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FISHING LAKE METIS SETTLEMENT IN THE PROVINCE OF ALBERTA

BUDGET BYLAW AMENDMENT NO. 001A/2020

A BYLAW TO ESTABLISH A BUDGET FOR THE FISHING LAKE METIS SETTLEMENT FOR 2020-2021 FINANCIAL YEAR.

WHEREAS Section 157 of the MSA requires that a settlement council adopt a budget bylaw for each financial year;

WHEREAS by subsection 142(1)(b) of the MSA, monies held by General Council in Part 1 of the Consolidated Fund, and attributable to a particular Metis settlement may be paid out of Part 1 of the Consolidated Fund in accordance with a settlement bylaw;

WHEREAS General Council currently holds monies resulting from the Co-Management of Subsurface Resource Agreements attributable to the Settlement's agreed share of participation options and gross overriding royalties, and General Council may hold further such monies in the future;

WHEREAS General Council may currently be holding other monies attributable to the Settlement in Part 1 of the Consolidated Fund, and General Council may hold further such monies in the future;

WHEREAS it is expedient and proper that all such monies be paid to the Settlement out of the Consolidated Fund and placed in the Settlement Fund, in accordance with subsection 154(1)(a) and 154(1)(d)(iv) of the MSA;

WHEREAS the General Council Financial Allocation Policy attributes funding to Settlement Operations for the 2020-2021 financial year;

WHEREAS a settlement bylaw is required to authorize such payments, in the absence of a Financial Allocation Policy or General Council Policy dealing with the same subject matter;

NOW THEREFORE the Council and Members of the Settlement enact as follows:

ARTICLE 1 - INTERPRETATION:

1.1 For the purpose of this bylaw, unless otherwise expressly defined in this bylaw, all terms used have the same meaning as set out in the MSA.

(a) "Council" means the Council of the Settlement.

(b) "Member" means a registered member of the Settlement, who resides in the Settlement area.

(c) "MSA" means the *Metis Settlements Act*, RSA 2000, c. M-14.3, as amended.

"Settlement" means the Fishing Lake Metis Settlement.

(d) "Settlement Fund" means the fund established by section 148(1)(d) of the MSA.

ARTICLE 2 - 2020-2021 BUDGET

2.1 The entire 2020-2021 budget for the Settlement is set out in Appendix "A" to this bylaw and consists of the following schedules:

(a) "1A" - Legislative;

(b) "1B" - Administration;

(c) "1B SUB - Admin Bldg;

(d) "1C" - Land & Membership;

(e) "2A" - Essential Services Water Treatment Plant;

(f) "2C" - Public Works Landfill;

(g) "2D" - Public Works Road Maintenance;

(h) "3A" - Public Works;

(i) "3B"- Housing;

(j) "4A" - Community Development;

(k) "4ASUB" - Justice;

(l) "4ASUB" - AADAC;

(m) "4A1"- Daycare;

(n) "4B" - Economic Development & Investments;

(o) "4D" - Emergency Services;

- (p) "4E"- Education & Employment;
- (q) "4F" - FCSS Seniors Drop in Centre;
- (r) "4FSUB" - Seniors Lodge;
- (s) "4G" – Fire;
- (t) "4H" - Section Five Grant Programs;
- (u) "4I" - Parks & Recreation;
- (v) "4J" - Health and Safety; and
- (w) "7B" - Oil & Gas Operations.

ARTICLE 3 - TRANSFER OF FUNDS

- 3.1 A Settlement Department Director, may, with the approval of the Settlement Administrator and Settlement Finance Director, transfer funds between line items within an operating budget category for that department in an amount of up to \$5,000.00 a maximum of three times in a month. In the case of such a transfer, the Department Director shall submit a written report explaining the transfer to Council at the next regular Council meeting after the transfer took place.
- 3.2 Council may, by resolution, transfer funds between budget categories to cover unforeseen costs as follows:
- (a) during the financial year, Council may make:
 - (i) One transfer of up to \$20,000.00; and
 - (ii) One transfer of up to \$35,000.00;
 - (b) in addition to the transfers referred to in subsection (a), after December 31, 2020 Council may make one transfer of up to \$100,000.00;
 - (c) any transfers in addition to those referred to in subsections (a) and (b), must be presented at a General Meeting for approval by the Members.

