huu ay aht

ANCIENT SPIRIT, MODERN MIND

BUDGET ACT, 2015

The Huu-ay-aht Legislature enacts this law to establish spending authority and borrowing authority for the fiscal year beginning April 1, 2015 and ending March 31, 2016, and to retroactively amend spending authorities and borrowing authorities for the 2015-2016 fiscal year.

REGISTRY OF LAWS CERTIFICATION

I certify that the *Budget Act, 2015* passed Third Reading in the Legislature on:

March 30, 2015

Chief Councillor Jeff Cook

I certify that the *Budget Act, 2015* is enacted as law on:

March 30, 2015

for **Ta'yii Hawilth Derek Peters**

I certify that the *Budget Act, 2015* came into force on:

March 30, 2015

Deputy Law Clerk – Deborah Smith

BUDGET ACT, 2015

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Note to Reader

The *Budget Act, 2015* establishes the authority of government to spend money from April 1, 2015 to March 31, 2016. A *Budget Act* is required by the *Financial Administration Act* each fiscal year. Government may only spend money if it has spending authority.

- Part 1, General Operating Fund, sets out the budget line items that provide spending authority for government from the general operating fund.
- Part 2, Invested Wealth Fund, sets out the amount of funds that may be spent from the Invested Wealth Fund.
- Part 3 sets out the authorized capital spending of government for the 2015 – 2016 fiscal year.
- Part 4 sets out the authorized general purpose spending of government for the 2015 – 2016 fiscal year.
- Part 5 sets out the authorized borrowings of government for the 2015 – 2016 fiscal year.
- Part 6, Special Programs Fund, sets out the authorized spending for special programs for the 2015-2016 fiscal year.
- Part 7 sets out the conditions for Executive Council to invest in Huu-ay-aht business enterprises by borrowing funds or guaranteeing loans.
- Part 8 retroactively amends the following parts of *Budget Act, 2014*, HFNA 1/2014, for the 2014 – 2015 fiscal year:
    - Part 1 – General Operating Fund;
    - Part 4 – Borrowing.

The Legislature enacts as follows:

PART 1 – GENERAL OPERATING FUND

General operating fund spending authority

1 Spending from the general operating fund from April 1, 2015 to March 31, 2016 is authorized for the purpose and amount shown in the same row as each budget line item in the following table:

No.	Budget Line Item Name	Purpose	Amount
1	Community Services	To provide for the services to all HFN Citizens including children and family support, health and social services, education , culture and the delivery of Citizenship benefits.	$1 101 599
2	Government Services	To provide the services needed to support government operations, including communications and engagement with Citizens and other stakeholders, committee and Council operations, financial management and comptrollership, records and administrative support, construction, operation and maintenance of community infrastructure and administration, local government services for the community of Anacla, staff management and engagement, and communication, consultation and engagement with other government departments and institutions.	$3 946 401
3	Economic Development and Project Management	To provide programs, services and support related to the establishment of project management systems, development and implementation of approved projects, identification, communication, fulfill the obligations of the Economic Development Officer and identify engagement with potential industry and strategic partners, .	$276 632
4	Huu-ay-aht Settlement Trust	Potential transfer of funds to Huu-ay-aht Settlement Trust	$1 000 000

No.	Budget Line Item Name	Purpose	Amount
5	Depreciation	To allow for depreciation expenses related to capital assets	$720 000
6	Contingencies and New Programs	To provide for expenditure or spending incurred for the purposes of other budget line items that are in excess of the amounts authorized by the budget line item spending authorities or statutory spending authorities. To also provide funding for new programs created after the beginning of the fiscal year and for natural disasters, emergency relief and the assistance of those in need as the result of an event that was not expected or where the timing of the event was not known in advance	$300 000
	Total General Operating Fund Spending Authority		**$7 344 632**

