christmas. The decision to make a distribution of funds has rested with the Musqueam Band Council and in some cases, with approval on the amount from the General Band Membership. The ability of making a per capita distribution of Band funds is dependant upon whether or not any funds are left uncommitted when the Band Budget is decided upon in any given fiscal year. The following policy is therefore conditional as to whether or not funds are left uncommitted for any fiscal year:

- a) "Where sufficient funds from the Musqueam income are left uncommitted in any fiscal year, the Musqueam Band Council shall decide whether or not a per capita distribution shall be made and to what dollar amount.
- b) "Where a per capital distribution has been decided upon by the Musqueam Council and ratified by the General Band, November 15th of each year shall constitute the cut-off date by which time the Band Administration shall be notified of any persons who are eligible to be listed as a Musqueam Band member, in order that he or she can receive a per-capita share of distribution for a given fiscal year, and furthermore, where persons who are eligible to receive a per capital distribution and where those persons have failed to collect his or her per capita share by February 5th, following the designated

distribution date, those per capita distribution amounts in question shall be returned to the General Band Revenue, and that the application of this policy shall be retro-active and apply to Band Members who are the age of majority that the final decision on both matters rest with the Musqueam Council.