




First Nations Tax Commission
Commission de la fiscalité des premières nations

The First Nations Tax Commission, pursuant to the *First Nations Fiscal and Statistical Management Act*, hereby approves the following law made by the Lower Kootenay Indian Band in the Province of British Columbia,

Lower Kootenay Indian Band Annual Rates Law, 2009

Dated at Calgary, Alberta this 10th day of June, 2009.

On behalf of the First Nations Tax Commission



C.T. (Manny) Jules – Chief Commissioner
First Nations Tax Commission



LOWER KOOTENAY INDIAN BAND
ANNUAL RATES LAW, 2009

WHEREAS:

A. Pursuant to section 5 of the *First Nations Fiscal and Statistical Management Act*, the council of a first nation may make laws respecting taxation for local purposes of reserve lands, interests in reserve lands or rights to occupy, possess or use reserve lands, including laws to establish tax rates and apply them to the assessed value of lands, interests and rights in the reserve;

B. The Council of the Lower Kootenay Indian Band has enacted the Lower Kootenay Indian Band Property Assessment Law, 2008 and the Lower Kootenay Indian Band Property Taxation Law, 2008, respecting taxation for local purposes on reserve; and

C. Section 10 of the *First Nations Fiscal and Statistical Management Act* requires a first nation that has made a property taxation law to, at least once each year, make a law setting the rate of tax to be applied to the assessed value of each class of lands, interests or rights in the reserve;

NOW THEREFORE the Council of the Lower Kootenay Indian Band duly enacts as follows:

1. This Law may be cited as the Lower Kootenay Indian Band Annual Rates Law, 2009.
2. In this Law:

“Act” means the *First Nations Fiscal and Statistical Management Act*, S.C. 2005, c.9, and the regulations made under that Act;

“Assessment Law” means the Lower Kootenay Indian Band Property Assessment Law, 2009;

“First Nation” means the Lower Kootenay Indian Band, being a band named in the schedule to the Act;

“property taxation law” means a law enacted by the First Nation under paragraph 5(1)(a) of the Act;

“taxable property” means property in a reserve that is subject to taxation under a property taxation law; and

“Taxation Law” means the Lower Kootenay Indian Band Property Taxation Law, 2008.

3. Taxes levied pursuant to the Taxation Law for the taxation year 2009 shall be determined by imposing the rates set out in the Schedule upon the assessed value of all taxable property in each property class.

4. Notwithstanding section 3, where the amount of the tax levied on taxable property in a taxation year is less than one hundred dollars (\$100.00), the taxable property shall be taxed at one hundred dollars (\$100.00) for the taxation year.

5. Notwithstanding any other provision of this Law, if the First Nations Financial Management Board gives notice to Council pursuant to the Act that third-party management of the revenues raised under this Law is required, Council authorizes the First Nations Financial Management Board to act as agent of the First Nation to fulfill any of the powers and obligations of the Council under this Law and the Act.

6. Except where otherwise defined, words and expressions used in this Law have the meanings given to them in the Assessment Law and the Taxation Law.

7. Where a provision in this Law is expressed in the present tense, the provision applies to the circumstances as they arise.

8. This Law must be construed as being remedial and must be given such fair, large and liberal construction and interpretation as best ensures the attainment of its objectives.

9. The Schedule attached to this Law forms part of and is an integral part of this Law.

10. This Law comes into force and effect on the later of June 1 and the day after it is approved by the First Nations Tax Commission.

THIS LAW IS HEREBY DULY ENACTED by Council on the 5 day of June, 2009, at Creston, in the Province of British Columbia.

A quorum of Council consists of three (3) members of Council.



Chief Chris Luke Sr.



Councillor Carol Louie



Councillor Sandra Luke

Councillor Mary Basil

Councillor M. Jason Louie

SCHEDULE I

PART I. TAX RATES

PROPERTY CLASS VALUE	RATE PER \$1000 OF ASSESSED
Class 1 - Residential	8.9750
Class 2 - Utilities	52.9525
Class 5 - Light Industry	23.3350
Class 6 - Business and Other	21.0015
Class 9 - Farm	16.8731