

Piikani Nation Grant Equity Program

Program Policy

Piikani Resource Development Ltd.

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1. Interpretation

A. Title

This policy (this “Policy”) will be referred to as the “Entrepreneur Business Grant Program Policy”.

B. Definitions

In this Policy, the following defined terms will have the following meanings unless there is something in the subject matter of context inconsistent therewith:

1. “**Administrator**” means an employee of the Piikani Nation Economic Development Department whose duties include the day to day administration of the entrepreneur Business Grant Program and implementation of this Policy, and such employee shall report to, and be under the direction of, the Senior Manager;
2. “**Applicant**” means a Member or Qualified Business that makes an application to access a grant from the entrepreneur business grant program for business development purposes in accordance with this Policy;
3. “**Council**” means the elected Chief and Council of the Piikani Nation collectively;
4. “**Entrepreneur Business Grant Program**” means the grant program administered pursuant to this Policy for the benefits of the Members and Qualified Businesses;
5. “**Economic Development Committee**” means a committee comprised of the Manger, the Piikani Nation Economic Development, and a three (3) members of the Piikani Nation Economic Development Committee designated by the Council of the Piikani Nation;
6. “**Financial Administration Law**” means the Piikani Nation Financial Administration Law, as the same may be amended or replaced from time to time;
7. “**Fiscal Year**” means the twelve-month period beginning of April 1st of each calendar year and ending on March 31st of the subsequent calendar year;
8. “**Grant**” means the provision of (or agreement to provide) fund from the Entrepreneur Business Grant Program, which funds may be granted to an Applicant, or business of an Applicant, or to designated their parties, as determined in accordance with this Policy;
9. “**Grant Agreement**” means a written agreement between the Piikani Nation and the Applicant, in the form of agreement attached hereto as Schedule “B” (as the same may be amended by the Economic Development Committee from time to time) outlining, among other

things, the terms and conditions pursuant to which a Grant will be provided pursuant to this Policy;

10. ***“Grant Application Review Committee”*** means a committee of four (4) or more individuals appointed by the Economic Development Committee from time to time (for terms of at least one (1) year) to review and approve (or reject) Grant applications, each of the members committee shall, in the opinion of the Economic Development Committee, have demonstrated experience in relation to:
 - a) The operation or management of profitable businesses
 - b) Reviewing and analyzing business proposal; and
 - c) Commercial Banking
11. ***“Immediate Family”***, in relation to an individual, includes a person who is the individual’s spouse (including common-law spouse), and the child’s, father, mother, brother, sister, father in-law, mother in-law, uncle, aunt, nephew, niece, grandparent, son in-law, or daughter in-law of such individuals, and will be deemed to include in any other relative permanently residing in such individuals household;
12. ***“Member”*** means an individual 18 years of age or older who appears as a member of the Piikani Nation on the Piikani Membership list as established pursuant to the Piikani Nation Membership Code, as the same may be amended from time to time, and who ordinarily resides on the Piikani Nation reserve lands;
13. ***“Qualified Business”*** means a business entity that is operated (or will be operated) on or near Piikani Nation Reserve lands and:
 - a. If the entity is a body corporate, the majority of its directors must be members and a majority of the voting shares and common shares of the body corporate must be legally and beneficially owned by members; and
 - b. If the entity is not a body corporate, the entity must be governed and controlled by Members, and a majority of the voting and underlying equity (ownership) interests of such entity must be legally and beneficially owned by Members;
14. ***“Senior Management”*** means the service area manager of the Piikani Nation Economic Development Department and operations service area, and includes any acting services area managers of the administration and operations service area;
15. ***“Piikani Nation Administration”*** means the tribal administration of the Piikani Nation Government;
16. ***“this policy”*** means the Entrepreneur business grant Program Policy as the same may be amended from time to time in accordance with the terms hereof; and

17. “Working Day” or “Working Days” means and day other than a day which is Saturday, a Sunday or a Statutory Holiday in the Province of Alberta

C. Commencement

18. Subject to approval of this Policy by council pursuant to a written resolution by the Piikani Nation Council, this Policy will be effective as of April 1st, 2013

D. Interpretation

19. In the event of a conflict between this Policy and the provisions of the financial Administration Law, the Provisions of the financial Administration Law prevail.

20. In the event of a conflict between this Policy and any other enactment of the Piikani Nation relating to the subject matter hereof, the provisions of this Policy will prevail.

21. Word indicating the singular will include plural, and vice versa. And words indicating gender will include both genders as the context may require.

