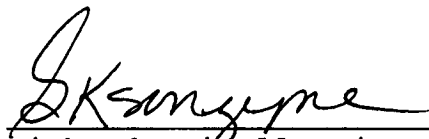


CERTIFICATION

Pursuant to Section 86, Indian Act RSC 1985 C.I-5 and amendments thereto, I certify that the attached copy of the Kamloops Indian Band Property Tax Expenditure By-law, dated 20th. day of May 1997 is a true copy of the said by-law.



Richard Frizell, Director
Lands and Trust Services,
a Superintendent as defined in
Sec 2(1) Indian Act RSC 1985

Minister of Indian Affairs
and Northern Development



Ministre des Affaires
indiennes et du Nord canadien

Ottawa, Canada K1A 0H4

I, the Minister of Indian Affairs and Northern Development, HEREBY APPROVE, pursuant to section 83 of the *Indian Act*, the following bylaw made by the Kamloops Indian Band, in the Province of British Columbia, at a meeting held on the 20th day of May, 1997.

- **Kamloops Indian Band Property Tax Expenditure Bylaw**

Jane Stewart

Dated at Ottawa, Ontario this 29th day of *July*, 1997.

Canada

KAMLOOPS INDIAN BAND
PROPERTY TAX EXPENDITURE BYLAW

WHEREAS:

- A. The Kamloops Indian Band has enacted a property assessment bylaw and a property taxation bylaw pursuant to subsection 83(1) of the Indian Act for the purpose of taxation for local purposes of land, or interests in land, in the Reserve (as defined in the property taxation bylaw), including rights to occupy, possess or use land in the Reserve;
- B. Subsection 83 (2) of the Indian Act provides that an expenditure made out of moneys raised pursuant to subsection 83(1) of the Indian Act must be made under the authority of a bylaw of the council of the band:
- C. Pursuant to subsection 83(1) in July of 1990 the Kamloops Indian Band enacted the Taxation Expenditure By-law authorizing the expenditure of money from tax revenues;
- D. Chief and Council now deem it expedient for the efficient operation of the Kamloops Indian Band taxation scheme to enact a new Property Tax Expenditure Bylaw

NOW BE IT HEREBY RESOLVED that the Kamloops Indian Band Taxation Expenditure Bylaw dated July 1990 is hereby revoked and the following bylaw be and is hereby enacted pursuant to the provisions of the Indian Act and in particular subsections 83(1) and (2) thereof, for the purpose of authorizing expenditures to be made out of property tax revenue.

Short Title

1. This bylaw may be cited for all purposes as the Kamloops Indian Band Property Tax Expenditure Bylaw.

Interpretation

2. In this bylaw, including without limiting the generality of the foregoing in the recitals and this section:

"annual property tax budget" means a budget that includes and identifies in a general way projected property tax revenue for a fiscal year, surplus or deficit property tax revenue carried over from previous fiscal years and projected expenditures to be made out of property tax revenue for the fiscal year for local purposes,

"band" means the Kamloops Band of Indians,

"Band Administrator" means the Band Administrator appointed by council under the Kamloops Indian Band Property Taxation Bylaw,

"band council resolution" means a motion passed and approved at a meeting of council pursuant to the consent of a majority of the quorum of the Councillors of the band,

"community works" includes, without limitation, designing, constructing, reconstructing, creating, replacing, enlarging, extending, removing, moving, repairing, maintaining and operating buildings, works and facilities (other than public works), located within reserve and owned, operated, controlled, managed, administered, provided, purchased or financially supported, wholly or in part, by the band or council on behalf of the band and used for community services or general government services, including, without limiting the generality of the foregoing, band administration offices, band public works yards, cemeteries, longhouses, cultural centres, daycare centres, group homes, libraries, archives, museums, art galleries, recreation centres, parks and playgrounds, together with reserve lands appurtenant thereto,

"community services" includes, without limitation, programs and services (other than utility services), operated, controlled, managed, administered, provided, purchased or financially supported, wholly or in part, by the band or council on behalf of the band and of benefit to any residents of reserve (whether in common with any non-residents of reserve or not) including, without limiting the generality of the foregoing, social, public health, cultural, recreation, education, daycare, library, park, playground, police or fire protection programs and services,

"council" means the council of the Kamloops Indian Band within the meaning of subsection 2(1) of the Indian Act R.S.C. 1985, c.I-5, as elected by the band members from time to time pursuant to the custom of the band,

"fiscal year" means April 1 of a calendar year through March 31 of the following calendar year,

"general government services" includes, without limitation, government and administrative programs, services and operations of the band or council on behalf of the band including, without limiting the generality of the foregoing, the operations of council and the development, preparation, enforcement and administration of council or band policies, bylaws and programs and the administration and operation of departments of the band,

"minister" means the Minister of Indian Affairs and Northern Development and includes a person designated in writing by the minister,

"property assessment bylaw" means the Kamloops Indian Band Property Assessment Bylaw approved and passed by the council on the 12th day of July, 1990 and approved by the Minister on the 31st day of August, 1990, as amended from time to time,

"property taxation bylaw" means the Kamloops Indian Band Property Taxation Bylaw approved and passed by the council on the 12th day of July, 1990 and approved by the Minister on the 31st day of August, 1990, as amended from time to time,

"property taxation bylaw expenditures" includes all costs associated with the administration, implementation, and enforcement of the Kamloops Indian Band property taxation scheme.

