



huu ay aht

ANCIENT SPIRIT, MODERN MIND

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## BUDGET ACT, 2016

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*The Huu-ay-aht Legislature enacts this law to establish spending authority and borrowing authority for the fiscal year beginning April 1, 2016 and ending March 31, 2017, and to retroactively amend spending authorities and borrowing authorities for the 2016-2017 fiscal year.*



## REGISTRY OF LAWS CERTIFICATION

I certify that the *Budget Act, 2016* was passed by Executive Council on:

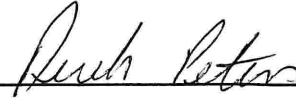
MARCH 30, 2016



Chief Councillor, Robert Dennis

I certify that the *Budget Act, 2016* is enacted as law on:

MARCH 30 2016



Ta'yii Hawilth, Derek Peters

I certify that the *Budget Act, 2016* came into force on:

MARCH 30, 2016



Deputy Law Clerk, Kim Chretien



## **BUDGET ACT, 2016**

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**Note to Reader**

The *Budget Act, 2016* establishes the authority of government to spend money from April 1, 2016 to March 31, 2017. 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 2016 – 2017 fiscal year.
- Part 4 sets out the authorized general purpose spending of government for the 2016 – 2017 fiscal year.
- Part 5 sets out the authorized borrowings of government for the 2016 – 2017 fiscal year.
- Part 6, Special Programs Fund, sets out the authorized spending for special programs for the 2016 – 2017 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 retroactivity amends the *Budget Act, 2015* to authorize the transfer of \$1,000,000 to the Invested Wealth Fund.

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, 2016 to March 31, 2017 is authorized for the purpose and amount shown in the same row as each budget line item in the following table:

<b>No.</b>	<b>Budget Line Item Name</b>	<b>Purpose</b>	<b>Amount</b>
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 including communications.	\$1 704 018
2	Government Services	To provide the services needed to support government operations, and engagement with Citizens and other stakeholders, committee and Council operations, Hawiik 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.	\$4 231 791
3	Economic Development Services	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, .	\$281 796
4	Huu-ay-aht Settlement Trust	Potential transfer of funds to Huu-ay-aht Settlement Trust	\$1 000 000

<b>No.</b>	<b>Budget Line Item Name</b>	<b>Purpose</b>	<b>Amount</b>
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
	<b>Total General Operating Fund Spending Authority</b>		<b>\$8 237 605</b>

## PART 2 – INVESTED WEALTH FUND

### Invested Wealth Fund spending authority

- 2 Spending from the Invested Wealth Fund from April 1, 2016 to March 31, 2017 is authorized for the purpose and amount shown in the same row as each budget line item in the following table:

<b>No.</b>	<b>Budget Line Item Name</b>	<b>Purpose</b>	<b>Amount</b>
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	\$100 000
	<b>Total Invested Wealth Fund Spending Authority</b>		<b>\$140 000</b>
	<b>Total Consolidated Government Fund Spending Authority</b>		<b>\$8 190 001</b>



### PART 3 – CAPITAL SPENDING

#### Capital spending authority

- 3 Spending for capital purposes from April 1, 2016 to March 31, 2017 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
9	Capital Projects	For capital items including: water and wastewater system development, subdivision development, economic projects, and road maintenance; capital acquisitions including: vehicles, House of HUU-ay-aht, Anacla Government Office repairs, 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.	\$2 300 000
<b>Total Capital Spending Authority</b>			<b>\$2 300 000</b>

### PART 4 – GENERAL PURPOSE SPENDING

#### General purpose spending

- 4 Spending for general purposes from April 1, 2016 to March 31, 2017 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
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
<b>Total General Purpose Spending Authority</b>			<b>\$10 000 000</b>

### PART 5 – BORROWING

**Borrowing authority**

- 5 Borrowing from April 1, 2016 to March 31, 2017 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
<b>Total Borrowing Authority</b>			<b>\$10 000 000</b>

**PART 6 – SPECIAL PROGRAMS FUND****Special Programs Fund spending authority**

- 6 Spending from the Special Programs Fund from April 1, 2016 to March 31, 2017 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
<b>Total Special Programs Fund Spending Authority</b>			<b>\$5 000 000</b>

**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, 2015 AMENDMENTS**

**8** *Section 1, budget line item No. 8 of the Budget Act, 2015, HFNA 2/2015, is repealed and replaced by:*

4	Invested Wealth Fund	Transfer of funds to the Invested Wealth Fund	\$1 000 000
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**Commencement**

- 9** (1) Section 8 is deemed to have been continuously in force from April 1, 2015.
- (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, 2015*, HFNA 2/2015, to include the amendments contained in this Act.