E. Application of Policy

22. This Policy will apply to any monies that are from time to time allocated by the Piikani Nation to the Entrepreneur Business Grant Program.

23. To the extent reasonably possible, this Policy shall be administered in a manner that is complimentary to, that does not duplicate, and that does not work at cross-purposed with, other economic development programs and initiatives of the Piikani Nation in effect from time to time including, without limitation, and economic development program administered by the Piikani Nation through the economic development account policy and procedures (Piikani Revenue Account By-Law 2003-02) as the same may be amended or replaced from time to time in accordance with the terms thereof.

2. Purpose and Principles

- 1.** The Piikani Nation, acting through Council, hereby establishes this Policy to ensure that Grants from the Entrepreneur Business Grant Program are provided to approved applicants for the bona fide small business development purposes in the manner contemplated by this Policy.
- 2.** In administering this Policy, and the management and expenditure of monies hereunder, the Council, the Piikani Nation, Piikani Nation Economic Development Committee (including Manager, the Economic Development Department, the Grant Application Review Committee and the Manager) will act in the best interests of the Piikani Nation.
- 3.** Council's role with respect to this Policy is to ensure that this Policy is established and adhered to by Council and by the Piikani Nation Piikani Nation Economic Development Department, and the Grant Applicant Review Committee)
- 4.** Subject to and in accordance with this Policy, the Economic Development Committee will be responsible for:
 - a.** Appointing individuals to sit on the Grant Application Review Committee from time to time;
 - b.** If necessary, reviewing the approval or rejection decisions of the Grant Application Review Committee; and
 - c.** Overseeing the overall administration of this Policy.
- 5.** Subject to and in accordance with this Policy, the Grant Application Review Committee shall be responsible for approving or rejecting Grant Applications that have been presented to the Grant Application Review Committee by the Administrator.
- 6.** Subject always to direction by the Piikani Nation Economic Development Department Manager, and as more particularly described in Article 8 of this Policy, the Administrator will be responsible for overseeing the day Entrepreneur Business Grant Program, and the implementation and monitoring of this Policy.
- 7.** Council and the Piikani Nation Piikani Nation Economic Development Committee (including the Manager, the Economic Development Department, the Grant Application Review Committee) will not provide or release any Grant monies without following the rules, practices and procedures established by the Policy and the Financial Administration Law.

3. Application Process

- 1.** Any applicant wishing to access a Grant from the Entrepreneur Business Grant Program must apply to the Entrepreneur Business Grant Program by providing the information set out in schedule “A” attached hereto, or such additional, alternate or amended information and/or application form(s) as may be approved or requested by the Administrator and/or Senior Manager from time to time.
- 2.** Within 15 Working Days following the receipt of any Grant application, the Administrator will use best efforts to:
 - a.** Conduct a preliminary review of the application to ensure that the same is complete and conforms to the application guidelines;
 - b.** Determine whether the application is deficient based on the eligibility criteria specifically outlined in Part 4 of this Policy; and
 - c.** Otherwise determine whether the application and the Applicant meet the criteria set out in this Policy
- 3.** The Applicant may, at the request of the administrator or the Grant application Review Committee, be required to provide a current credit bureau report to authorize the Piikani Nation Economic Development Department to obtain the same at the cost of the applicant.
- 4.** A business description must be submitted the Grant Application Review Committee with each grant application which requested in excess of \$5,000.00.
- 5.** Only one Grant Application will be considered for each Applicant. For example, two members cannot apply for Grants, for the same business, in each of their names. Any subsequent Grant(s) to family members of such Members will be for arm’s length business only.
- 6.** An application may be required to attend an interview with the Administrator and/or with the Grant Application Review Committee as part of the application process.
- 7.** If the grant application is deficient, or the application or the applicant does not meet the criteria set out in this Policy, then the administrator will not further review, process or otherwise deal with the application until such deficiencies are corrected. In such cases, the administrator will notify the applicant in writing that the application and/or the applicant, as the case may be, does not meet the requirements set out in this Policy and is not eligible for further consideration. The administrator will, so far as is possible, identify to the applicant the specific deficiencies in the application.
- 8.** If the grant application appears to meet the eligibility criteria set out at article 4 of this Policy, the administrator will submit the application for consideration at the next meeting of the grant application review committee.