"property tax revenue" includes all taxes and other moneys raised under the property taxation bylaw, including without limiting the generality of the foregoing all interest earned thereon and other accumulations thereto from time to time,

"public works" includes:

- (a) designing, constructing, reconstructing, creating, replacing, enlarging, extending, removing, moving, repairing, maintaining, operating, purchasing or otherwise obtaining the services of:
- (i) roads, streets, overpasses, underpasses, sidewalks, foot crossings, curbing bridges, tunnels, culverts, embankments and retaining walls,
 - (ii) equipment, wires, works and facilities, including standards and conduits, necessary to supply public lighting within reserve, including without limiting the generality of the foregoing, all necessary poles, towers, cross-arms, encasements, transformer structures and other related works and facilities,
 - (iii) conduits for wires, fibre-optics and pipes for purposes other than providing public lighting within reserve, including without limiting the generality of the foregoing all necessary poles, towers, cross-arms, encasements, transformer structures and other related works and facilities,
 - (iv) storm or sanitary sewer or water lines, works and facilities, including service connections to sewer or water lines on land abutting a main,
 - (v) sewerage treatment and water treatment works, facilities and plants,
 - (vi) retaining walls, rip-rap, sheet-piling, sea-walls, pilings, dykes and breakwaters in, along or adjacent to the sea, a lake or a river, and

- (vii) any buildings, works or facilities related or ancillary to anything referred to in subparagraphs (i) through (vi),

together with reserve lands appurtenant thereto,

- (b) remediating environmentally contaminated reserve lands, and
- (c) creating new lands by any lawful means including, without limiting the generality of the foregoing, by the placement and compaction of permitted soils and other fill materials,

"reserve" has the same meaning as in the Assessment By-law,

"utility services" includes water, storm sewer, sanitary sewer, garbage collection, garbage disposal, solid waste disposal, sewage treatment and water treatment programs, services and operations.

Authorization of Expenditure of Property Tax Revenue

3. This bylaw authorizes the expenditure of property tax revenue by council on behalf of the band for local purposes.
4. Without limiting the generality of section 3, but for greater certainty, this bylaw authorizes the expenditure of property tax revenue by council on behalf of the band on providing, purchasing or otherwise obtaining community works, community services, general government services, property taxation bylaw expenditures, public works and utility services.

Annual Property Tax Budget

5. On or before July 31st in each fiscal year, the Band Administrator shall prepare and table with council a draft annual property tax budget for the then current fiscal year and a draft band council resolution approving the budget, and Council shall endeavour to consider such budget and resolution on or before August 31st of the same fiscal year.
6. (1) Subject to subsection (4), all expenditures made out of property tax revenue that Council is authorized to make under this bylaw shall be made under the property taxation bylaw or pursuant to an annual property tax budget that has been approved by band council resolution.
- (2) For greater certainty:

- (3) band council may at any time and from time to time amend any annual property tax budget and any band council resolution approving an annual property tax budget, and
- (4) nothing in this bylaw shall have the effect of amending the property taxation bylaw or of limiting the authorization of, or requiring additional procedures to permit, expenditures of property tax revenue thereunder.

Property Tax Revenue Accounts

7. All property tax revenue shall be deposited in a special account or accounts maintained in the name of the band and be invested until required to be expended pursuant an annual property tax budget that has been approved by band council resolution.
8. Any surplus property tax revenue raised during a fiscal year that is not required for expenditure during that fiscal year pursuant to an annual property tax budget that has been approved by band council resolution, shall be set aside in a special surplus fund account or accounts maintained in the name of the band and be invested until required for such expenditure in a future fiscal year.

Administration and Enforcement

9. The Band Administrator shall administer this bylaw.

Bylaw Remedial

10. This bylaw 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.

Miscellaneous

11. Head notes, marginal notes and provision headings form no part of this bylaw but shall be construed as being inserted for convenience of reference only.
12. A finding by a court of competent jurisdiction that a section or provision of this bylaw is void or invalid shall not affect or bear upon the validity or invalidity of any other section or part of this bylaw or this bylaw as a whole.
13. Where a provision in this bylaw is expressed in the present tense, future tense or in the past tense, the provision applies to the circumstances as they arise.

- 14. In this bylaw words in the singular include the plural, and words in the plural include the singular.

Coming into Force

- 15. This bylaw shall come into force immediately upon being approved by the Minister.

APPROVED AND PASSED at a duly convened meeting of the Band Council of the Kamloops Indian Band held at the Kamloops Indian Band Administration Office, this 13th 20th day of May, 1997.

A Quorum of Council consists of five (5) Band Councillors.

MOVED BY: Russell Casimir SECONDED BY: Hank Gott

CHIEF: _____

COUNCILLOR: <u>[Signature]</u>	COUNCILLOR: <u>[Signature]</u>
COUNCILLOR: <u>Clarence Jules</u>	COUNCILLOR: <u>[Signature]</u>
COUNCILLOR: <u>Fred Lamille</u>	COUNCILLOR: <u>Russell Casimir</u>
COUNCILLOR: <u>[Signature]</u>	COUNCILLOR: _____

