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BEAVER FIRST NATION NATION ASSET USE POLICY

BEAVER FIRST NATION

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Section 1: Definitions

"*Agency*" means any board, tribunal, commission, committee of the Nation including a society or a non-profit corporation but it does not include a corporation or any type of business structure that is operated for the purpose of making a profit, even if controlled by the Nation;

"Asset" means any type or kind of equipment, machinery, Nation vehicle, tool, or instrument;

"Authorized User" means an individual who is authorized to use Nation Assets or Personal Assets according to this Asset Use Policy;

"Council" means the duly elected Chief and Council of the Nation;

"Debt" means an amount of money owing to the Nation which includes, but is not limited to, rental arrears, utility arrears, outstanding cash loans, individual housing subsidies that have been recovered by Indigenous Services Canada, Crown-Indigenous Relations and Northern Affairs Canada, or applicable government agency, amounts in default that the Nation has had to pay on behalf of a Member, and amounts owing to the Nation for damaging or losing a Nation Asset, but "Debt" does not include Employee payroll advances;

"Employee" means all categories of Nation staff, including full-time, part-time, casual, temporary and seasonal employees and excludes contractors;

"*Member*" means a person whose name appears on the Band List of the Nation maintained by Indigenous and Northern Affairs Canada, or its successor, or on a list maintained by the Nation, should the Nation adopt its own membership code pursuant to section 10(1) of the *Indian Act*,

"Nation" or "BFN" means the Beaver First Nation;

"Nation Asset" means any Asset partially or fully owned, leased, or possessed by the Nation;

"Personal Asset" means any Asset owned or leased by a Member and used for Nation business;

"Policy" means a program of actions adopted by the Council and the principles upon which they are based;

"Reserve" means IR 164, IR 164A and any other lands for which Indian Reserve status has been sought further to the federal Policy on Additions to Reserve/Reserve Creation, being Section 10 of INAC's Land Management Manual; and

"Resolution" means a validly enacted Band Council Resolution by the Council.

Section 2: Introduction

Purpose

- 2.1 The purpose of this Asset Use Policy is to set out clear criteria for the use of Nation Assets and Personal Assets, and to safeguard Nation Assets and Personal Assets. It is also intended to help protect the Nation from liability.
- 2.2 Nothing in this Debt Recovery Policy shall abrogate or derogate from BFN's inherent right to self-governance and self-determination, Treaty 8 rights, or any of BFN's other rights recognized and affirmed by section 35(1) of the *Constitution Act, 1982*.

Content

2.3 This Asset Use Policy contains operational policies and procedures that have been approved and adopted by Council. Operational policies and procedures assist Council and the Nation Administrator in managing the ongoing operations of the Nation. Operational policies and procedures are created and updated at the discretion of Council. It is not necessary for operational policies and procedures to be ratified by the Members as they are not laws.

Interpretation and Severability

- 2.4 Asset Use Policy and Services Policy, words in the singular include the plural and *vice versa*, words importing gender include all genders, and a reference to any Act, by-law, rule or regulation or to a provision thereof shall be deemed to include a reference to any Act, by-law, rule or regulation or provision enacted in substitution therefore or amendment thereof.
- 2.5 The provisions of this Asset Use Policy shall be deemed severable. If any provision of these Policies and Procedures shall be held unenforceable by any court of competent jurisdiction, such provision shall be modified to the extent necessary to be enforceable, and the remaining provisions shall remain in full force and effect.

Application

2.6 This Asset Use Policy applies to the use of all Nation Assets and Personal Assets, except those used by Employees. Nation Assets and Personal Assets used by Employees are governed by the Personnel Policies and Procedures.

Section 3: Eligibility For Use of Nation Assets

- 3.1 This section sets out the eligibility for use of Nation Assets and identifies the rules and procedures for their use.
- 3.2 Use of Nation Assets is strictly limited to Nation business. Nation Assets are not available for, and are not to be used for, personal purposes. Any question as to what constitutes Nation business is to be determined by the Nation Administrator.