PART 2 – INVESTED WEALTH FUND

Invested Wealth Fund spending authority

2 Spending from the Invested Wealth Fund from April 1, 2015 to March 31, 2016 is authorized for the purpose and amount shown in the same row as each budget line item in the following table:

No.	Budget Line Item Name	Purpose	Amount
7	Fund Management	For management of the investments of the Invested Wealth Fund	$40 000
8	Transfer to General Operating Fund	For transferring money to the general operating fund to support government operations	$460 000
	Total Invested Wealth Fund Spending Authority		**$500 000**
	Total Consolidated Government Fund Spending Authority		**$7 844 632**

PART 3 – CAPITAL SPENDING

Capital spending authority

3 Spending for capital purposes from April 1, 2015 to March 31, 2016 is authorized for the purpose and amount shown in the same row as each budget line item in the following table:

No.	Budge t Line Item Name	Purpose	Amount
9	Capital Projects	For capital items including: water and wastewater system development, subdivision development, economic projects, and road maintenance; capital acquisitions including: vehicles, equipment, facility upgrades and fit up for Pawaats program, House of Huu-ay-aht, new PAGO office space, and Sarita Cemetery upgrades. For greater certainty, this line item includes the acquisition of real property that is intended to be added to Huu-ay-aht's Treaty Lands.	$3 907 400
	Total Capital Spending Authority		**$3 907 400**

PART 4 – GENERAL PURPOSE SPENDING

4 Spending for general purposes from April 1, 2015 to March 31, 2016 is authorized for the purpose and amount shown in the same row as each budget line item in the following table:

No.	Budge t Line Item Name	Purpose	Amount
10	General Purpose	For otherwise unanticipated expenditures relating to: the acquisition of real property, capital projects, new business opportunities, economic development or emergency situations. For great certainty, such expenditures must be authorized by Executive Council.	$10 000 000
	Total General Purpose Spending Authority		**$10 000 000**

PART 5 – BORROWING

Borrowing authority

5 Borrowing from April 1, 2015 to March 31, 2016 is authorized for the purpose and amount shown in the same row as each borrowing authority item in the following table:

No.	Borrowing Authority Item Name	Purpose	Amount
B1	General Purpose Borrowing	For borrowing to meet the need for cash that may arise from time to time related to expenditures, infrastructure investment, and capital spending	$5 000 000
B2	Borrowing to invest in Huu-ay-aht business enterprises	For borrowing to invest in Huu-ay-aht business enterprises or guaranteeing Huu-ay-aht business enterprise loans to support business operations and economic development activities	$5 000 000
	Total Borrowing Authority		**$10 000 000**

PART 6 – SPECIAL PROGRAMS FUND

Special Programs Fund spending authority

6 Spending from the Special Programs Fund from April 1, 2015 to March 31, 2016 is authorized for the purposes and in the amounts shown in the same row as each budget line item in the following table:

No.	Budget Line Item Name	Purpose	Amount
S1	Special Programs	To provide for spending incurred for purposes specified in a contribution or funding agreement under which revenues are provided to the Huu-ay-aht by another government, organization or entity for expenditure on those specified purposes	$5 000 000
	Total Special Programs Fund Spending Authority		**$5 000 000**

PART 7 – INVESTMENTS IN HUU-AY-AHT BUSINESS ENTERPRISES

Conditions for investment by way of loan or loan guarantee

7 (1) Executive Council may borrow funds to invest in a Huu-ay-aht business enterprise in accordance with section 69 of the *Financial Administration Act* if

(a) the purpose and amount is authorized by a borrowing authority,

(b) Executive Council has considered the recommendation of Finance Committee,

(c) loan conditions, including security, term and source of repayment, are approved by Executive Council,

(d) the term of the loan does not exceed 25 years, and

(e) the loan will be repaid by a Huu-ay-aht business enterprise or from payments received from Canada or British Columbia.