9. At the first available meeting of the grant review application committee, the grant application review committee shall approve or reject grant applications that have been presented to it by the administrator, solely on the basis of whether a grant application meets the eligibility criteria set out at article 4 of this Policy.
10. Portly upon the grant application review committee approving or rejecting a grant application, the administrator shall give applicants notice of whether that applicants grant application has been approved or rejected.
11. If a grant application is approved by the grant application review committee then, the subject to the term of this Policy, the grant shall be made available to the applicant.
12. If a grant application is rejected by the grant application review committee, then the applicant shall have 15 days upon being notified of such rejection to notify the administrator that the applicant wishes to have the decision of the grant application review committee reviewed by the Economic Development
13. In the event an applicant exercises the applicant's right under this policy to have rejected grant application reviewed, then the Economic Development Committee shall review the decision of the grant application review committee solely for the purposes of determining whether the grant application review committee rejected the grant application based on the eligibility criteria set out at article 4 of this policy. If the Economic Development Committee determines that a grant application was rejected because it did not satisfy one or more of the criteria for eligibility set out at article 4 of this policy, then the rejection of the applicants grant application shall be final. However, if the Economic Development Committee determines that the grant application was rejected for a reason other than the criteria for eligibility set out at article 4 of this policy, then the grant application shall be resubmitted to the grant application review committee for consideration, with the direction that the application be approved or solely on the basis of the eligibility criteria set out at article 4 of this policy.
14. In reviewing the decision of the grant application review committee, the decision of the Economic Development Committee shall be final and binding upon the applicant, the administrator, the grant application review committee and council.

4. Eligibility Criteria

- 1.** For the grant application review committee to approve an applicant request for a grant from the entrepreneur business grant program, the applicant must satisfy the grant application review committee that,
 - a. The applicant qualifies as either a member or qualified business.
 - b. Unless the applicant is an individual legal structure (such as, for example, a company, a corporation, a limited partnership or a general partnership)
 - c. The applicant proposals demonstrate that the grant will promote the establishment of a new qualified business or the expansion of an existing qualified business;
 - d. The applicant is engaged on for profit activities. For greater certainty, grants through the entrepreneur business grant program are not available to charities or non-profit organizations including without limitation, those organizations that provide services in the areas of religious, educational, social, political, sporting or athletic activities.
 - e. The grant shall be used to lever additional financing form other conventional financing sources, or to purchase capitol assets for the applicant's business.
 - f. In the event the applicant wishes to receive a grant of greater than \$5,000.00, the applicant has a business plan that sets forth clearly defined goals and objectives for the applicant's business, defined goals, and objectives for the applicant's business, and identifies how the applicant will achieve such goals and objectives.
 - g. If this business has already been funded thorough a prior grant, the total amount of the grant will not exceed (50%) of the total costs of capital assets required for the expansion of the existing business.
 - h. If the grant being applied for will be used to expand a business that has already been funded through a prior grant, the applicant has a system in place to monitor and evaluate the goals and objectives identified in the applicant's business plan.
 - i. The applicant has an operating budget and/or financial plan that clearly defines revenues and expenses and, where necessary, provide for a capital budget.
 - j. The applicant can demonstrate financial sustainability/
 - k. The applicant has investigated other sources of financial support from potential investors, financial institutions and from governments other than the Piikani Nation.
- 2.** The grant application review committee will not approve any application for a grant application that:
 - a.** In the opinion of the grant application review committee, lacks credit worthiness, or

5. Amount of Grants

- 1.** No applicant or qualified business shall be eligible to receive grants that, collectively over the course of their lifetime, exceed a maximum of \$15,000.00, or such greater lifetime maximum amount as may be determined from time to time by Council by means of a resolution of Council.
- 2.** Unless otherwise determined by the Economic Development Committee, the maximum annual amount of any grant approved under the Entrepreneur Business Grant Program shall be \$5,000.00 the Economic Development Committee Shall:
 - a.** Not be authorized to increase the maximum amount of any grant approved under the entrepreneur business grant program above \$5,000.00 without the prior approval of Council as evidence by a written resolution of Council; and
 - b.** Base any decision to increase or decrease the maximum annual amount of any grant, on the total amount of available funding allocated by Council to the Entrepreneur Business Grant Program that year.