Eligibility

- 3.3 Individuals must produce a valid operator's licence before they can be authorized to use a Nation Asset that requires a valid operator's licence
- 3.4 Individuals must provide a yearly driver's abstract before they can be authorized to use a Nation Asset that requires a driver's licence. The initial cost of the driver's abstract is the responsibility of an Authorized User. The Nation shall pay for subsequent driver's abstracts.
- 3.5 Individuals with seven or more demerits will not be allowed driving privileges to any Nation Assets requiring an operator's licence.
- 3.6 Individuals with a history of traffic violations (three or more traffic violations in the past three years) may, at the sole discretion of the Nation Administrator, be denied driving privileges to Nation vehicles.
- 3.7 Where applicable, individuals must be registered with the Nation's insurance company before they can be authorized to use a Nation Asset.

Section 4: Rules for Use of Nation Assets

- 4.1 All Authorized Users must sign a copy of this Asset Use Policy and provide a completed Nation Asset Use Checklist, attached as an Appendix to this Asset Use Policy, prior to, and after, the use of a Nation Asset.
- 4.2 All Authorized Users must return Nation Assets in accordance with this Asset Use Policy.

Use of Nation Assets

- 4.3 Nation Assets must not be used for personal purposes.
- 4.4 Authorized Users who violate this Asset Use Policy by using Nation Assets for personal purposes must reimburse the Nation for any costs of personal purposes at the pre-determined BFN rate and may be prohibited from using Nation Assets for a period of up to two (2) years.
- 4.5 Any costs of personal use incurred under section 4.4 constitute a Debt and will be collected in accordance with the Debt Recovery Policy where applicable, and/or by initiating legal action.
- 4.6 Nation Assets must never be used to harass, intimidate, or stalk others, or for any illegal activity.
- 4.7 Nation Assets are only to be used by the Authorized User. Switching, loaning, or trading Nation Assets is prohibited.
- 4.8 Nation Assets must never be used in a manner that creates a safety hazard, such as when driving.
- 4.9 All Nation Assets remain the property of the Nation. Council or the Nation Administrator may direct the immediate return of Nation Assets at their sole discretion.

Nation Asset Checklist

- 4.10 Prior to, and after the use of, a Nation Asset, an Authorized User must complete a Nation Asset Use Checklist attached as an Appendix to this Asset Use Policy.
- 4.11 An Authorized User must not use a Nation Asset if any of the inspection points

are marked as "Not OK" on the Nation Asset Use Checklist. Any inspection points marked as "Not OK" must be reported to a Manager/Director who will determine what repairs, if any, should be made to the Nation Asset prior to its use.

4.12 Any disagreements as to what constitutes "Not OK" must be referred to the Nation Administrator for determination. The decision of the Nation Administrator is final and binding.

Use of Nation Vehicles

- 4.13 In addition to the rules set out for the use of Nation Assets, the following additional rules are applicable to the use of Nation vehicles.
- 4.14 A current copy of the Asset Use Policy must be kept in each Nation vehicle for reference.
- 4.15 Before taking a Nation vehicle, the Authorized User must conduct an inspection of the Nation vehicle and complete the Nation Asset Use Checklist attached as an Appendix to this Asset Use Policy.
- 4.16 The Authorized User of a Nation vehicle must complete a Daily Vehicle Use Log attached as an Appendix to this Asset Use Policy. The Daily Vehicle Use Log must be submitted by the Authorized User to the applicable Nation supervisor daily. Failure to submit the Daily Vehicle Use Log may result in loss of Nation vehicle use privileges.
- 4.17 The Authorized User of the Nation vehicle must keep a set of keys to the Nation vehicle. Extra sets of keys must be kept in the Nation Finance office. Authorized Users must ensure keys in their possession are secured at all times.
- 4.18 An Authorized User must ensure that the oil and antifreeze levels in Nation vehicles are properly maintained.
- 4.19 An Authorized User must ensure the gas tank is at least 3/4 full and ready for the next use when the Nation vehicle is returned.
- 4.20 Under no conditions may a Nation vehicle be used for personal purposes. An Authorized User must not carry passengers in a Nation vehicle other than those approved by the Nation Administrator.