ARTICLE 4 - ESTABLISHMENT OF RESERVE FUNDS:

- 4.1 The Settlement has established the following "T" Accounts, which shall be maintained in accordance with the following criteria:
- (a) Oil and Gas Investment Fund

There shall be established and maintained an investment account for the purpose of investing in oil and gas exploration and development. The Council, by resolution, may authorize expenditures for financial

commitments under existing participation agreements and investing in new oil and gas development participation, including the Settlement's share for cash calls relating to developments invested in with the General Council.

(b) Future Fund

The Future Fund presently described on the Fishing Lake Metis Settlement's Balance Sheet as ATB Wealth Account #EF1-4630-A shall be invested in accordance with Appendix "B" of this bylaw. Funds managed in the Future Fund may be liquidated and accessed for the purpose of:

- (i) **Capital Reserve** - There shall at all times be reserved out of the Future Fund, \$250,000.00 for the establishment of a capital reserve to provide funds to cover unbudgeted debts, maintenance and emergency repair costs for all existing Settlement facilities.
- (ii) **Infrastructure Reserve** - There shall at all times be funds available for infrastructure needs. Council shall have the authority, by resolution, to make expenditures for infrastructure projects such as roads, water and wastewater facilities and public facilities. **Not to exceed \$250,000 per fiscal year.**
- (iii) **Operating Costs** – Council shall have the authority, by resolution, to make expenditures for Settlement operating costs. **Not to exceed \$250,000 per fiscal year.**
- (iv) **Economic Development** - Council shall have the authority, by resolution, to make expenditures for Settlement economic development opportunities. **Not to exceed \$936,688.00 per fiscal year.**

(c) Estate Trust

An Estate Trust will be established whenever Council deems necessary. Any monies in an Estate Trust will be disbursed only when all eligibility criteria has been met by the heirs of the Estate. Any funds held in an Estate Trust account will first be disbursed to the Settlement for any outstanding debt owed by the deceased to the Settlement, and secondly will be disbursed to the Settlement for any outstanding debt owed by the heirs of the estate. In the event that there are remaining funds, the remaining funds shall be paid to the heirs.

(d) Utility Stabilization Fund

The Settlement's Utility Stabilization Fund will be established and maintained from revenues paid from oil companies for Slant Drill Compensation, Utility Stabilization (Industry Agreement), Natural Gas Franchise Fees and dividends from Settlement owned entities. On or about November 1 of each fiscal year, Council shall, by resolution, and in its sole

discretion determine the funding from sources other than Utility Stabilization (Industry Agreement) to be contributed to the Utility Stabilization Fund. For greater clarity, it shall be solely up to Council to determine whether to make contributions to the Utility Stabilization Fund from Slant Drill Compensation, Natural Gas Franchise Fees and dividends from Settlement owned entities and the amount of any such contributions. Upon determination of the amount of the Utility Stabilization Fund, the Settlement shall disburse funds equally to all Members, in accordance with the Utility Stabilization Policy.

(e)

Seniors Benefits

Council shall have sole discretion as to the funds to be allocated to senior benefits. Funds allocated for seniors benefits shall be allocated to Members, 65 years and older, as determined by a policy developed by Sputnikow Seniors Association, and approved by Council.

(f)

Contractual Expenditures and Disbursements

Funds received by the Settlement under a written agreement or conditional grant shall be expended or disbursed for the specific purpose or the written agreement or conditional grant only and then if:

- (i) The Settlement Administrator certifies that the expenditure or disbursement is in accordance with the written agreement, conditional grant, or this bylaw;
- (ii) The expenditure or disbursement is authorized by a Council resolution.

(g) **Business Property Tax**

Funds received by the Settlement from business property taxes shall be allocated as follows:

- (i) 40% of such funds shall be invested in the Settlement's Alberta Treasury Branches Wealth Account# EF1-4630-A.
- (ii) 60% of such funds shall be disbursed for Settlement Operations as allocated in approved budget.

ARTICLE 5 - CREATION OF BUDGET LINE ITEMS

5.1 Council may, by resolution, create a new budget line item.

ARTICLE 6 - EFFECTIVE DATE

6.1 This bylaw comes into effect on the day after third reading.

READ a first time this 2nd day of February 2021 at a Regular Council Meeting at which _5_ Council members were present and voted as follows:

4 for; _1_ against; _0_ abstained.

READ a second time this 2nd day of February 2021 at a Regular Council Meeting at which _5_ Council members were present and voted as follows:

4 for; _1_ against; _0_ abstained.

READ a third time and adopted this ___ day of _____ 2021 at a Special Council Meeting at which _ Council members were present and voted as follows:

0 for; _0_ against; _0_ abstained.

Chairman

Administrator