



scəwáθən məsteyəx<sup>w</sup>

TSAWWASSEN FIRST NATION

*Financial Administration Act*

**BUDGET AMENDMENT REGULATION (2022)**

**Date Enacted: 3 June 2022**

*Order Number: O.047-2022*

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Section(s) Amended	Date	Order number	Come Into Force Date

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## Citation

- 1 This regulation may be cited as the Budget Amendment Regulation.

## Definitions

- 2 In this regulation:
  - “**Act**” means the *Financial Administration Act*;
  - “**budget amendment**” means a change to an appropriation during a fiscal year, other than a fully-funded amendment;
  - “**Budget**” means either the Capital Budget or the Operating Budget, as applicable;
  - “**business day**” means a day on which the administrative offices of the Tsawwassen Government are open for business;
  - “**Capital Budget**” means the aggregate amount of appropriations for capital expenditures in any given fiscal year, as set out in the *Appropriations Act* for that fiscal year;
  - “**Director**” means the Director of Finance appointed under the Act;
  - “**fiscal quarter**” means each 3-month period from April 1 to June 30, July 1 to September 30, October 1 to December 31, or January 1 to March 31;
  - “**fully-funded amendment**” means a change to an appropriation during the fiscal year which is fully offset by revenue received in that fiscal year by Tsawwassen Government which
    - (a) was not anticipated in the *Appropriations Act* for that fiscal year; and
    - (b) is provided by a third party that is not a Tsawwassen Corporation, including but not limited to another government, a corporation, a partnership, or a trust;
  - “**Operating Budget**” means the aggregate amount of appropriations for operating expenditures in any given fiscal year, as set out in the *Appropriations Act* for that fiscal year.

## Interpretation

- 3 Unless specifically provided otherwise in this regulation, all terms used have the same meanings as in the Act.

## Quarterly reporting

- 4 Within 10 business days after the end of each fiscal quarter, the Director must provide to the Tsawwassen Legislature a written report of all budget amendments and fully-funded amendments made under the Act to date in the fiscal year.

## Budget amendments

- 5 (1) Executive Council must not approve a budget amendment greater than 1% of a Budget, unless the following requirements have been fulfilled:
  - (a) for a proposed budget amendment which is greater than 1% but less than or equal to 2.5% of a Budget, the Director must provide the Tsawwassen Legislature with
    - (i) written notice of the proposed budget amendment; and
    - (ii) at least 10 business days from the date of the notice to provide written or oral comments;

- (b) for a proposed budget amendment which is greater than 2.5% of a Budget, the Director must
  - (i) provide the Tsawwassen Legislature with written notice of the proposed budget amendment; and
  - (ii) schedule a consultation meeting with the Tsawwassen Legislature to occur within 30 business days of the date of the notice.
- (2) The written notice must
  - (a) provide a summary of the proposed budget amendment, including the reasons for the amendment and the *Appropriations Act* schedule to be amended; and
  - (b) in the case of paragraph 5 (1) (a), specify the date and time by which Legislators must return comments; or
  - (c) in the case of paragraph 5 (1) (b), specify the date, time, and place of the consultation meeting.

#### **Total value of budget amendments**

- 6 Notwithstanding section 5, if any proposed budget amendment would cause the aggregate amount of all budget amendments for that fiscal year to exceed
  - (a) 5% of the relevant Budget, the requirements of section 5 (1) (b) apply to that budget amendment; or
  - (b) 10% of the relevant Budget, approval by resolution of the Tsawwassen Legislature is required.

#### **Final report about budget amendments**

- 7 As soon as practicable after the conclusion of the comment period specified under paragraph 5 (2) (a) or the consultation meeting scheduled under paragraph 5 (2) (b), as applicable, the Director must submit a report to Executive Council on the proposed budget amendment summarizing the comments received and addressing other relevant matters including the needs of the community.

#### **Executive Council to consider final report about budget amendments**

- 8 As soon as practicable after receipt of the report prepared under section 7, Executive Council must consider the budget amendment and the report and may
  - (a) reject the proposed budget amendment;
  - (b) request the Director to provide additional information with respect to the budget amendment, and defer decision until such information has been considered by Executive Council; or
  - (c) approve the budget amendment, with any changes that Executive Council considers advisable.

#### **Notice of Executive Council decision**

- 9 As soon as practicable after Executive Council has approved or rejected a proposed budget amendment, the Director must provide to the Tsawwassen Legislature a written summary of that decision.