- 4.21 Absolutely no alcoholic beverages, cannabis, cigarettes/cigars, or illegal substances are to be to be consumed in or conveyed in a Nation vehicle. Consuming or conveying alcohol, cannabis, cigarettes/cigars, or illegal substances, or driving a Nation vehicle in which alcohol, cannabis, cigarettes/cigars, or illegal substances are being consumed will result in the immediate termination of authorization to use Nation Assets.
- 4.22 Authorized Users under any medical treatment requiring prescription medication that may affect their driving ability are not permitted to drive.
- 4.23 Traffic safety rules and laws must be followed at all times when operating a Nation vehicle.
- 4.24 Authorized Users must pull over and stop at a safe location to use a cell phone. Incoming calls should be allowed to go to voicemail or answered after pulling to a safe stop. Talking on the phone, texting or emailing while driving is strictly prohibited.
- 4.25 The Authorized User is responsible for any Nation vehicle violations and parking tickets.
- 4.26 The Nation reserves the right to:
 - (a) pay tickets immediately to avoid additional charges, and to bill the amount of the ticket to the Authorized User responsible for payment; and
 - (b) collect the amount of the Nation vehicle violation or parking ticket as a Debt under the Debt Recovery Policy, where applicable, and/or initiating legal action.

Until these charges are repaid in full, an Authorized User's right to operate the Nation vehicles may be suspended or terminated.

- 4.27 The Authorized User is responsible for parking the Nation vehicle in a secure location and for ensuring the Nation vehicle is properly locked and secured. Under no circumstances are the keys to be left in the Nation vehicle.
- 4.28 Other Nation Assets (for example laptops, cell phones etc.) and files are not to be left in unattended Nation vehicles.
- 4.29 An Authorized User assumes responsibility for the Nation vehicle, its contents, and its occupants.

4.30 All Nation vehicles remain the property of the Nation and the Nation Administrator or Council may demand their immediate return at any time for any reason.

Maintenance of Nation Vehicles

- 4.31 Authorized Users experiencing maintenance difficulties during a trip must report these problems to the Public Works Manager as soon as possible.
- 4.32 Maintenance difficulties must be recorded by the Authorized User on return of the Nation vehicle in the Nation Asset Use Checklist.
- 4.33 In the event there are maintenance difficulties with the Nation vehicle that make it inoperable, (i.e. battery, tire, towing, and other major repairs), the Authorized User must contact the Public Works Manager immediately. The Public Works Manager will ensure that the necessary arrangements are made to have the Nation vehicle repaired or the Authorized User returned to the Nation.
- 4.34 Authorized Users are responsible for cleaning of Nation vehicles. Cleaning includes, but is not limited to: vacuuming; washing the inside and outside of the Nation vehicle; and removing garbage and personal effects.

Costs and Fees to Authorized Users

- 4.35 Authorized Users are responsible for any damage they cause to the Nation vehicle and will reimburse the Nation for the cost of repairs necessitated by their conduct.
- 4.36 Authorized Users will be charged a fee for:
 - (a) Excessive wear and tear or damage on a Nation vehicle as well as repair resulting from negligence;
 - (b) Cleaning excessively dirty Nation vehicles as well as special detailing to remove interior spills, smells, etc.; and
 - (c) Replacement of lost keys.
- 4.37 The costs and fees referred to in sections 4.32 and 4.33 constitute a Debt and may be collected by the Nation in accordance with the Debt Recovery Policy, where applicable, and/or by initiating legal action.

Breach of Nation Asset Use Rules

- 4.38 Unless otherwise stated, failure to adhere to any of the Nation's rules for Nation Asset use as stated in this Asset Use Policy may result in the immediate termination of authorization to use Nation Assets.
- 4.39 Use of Nation Assets for personal purposes will result in costs calculated in accordance with section 4.4 and termination of authorization to use Nation Assets for a period of up to two years. The Nation Administrator, in their sole discretion, will determine the length of this period.

Section 5: Eligibility For Use of Personal Assets

- 5.1 This section sets out the eligibility for use of Personal Assets and identifies the rules and procedures for their use.
- 5.2 Any question as to what constitutes Nation business purposes is to be determined by the Nation Administrator.

Eligibility

- 5.3 Individuals must produce a valid operator's licence before they can be authorized to use a Personal Asset that requires a valid operator's licence
- 5.4 Individuals must produce a yearly driver's abstract before they can be authorized to use a Personal Asset that requires a driver's licence. The cost of the driver's abstract is the responsibility of an Authorized User.
- 5.5 Individuals with a history of traffic violations (three or more traffic violations in the past three years) may, at the sole discretion of the Nation Administrator, be denied driving privileges.
- 5.6 Where applicable, individuals must provide proof of insurance coverage in an amount to be determined by the Nation before they can be authorized to use a Personal Asset.
- 5.7 Where applicable, individuals must be registered with the Nation's insurance company before they can be authorized to use a Personal Asset.

Section 6: Rules for Use of Personal Assets

Personal Asset Checklist

- 6.1 Prior to the use of Personal Assets, a Manager/Director must complete the Personal Asset Use Checklist attached as an Appendix to this Asset Use Policy.
- 6.2 The Manager/Director must refuse the use of a Personal Asset if any of the inspection points are marked as "Not OK" on the Personal Asset Use Checklist.
- 6.3 Any disagreements as to what constitutes "Not OK" must be referred to the Nation Administrator for determination. The decision of the Nation Administrator is final and binding.

Section 7: Lost, Stolen or Broken Nation Assets

- 7.1 Authorized Users must protect and care for the Nation Assets entrusted to them.
- 7.2 Any Nation Asset that is found by an Authorized User to be faulty or to require repair or maintenance must be immediately reported to the applicable Nation supervisor or, in the case of a Nation vehicle, the Public Works Manager.
- 7.3 When at fault, Authorized Users are responsible for any Nation Asset that is damaged, lost or misplaced while in the possession of the Authorized User.
- 7.4 The Nation will collect any amounts owing by a Member as a Debt in accordance with the Debt Recovery Policy, where applicable, and/or by initiating legal action.
- 7.5 The Nation will collect any amounts owing by non-Members through deductions from contractor or other payments, and/or by initiating legal action.

Section 8: Accidents

- 8.1 In the event of an accident, Authorized Users must:
 - (a) As soon as possible, notify the police and the Nation Administrator;
 - (b) Not assume responsibility/fault or sign any type of release form;
 - (c) Fill out the Vehicle Incident Report Form included as an Appendix to this Asset Use Policy; and
 - (d) File the completed Vehicle Incident Report with the Nation Administrator within 24 hours of the accident.

Section 9: Return of Nation Assets

- 9.1 Authorized Users must return Nation Assets on or prior to their final day of authorized use, or as otherwise authorized by the Nation.
- 9.2 Nation vehicles must be returned to the Nation's administrative office, or other Nation owned building as agreed to by the Public Works Manager, at the end of a normal business day. Nation vehicles are not to be kept at an Authorized User's residence overnight unless there is an early morning trip, or the Authorized User has received approval from the Nation Administrator.
- 9.3 Upon return of a Nation Asset, an Authorized User must provide a completed Nation Asset Use Checklist attached as an Appendix to this Asset Use Policy.
- 9.4 The Nation may use all means available to procure non-returned Nation Assets, up to and including collecting the value of the Nation Assets as a Debt in accordance with the Debt Recovery Policy, where applicable, and potentially legal action.

APPENDIX 1: NATION ASSET USE CHECKLIST

	INSPECTION TYPE	OWNED/LEASED		
. 7	Pre-entry	□ Owned		
Υõ	□ Exit	Leased	Authorized User	Date
TORY IATION	Make	_ Unit No	_ FUEL TYPE	
DA.	Model	_ Hr. Meter Reading	□ Gasoline	
N R			Diesel	
MAN			□ Other	
- =	Asset No	_ Location	USE DATE	From:
				То:

		INSPECTION POINTS	ОК	NOT OK	NA			INSEPCTION POINTS	ОК	NOT OK	NA
	1.	Actuator Cylinders				1	20.	Air System			
	2.	Barricade Arms (Gradalls)					31.	Back-Up Alarm			
	3.	Battery					32.	Connections			
	4.	Belts				2 N	33.	Operating Controls			
	5.	Boarding Steps				E	34.	Cylinders			
	6.	Body, Cab				STARTING	35.	Gauges/Instruments			
	7.	Boom & Stick (Backhoes)				ER SI	36.	Horn			
	8.	Bushing/pin/grease fittings				AFTER	37.	Hoses, Connections			
	9.	Chains/ Drive				1	38.	Outriggers			
	10.	Control Markings				1	39.	Parking Brake			
	11.	Doors				1	40.	Pins			
G	12.	Exhaust System					41.	Steering			
E	13.	Fire Extinguisher					42.	System Brakes			
R	14.	Fuel & Fluids									
Ĭ	15.	Gears/Gear Teeth					43.	Boom Cable			
ш	16.	Hoses					44.	Cable Reeler			
BEFORE STARTING	17.	Life Ring with Rope					45.	Half Rim (Cable Handling)			
BE	18.	Lights (head/brake/tail/work)				s	46.	Hooks			
	19.	Load Chart/Placard				L L	47.	Inspection Plates			
	20.	Oil				ATTACHMENTS	48.	Load Charts/Placard			
	21.	Operators Manual				AC	49.	Operators Manuals			
	22.	Permits				ΪË	50.	Outriggers			
	23.	Physical Condition				A	51.	Other			
	24.	Rail/U-carriage/drive train									
	25.	Safety Guards, Hand Rails					52.				
	26.	Seat Belts				1					
	27.	Tires/Tracks				AL					
	28.	Torque Converter				U.					
	29.	Windshield: Window/Wipers				SPECIAL					

Comments (Refer to Inspection Point Above)

I ACKNOWLEDGE, UNDERSTAND AND AGREE THAT I HAVE PERSONALLY COMPLETED THIS NATION ASSET CHECKLIST AND THAT THE INFROMATION CONTAINED HEREIN IS ACCURATE AND COMPLETE TO THE BEST OF MY INFORMATION, KNOWLEDGE AND BELIEF.

I FURTHER ACKNOWLEDGE, UNDERSTAND AND AGREE THAT I WILL BE PERSONALLY LIABLE FOR ANY DEFECTS OR DAMAGES NOT NOTED ABOVE UPON THE RETURN OF THE NATION ASSET. I AGREE TO PAY FOR ANY AND ALL COSTS OF REPAIR OR REPLACEMENT UPON THE RETURN OF THE NATION ASSET AND UNDERSTAND THAT SHOULD I FAIL TO REPAY THESE COSTS, THEY WILL BE COLLECTED IN ACCRODANCE WITH THE ASSET USE POLICY.

Authorized User Name _____ Authorized User Signature Date FOR MANAGER/DIRECTOR USE ONLY (PRIOR TO USE) □ Nation Asset is "OK" to Operate □ Nation Asset is "OK" to Operate with the Above Defects □ This Nation Asset is Removed from Use Until Repairs are Completed Date: Manager/Director Signature Print Manager/Director Name: _____ ------FOR MANAGER/DIRECTOR USE ONLY (AFTER USE) Nation Asset Was Returned On: Date □ Nation Asset is "OK" to Operate □ Nation Asset is "OK" to Operate with the Above Defects □ This Nation Asset is Removed from Use Until Repairs are Completed Date: _____ Manager/Director Signature Print Manager/Director Name: _____

APPENDIX 2: PERSONAL ASSET USE CHECKLIST

	INSPECTION TYPE	OWNED/LEASED		
. 7	Pre-entry	Owned		
ORY VTION	□ Exit	Leased	Manager/Director	Date
	Make	Unit No	_ FUEL TYPE	
IDAT RMA	Model	Hr. Meter Reading	□ Gasoline	
ЦЙ			□ Diesel	
MAN			□ Other	
- =	Asset No	_ Location	USE DATE	From:
				То:

		INSPECTION POINTS	ОК	NOT OK	NA			INSEPCTION POINTS	OK	NOT OK	NA
	1.	Actuator Cylinders					20.	Air System			
	2.	Barricade Arms (Gradalls)					31.	Back-Up Alarm			
	3.	Battery				6	32.	Connections			
	4.	Belts				ž	33.	Operating Controls			
	5.	Boarding Steps				STARTING	34.	Cylinders			
	6.	Body, Cab				IA	35.	Gauges/Instruments			
	7.	Boom & Stick (Backhoes)				FTER S	36.	Horn			
	8.	Bushing/pin/grease fittings				AFT	37.	Hoses, Connections			
	9.	Chains/ Drive					38.	Outriggers			
	10.	Control Markings					39.	Parking Brake			
	11.	Doors					40.	Pins			
U Z	12.	Exhaust System					41.	Steering			
Ē	13.	Fire Extinguisher					42.	System Brakes			
AR	14.	Fuel & Fluids									
ST	15.	Gears/Gear Teeth					43.	Boom Cable			
Щ	16.	Hoses					44.	Cable Reeler			
BEFORE STARTING	17.	Life Ring with Rope					45.	Half Rim (Cable Handling)			
B	18.	Lights (head/brake/tail/work)				,s	46.	Hooks			
	19.	Load Chart/Placard				L Z	47.	Inspection Plates			
	20.	Oil				ATTACHMENTS	48.	Load Charts/Placard			
	21.	Operators Manual				AC	49.	Operators Manuals			
	22.	Permits				E	50.	Outriggers			
	23.	Physical Condition				◄	51.	Other			
	24.	Rail/U-carriage/drive train									
	25.	Safety Guards, Hand Rails					52.				
	26.	Seat Belts]					
	27.	Tires/Tracks				AL					
	28.	Torque Converter				U U			1		
	29.	Windshield: Window/Wipers				SPECIAL					

Comments (Refer to Inspection Point Above)

- Personal Asset is "OK" to Operate
- □ Personal Asset is "OK" to Operate with the Above Defects
- □ Personal Asset is "Not OK" to Operate Until Repairs are Made

Manager/Director Signature

Date: _____

APPENDIX 3: NATION VEHICLE INCIDENT REPORT FORM

Drivers Name:

Signature:

Date:

Incident

Date, time, place of Incident:

Names of Nation Employee(s) in	volved in Incident:
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Description	of Incident	(location,	injuries,	property	damage/theft,	weather and roa	ad
conditions):							

Other Driver Information (if applicable)	
Drivers Name, Address and Phone	Owner's Name, Address and Phone
Number:	Number (if different from driver):
Drivers' Licence No.	Licence Plate No.
Nation vehicle Make, Model, Colour and Ye	ear
Insurance Company and Phone Number	Insurance Broker/Agent and Phone
	Number
Insurance Policy No.	Insurance Expiry Date
Number of Passengers	Injured? Yes/No
Damage to Nation vehicle	Over \$2,000? Yes/No
Witness(es)	
Name, Address, Phone Number	
Name, Address, Phone Number	

Reporting Incident to Police/RCMP				
Incident Reported to Police/RCMP: (Yes/N	o)			
Police/RCMP Report #:				
(Attach copy of Police/RCMP Report)				
Tow Truck Operator				
Company	Truck No.			
Phone No.	Address Towed to			
Reporting of Incident to the Nation				
Incident Reported to:				
Date Reported:				
How (this form, in person, telephone):				
Follow Up Action:				

Complete this form and provide to the Nation Administrator within 24 hours of incident.

APPENDIX 4: DAILY NATION VEHICLE USE LOG

Nation vehi	cle (make/model, year, license plate):					
Authorized	Users' License#:	Authorized User:	Authorized User:			
Date	Start – Odometer Reading - End	Destination/Use	Total Km's			