

### **Name of the Bylaw**

1. This bylaw shall be referred to as the "Capital Fund Bylaw".

### **Acknowledgement of BUSU Fiscal Management**

The BUSU Capital Fund was established in 1991. This fee is held under the duties of BUSAC as per the bylaw. With that said, due to the operational nature of the fee, the BUSU Fiscal Management Policies outlines detailed practices and requirements for this fee. If policies are altered, amended or repealed, this by-law will need to reflect the changes and updates for consistency as outlined in the BUSU hierarchy of legislation.

### **Appropriate Uses Definition Receipt**

1. This fund can be used to support the following items:
  - a. Capital Expenditures and various loans or debts associated with Capital Expenditures.
  - b. Repayment of internal BUSU loans and debts.
  - c. Joint ventures and other collaboration and partnership projects with Brock University.
  - d. Equipment expenditures, including but not limited to; the BUSU Office, Isaac's Bar and Grill, Skybar Lounge, General Brock, Union Station, The Collaboratorium, The Student Alumni Centre, The Hamilton Campus Student Lounge.
  - e. Projects and expenditures around the expansion, revitalization or reutilization of the Student-Alumni Centre.
  - f. Projects and expenditures around the planning, creation and development of the New BUSU Building.
  - g. Any and all provisions outlined within the Deferred Maintenance Memorandum of Understanding (2014).
  - h. Any other usage that the approving body deems to be in the spirit of the fee collection.

### **Access to Capital Fund (unrestricted portion)**

2. BUSAC or its designate may approve expenditures for up to 75% of the money that is collected annually for the Capital Fund account during their one (1) year term.
  - a. Approvals of expenditures will require a 50% + 1 vote by the designated approving body in two (2) consecutive meetings where quorum has been achieved.
  - b. In the event that the second reading meeting of BUSAC does not reach or loses quorum prior to the vote on the expenditure, the BUSU Board of Directors shall be allowed to serve as the body that approves the second reading.
3. BUSU Board of Directors shall be the approval body during times when BUSAC is not in session (i.e. Summer Months), in the event BUSAC membership has fallen below legislated quorum or when BUSAC has designated its authority.

Access to Capital Fund (restricted portion)

4. The 25% (restricted) fund amount shall be held in reserve and cannot be spent through the above approval process in the year it is collected. The purpose for the 25% (restricted) fund amount is to create a reserve fund in the spirit of Section 22.6 (BUSU Fiscal Management Policy) like larger non-reoccurring, non-operational projects, renovations, acquisitions of space, properties, to cover the short falls in any unrestricted division of BUSU or repayments of internal loans. If funds from the 25% (restricted) fund account are used to cover the short falls in any unrestricted division of BUSU or repayments of internal loans, the approval process will be a 2/3<sup>rd</sup> majority vote of the BUSU Board of Directors. For all other uses of the fund account, the approval process will be as follows in order of occurrences:
  - a. A presentation to BUSAC shall be made by the BUSU General Manager, VPFA and any other Executive member that is needed which outlines the current fund account balance, purpose of the request to access, plan for the expenditure, oversight mechanism of the expenditure and any other relevant materials or supporting documents required to provide a clear understanding of the request for BUSAC.
  - b. Following the presentation, BUSAC must then vote 50% + 1 in favour of the access request.
  - c. Following BUSAC approval, the request must gain a 2/3<sup>rd</sup> majority vote of the BUSU Board of Directors.
  - d. Following the approvals, if during the execution of the project additional expenditures need to be requested for unforeseen construction, labour, material, permit or similar issues, the additional funds must be approved by the BUSU Board of Directors by a 2/3<sup>rd</sup> majority vote. This information should be reported to BUSAC in a timely manner by either the General Manager or the Chair of the Board.
  - e. Following the completion of the expenditure, the General Manager, VPFA and any other relevant parties must present the final and completed project budget vs. actuals to BUSAC.

**Reporting:**

5. Reporting of the usage of the Capital Fund shall be the responsibility of the General Manager and the Vice-President, Finance & Administration. Reports should include: Summary of scope of work or project, Amount approved (including any increases to original funding) Amount spent and Confirmation that appropriate filings have been completed with the accounting department or relevant departments within BUSU, University or municipality