(2) Executive Council may guarantee a Huu-ay-aht business enterprise loan or obligation for the purpose of making an investment in a Huu-ay-aht business enterprise if

(a) the purpose and amount is authorized by a borrowing authority,

(b) Executive Council has considered the recommendation of Finance Committee,

(c) the guarantee conditions, including security, term and discharge are approved by Executive Council,

(d) the term of the guarantee does not exceed 25 years, and

(e) the Huu-ay-aht business enterprise has the capacity to repay the loan or obligation and discharge the Huu-ay-aht guarantee.

PART 8 – BUDGET ACT, 2014 AMENDMENTS

Budget Act, 2014

8 Section 1 of the Budget Act, 2014, HFNA 1/2014, is repealed and replaced by:

General operating fund spending authority

1 Spending from the general operating fund from April 1, 2014 to March 31, 2015 is authorized for the purpose and amount shown in the same row as each budget line item in the following table:

	Budget Line Item Name	Purpose	Amount
1	Government	To provide for the structure of government, including costs of the Legislature, Executive Council, Ha'wiih Council, People's Assembly, auditor, committees of Council, the tribunal and elections	$981 283
2	Finance and Government Services	To provide the administrative services needed to support government operations, including the Executive Director, financial, records management and human resource services, treaty implementation, the Comprehensive Community Plan, support staff, operation of the treaty office and contribution to the Nuu- chah-nulth Economic Development Corporation	$1 197 502
3	Human Services	To provide programs supporting Huu-ay-aht citizens, including community health services, social services, youth services, cultural programs, communications and language services, childcare services, education services and contributions to the Nananiiqsu Society	$968 863
4	Lands and Natural Resources	For management of government lands and natural resources, including management of fisheries, forest harvesting and other uses of the land base, identification and protection of cultural sites and acquisition and distribution of cultural food	$498 221
5	Public Works and Capital Infrastructure	For management of public works and capital infrastructure, including maintenance of capital infrastructure, provision of residential services in the Anacla community, and operation of the House of Huu-ay-aht and the multi-use building	$296 402

	Budget Line Item Name	Purpose	Amount
6	Huu-ay-aht Settlement Trust	Transfer of funds to Huu-ay-aht Settlement Trust	$3 219 646
7	Depreciation	To allow for depreciation expenses related to capital assets	$450 000
8	Contingencies and New Programs	To provide for expenditure or spending incurred for the purposes of other budget line items that are in excess of the amounts authorized by the budget line item spending authorities or statutory spending authorities. To also provide funding for new programs created after the beginning of the fiscal year and for natural disasters, emergency relief and the assistance of those in need as the result of an event that was not expected or where the timing of the event was not known in advance	$300 000
	Total General Operating Fund Spending Authority		**$ 7 911 917**

9 Section 4 of the Budget Act, 2014, HFNA 1/2014, is repealed and replaced by:

Borrowing authority

4 Borrowing from April 1, 2014 to March 31, 2015 is authorized for the purpose and amount shown in the same row as each borrowing authority item in the following table:

No.	Borrowing Authority Item Name	Purpose	Amount
B1	General Purpose Borrowing	For borrowing to meet the need for cash that may arise from time to time related to expenditures and capital spending	$4 515 000
B2	Borrowing to invest in Huu-ay-aht business enterprises	For borrowing to invest in Huu-ay-aht business enterprises or guaranteeing Huu-ay-aht business enterprise loans to support business operations and economic development activities	$2 000 000
	Total Consolidated Borrowing Authority		**$6 515 000**

Commencement

10 (1) Sections 7 and 8 are deemed to have been continuously in force from April 1, 2014.

(2) Subsection (1) is retroactive to the extent necessary to give full force and effect to

its provisions and must not be construed as lacking retroactive effect in relation to any matter because it makes no specific reference to that matter.

(3) The remainder of this Act comes into force on the date of enactment of this Act.

Consolidation

11 The Law Clerk is directed to consolidate *the Budget Act, 2014*, HFNA 1/2014, to include the amendments contained in this Act.