

**PENTICTON
BORROWING AGREEMENT LAW, 2013
(Other Revenues)**

WHEREAS:

- A. Under paragraph 74(b) of the *First Nations Fiscal Management Act*, one of the mandates of the Authority is to secure, for its borrowing members, financing through the use of other revenues prescribed by regulation for purposes prescribed by regulation;
- B. The *Financing Secured by Other Revenues Regulations* made under section 142 of the Act prescribes other revenues and purposes for which such other revenues can be used to secure financing from the Authority and adapts and restricts the Act for the purposes of paragraph 74 (b);
- C. The Act provides pursuant to paragraph 5(1)(d) that the council of a First Nation may make laws respecting the borrowing of money from the Authority including any authorization to enter into a borrowing agreement with the Authority;
- D. The First Nation wishes to secure financing from the Authority using other revenues prescribed in the Act;
- E. The First Nation wishes to enter into a Borrowing Agreement with the Authority as provided in this Law;
- F. The First Nation has enacted a *Financial Administration Law* under paragraph 9(1)(a) of the Act, which law has been approved by the Board; and
- G. The First Nation has obtained a Financial Performance Certificate from the Board; a copy of which is attached as Schedule "A" to this Law.

NOW THEREFORE the Council of the First Nation duly enacts as follows:

- 1. This Law may be cited as the *Penticton Borrowing Agreement Law - OR, 2013*.
- 2. In this Law (including the recitals):

"**Act**" means the *First Nations Fiscal Management Act* and regulations, as adapted by the *Financing Secured by Other Revenues Regulations* and any amendments thereto;

"**Authority**" means the First Nations Finance Authority established under the Act;

"**Board**" means the First Nations Financial Management Board established under the Act;

"**Borrowing Agreement**" means the borrowing agreement between the Authority and the First Nation setting forth the contractual terms and conditions of the First Nation being a borrowing member and the contractual terms and conditions on which the Authority agrees to provide financing to the First Nation, as contemplated by paragraph 5(1)(d) of the Act;

"**Financing Secured by Other Revenues Regulations**" means the regulation made under section 142 of *First Nations Fiscal Management Act* that prescribes other revenues and purposes for which

such other revenues can be used to secure financing from the Authority and adapts and restricts the *First Nations Fiscal Management Act* for the purposes of paragraph 74(b);

“**Financial Performance Certificate**” means a certificate issued by the Board under subsection 50(3) of the Act to a First Nation, which demonstrates that the First Nation’s financial performance is in compliance with the Board’s standards;


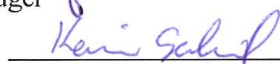

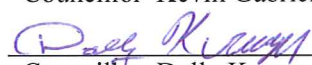


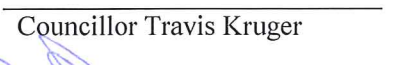
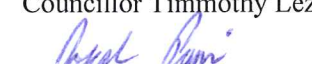
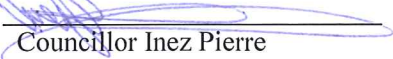
“**First Nation**” means Penticton; and

“**Law**” means this Borrowing Agreement Law.

3. Unless the context otherwise requires, words and expressions used in this Law and not otherwise defined have the same meaning as in the Act.
4. The First Nation is authorized to enter into the Borrowing Agreement with the Authority.
5. A quorum of the members of the Council are authorized and directed to execute the Borrowing Agreement on behalf of the First Nation, in the form specified by the Authority.
6. Where a provision in this Law is expressed in the present tense, the provision applies to the circumstances as they arise.
7. This Law shall be construed as being remedial and shall be given such fair, large and liberal construction and interpretation as best ensures the attainment of its objectives.
8. The Schedule attached to this Law forms part of and is integral to this Law.
9. This Law comes into force and effect on the 17th day of December, 2013.

THIS LAW IS HEREBY DULY ENACTED by Council on the 17th day of December, 2013, at Penticton in the Province of British Columbia.

A quorum of Council consists of five (5) members of Council.

 _____ Chief Jonathan Kruger	 _____ Councillor Kevin Gabriel
 _____ Councillor Clint Gabriel	 _____ Councillor Dolly Kruger
 _____ Councillor Clinton George	 _____ Councillor Timmothy Lezard
 _____ Councillor Travis Kruger	 _____ Councillor Joseph Pierre
 _____ Councillor Inez Pierre	

SCHEDULE "A"
FINANCIAL PERFORMANCE CERTIFICATE

FINANCIAL PERFORMANCE CERTIFICATE ISSUED TO PENTICTON INDIAN BAND

The First Nations Financial Management Board (“the Board”) completed its review of the Penticton Indian Band’s Financial Performance for compliance with the *Financial Performance Standards* established under section 55 of the *First Nations Fiscal Management Act* (“the Act”). On the basis of its review and after consideration of its findings, the Board is of the opinion and certifies that, as at March 31, 2013, the Penticton Indian Band was in compliance with the *Financial Performance Standards*.

The Board has provided Penticton Indian Band with a Report and attached Schedule dated October 29, 2013 as required under section 50(2) of the Act and upon which the Board’s opinion and certification is based.

This Certificate has been issued to the Penticton Indian Band under section 50(3) of the Act solely for the purpose of enabling the Penticton Indian Band to satisfy the requirements of the Act. It should not be used or relied upon by the Penticton Indian Band or by any other person for any other purpose and the Board accepts no responsibility for any loss or damages resulting from any unauthorized use of or reliance on this Certificate.

This Certificate is issued on the 29th day of October, 2013.

First Nations Financial Management Board