6. Proceedings of the Grant Application Review Committee

- 1.** Applications for grants will be reviewed by the grant application review committee on or before the following date each year, April 15, 2014; If the above date fall on a day that is not a working day, then the review by the grant application review committee will take place on the closest working day following the date above, as determined by the grant application review committee, and in instances as soon as practically possible.
- 2.** The grant application review committee shall have a chairperson and vice-chairperson selected by the Economic Development Committee from among the Grant Application Review Committee's members. The chairperson or, in the chairperson absence, the vice-chairperson of the grant application review committee (as chosen by the Economic Development Committee) shall chair meetings of the grant application review committee.
- 3.** Questions rising at any meeting of the grant application review committee shall be decided by majority of voted effectively and validly cast, and each member of the grant application review committee (including the chairperson and vice-chairperson) shall have one vote. The chair of the meeting of the grant application review committee shall not, in case if equality of votes, be entitled to a second or casting vote. Further, and for purposes of counting the number of votes that have been effectively and validly cast in favor of (or against) any questions arising at a meeting of the grant application review committee, abstentions shall not be counted as voted effectively and validly cast.
- 4.** The chair person of the Grant application review committee shall, at the request of the administrator, summon a meeting of the Grant Application Review Committee. In the absence of the chairperson, the vice-chairperson shall, at the request of the administer, summon a meeting.
- 5.** Quorum for the transaction of business at a meeting of the grant application review committee shall be three members. A meeting of the grant application review committee at which a quorum is present shall be competent to exercise all the authorities, powers and discretions that are vested in or exercisable by the grant application review committee under this Policy. The grant application review committee may, if a quorum is present, act notwithstanding any vacancies in the grant application review committee.
- 6.** A resolution signed by all the members if the grant application review committee shall be as valid and have the same effect as if it had been passed at a meeting of the grant application review committee, and such resolution by the administrator. Any such resolution may consist of one or several documents and shall each be signed by the members of the grant application review committee.

7. Meetings may be held at any time and without notice if all the members of the grant application review committee are present or those absent have signified their consent in writing to such meeting being held in their absence.
8. Notice of any meeting, where notice has not been dispensed with, delivered or faxed to each of the grant application review committee. Notice of any meeting or irregularity in any meeting or in the notice thereof may be waived by any member of the grant application review committee may be by resolution appoint a regular time and place for meetings and, after the entry of such resolution upon the minutes of the meetings at which it was passed, no further or other notice of such time and place shall be necessary.
9. A member of the grant application review committee may participate in a grant application review committee meeting, by means of telephone or other communication facilities that permit all individuals participating in the meeting to communicate with each other. A member of the grant application review committee participating in such manner is deemed to be present at such meeting.

7. Applicants Responsibilities

- 1.** An applicant who obtains a grant from the Entrepreneur Grant Program will;
 - a.** Execute a grant agreement with the Piikani Nation, as represented by the Piikani Nation Small Business Program, is substantially the form attached as schedule B, or as may be amended from time to time by the Economic Development Committee;
 - b.** If and its requested to do so by the administrator of the senior manager, make available to the administrator from time to time the applicant's books, account, records and supporting documentation.
 - c.** If and as requested to do so by the administrator or senior manager, provide a copy of the applicant's financial statements to the administrator (which, if requested by the administrator or the senior manager, shall be prepared by an independent accountant or either a review engagement or an audited basis) with 90 days of the fiscal year end of the relevant business.
 - d.** Adhere to any grant agreement that has been entered.
- 2.** All applicants will be responsible for ensuring that all grant monies received from the entrepreneur business grant program are only spent for bona fide business development purposes in accordance with this Policy, the applicants grant application, and any resulting grant agreement with the Piikani Nation.

8. Program Administrator

- 1.** The Piikani Nation Economic Development department manager powers in relation to the Entrepreneur Business Grant Program are subject to the direction by the and the Economic Development Committee, the provisions of the Financial Administration Law, and this Policy.
- 2.** In additions to the administrator's other duties hereunder, the Administrator shall be responsible for:
 - a.** Reviewing all applications for grants from Entrepreneur Business Grant Program.
 - b.** Providing assistance and, if required by the Grant Application Review Committee, recommendations to the Grant Application Review Committee respecting the purposed expenditure of funds from the Entrepreneur Business Grant Program.
 - c.** Negotiating and concluding all grant agreements between applicants and the Piikani Nation arising out of this Policy.
 - d.** Providing regular reporting in regulation to the Entrepreneur Business Grant Program to the Senior Manager.

9. Payment of Grants

Process of receiving Grants

1. Upon written notice of grant approval an applicant will have 60 days to accept the grant allocated to it by notifying the administrator of such acceptance, failing which such grant may, at the discretion of the senior manager, be terminated and returned to the entrepreneur business grant program.
2. Each applicant must sign a grant agreement with the Piikani Nation, in a form acceptable to the Piikani Resource Development Ltd. Committee, prior to any grant being released.
3. Grants may be provided by way of one lump-sum payment to the recipient, or by instalments over a pre-determined period or may be disbursed to suppliers of the applicants or applicants qualified business in such amounts as are confirmed by written quote or invoice.

Receipt of Funds

4. The Administrator will only release a grant (or any portion thereof) from the Entrepreneur Business Grant Program on the conditions that the Administrator is in receipt of:
 - a. An executed grant agreement with the applicant, in form and content approved by the Economic development Committee in accordance with this Policy.
 - b. Such financial records, receipts, invoices, contracts, statements, reports or other evidence as may be requested by the administrator to confirm the purposes for which the grant funding will be applied.
 - c. Any other necessary documentation arising out incidental to the grant agreement with the applicant.
5. Upon receipt of the foregoing documentation, but subject to the other provisions of this Policy, the administrator shall either pay the approved grant monies (or the appropriate portion thereof) to the third-party suppliers, contractors, or other persons on behalf of the applicant, on the dates and in the amounts shown in the applicable grant agreement or reimburse the applicant for a payment that has already been made by the applicant and for which the applicants grant has been approved.
6. Except with the prior written consent of the Economic Development Committee, grant monies shall not be released directly to the applicant.
7. The administrator or the Senior Manager, acting reasonable, shall have the right to withhold or cancel any portion of any grant where the applicants has not complied with this Policy or the terms of any grant agreement.

10. Conflict of Interest

- 1.** This section applies to each member of Council and each person who is an employee of the Piikani Nation Administrator, its agencies and/or related bodies (including the Piikani Resource Development Department Manager, the Piikani Resource Development Committee, the Grant Application review Committee and the Administrator) dealing with a grant application under this policy.
- 2.** For the purposes of this Policy, a conflict of interest is defined as a perceived potential or actual conflict that may arise between any employee of the Piikani Nation including Piikani Resource Development Manager, the Piikani Resource Development Committee, the Grant Application review Committee and the Administrator or member of the Council, on the other hand, and any applicants or recipient who might benefit from a grant under this Policy, on the other hand.
- 3.** If a person has an interest, financial or otherwise, in a matter of being dealt with that might involve that person, his or her immediate family, or the applicant, then that person will:
 - a.** Promptly and fully disclose his or her interest to the Economic Development committee prior to the matter being dealt with.
 - b.** Not take part in any deliberations or recommendations on that matter.
 - c.** Not vote on that matter.
- 4.** If the Administrator or most of the members of the Grant Application Review Committee are unable to act in relation to an application for a grant due to a conflict of interest, the matter be referred to the Economic Development Review Committee.
- 5.** If a person has a conflict of interest which has not been disclosed, and that person participates in relation to any application for grant, then that person may be suspended or terminated pursuant to the rules, policies and procedures development by the Piikani Nation and in effect from time to time.

11. Confidential Information

- 1.** This section applies to each member of Council and each person who is an employee of the Piikani Nation Administration, its agencies and/or related bodies (including senior manager, the Economic Development Committee, the grant application review committee and the administrator) dealing with a grant application under this Policy.
- 2.** Persons involved in the administration and management of the Entrepreneur Business Grant Policy will, in carrying out their duties and responsibilities under this Policy, or as part of their duties and responsibilities as an employee or the Piikani Nation Administration, its agencies and/or related bodies (including the Piikani Resource Development Manager, the Piikani Resource Development Committee, the Grant Application review Committee and the Administrator) or member of council, have access to acquire information that is non-public, privileged or confidential, or that has a value to the applicants and/or the Piikani Nation (collectively, the Confidential information).
- 3.** All persons involved in any part of the Administration and management of the Entrepreneur business Grant Program will be required to protect, and keep confidential, such confidential information concerning the business of the applicant and the Piikani Nation.
- 4.** No person involved in any part of the administration and management of the Entrepreneur Business Grant Program will use Confidential information for personal gain.

12. Reviews and Amendments

Review

- 1. The Piikani Resource Development Ltd. Committee will determine when a review of this policy is necessary.
- 2. When the Piikani Resource Development Ltd. Committee conducts and completes a review of this Policy from time to time, it will recommend to Council whether this Policy should be revised and amended.

Amendments and Repeal

- 3. This Policy will only be amended by means of a written resolution of Council.
- 4. This Policy will only be repealed by means of written resolution of Council.

THIS POLICY is hereby enacted with effect as of _____ . pursuant to Band Council Resolution # _____ dated, _____ .2018

Chief and Council of the Piikani Nation
Name:

Piikani Resource Development Ltd.
Manager: