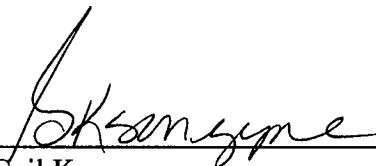


CERTIFICATION

Pursuant to Section 86, Indian Act RSC 1985 C.I-5 and amendments thereto, I certify that the attached copy of the Lower Kootenay Indian Band Assessment Amending By-law Number 1997-01 dated October 9, 1997 is a true copy of the said by-law.



Gail Ksonzyna
Lands and Trust Services,
a superintendent as defined in
Section 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 Lower Kootenay Indian Band, in the Province of British Columbia, at a meeting held on the 9th day of October, 1997.

- **Assessment Amending Bylaw No. 1997-01**
(Being a Bylaw to Amend Bylaw 1992 S.(40))

Jane Stewart

Dated at Ottawa, Ontario this 6th day of November, 1997.

Canada

**LOWER KOOTENAY INDIAN BAND
ASSESSMENT AMENDING BYLAW NO. 1997-01**

**BEING A BYLAW TO AMEND THE LOWER KOOTENAY INDIAN
BAND ASSESSMENT BYLAW 1992 S. (40)**

WHEREAS the Council of the Lower Kootenay Indian Band is amending its Assessment Bylaw in accordance with direction from the Supreme Court of Canada decision rendered on January 26, 1995 and in particular the reasons for judgment written by The Honourable Antonio Lamer, P.C., Chief Justice, in

Matsqui Indian Band and Matsqui Indian Band Council

-v-

Canadian Pacific Limited and Unitel Communications Inc.

-and-

Indian Taxation Advisory Board

-and between-

Siska Indian Band and Siska Indian Band Council
Kanaka Indian Band and Kanaka Indian Band Council
Nicomen Indian Band and Nicomen Indian Band Council
Shuswap Indian Band and Shuswap Indian Band Council
Skuppah Indian Band and Skuppah Indian Band Council
Spuzzum Indian Band and Spuzzum Indian Band Council

-v-

Canadian Pacific Limited

-and-

Indian Taxation Advisory Board

(the "Matsqui Decision")

NOW THEREFORE BE IT RESOLVED that the Council of the Lower Kootenay Indian Band, at meeting duly called and held, make as a Bylaw the following:

The Lower Kootenay Indian Band Assessment Bylaw 1992 approved and passed at a duly convened meeting of the Council of the Lower Kootenay Indian Band held at the Lower Kootenay Indian Band Office, Creston, British Columbia, on the 20th day of November 1991, where the Lower Kootenay Indian Band deemed it advisable and in the best interest of the members of the Lower Kootenay Indian Band to establish by bylaw, a system for the assessment and taxation of land, or interest in land including the rights to occupy, possess or use land in the reserve, such assessment being ancillary to and necessary for the establishment of an equitable system of levying taxes for local purposes on land or interest on land, including the rights to occupy, possess or use land in the reserve, and the same is hereby amended by:

1. Short Title

This bylaw may be cited as the Lower Kootenay Indian Band Assessment Amending Bylaw No. 1997-01.

2. Section 40 of the Assessment Bylaw is hereby amended by repealing it and replacing it with the following:

40.(1) The Chief and Council shall by Band Council Resolution establish a Board of Review which shall consist of:

- (a) one person who is or was duly qualified to practice law in the Province of British Columbia, or is or was a Judge of a Provincial, County or Supreme Court in the Province of British Columbia;
- (b) one person who has sat as a member of an appeal board to review assessments in and for the Province of British Columbia;
- (c) one person who may be a member of the Lower Kootenay Indian Band who does not have any direct or indirect financial interest in any real property assessment to which an appeal relates.

(2) Each member of the Board of Review shall hold office for a period of (3) three years (1998, 1999, 2000) unless the member resigns or is otherwise removed from office in accordance with the terms of the Bylaw.

- (3) The members of a Board of Review shall be paid their reasonable and necessary travelling and out of pocket expenses incurred in carrying out their duties and in addition shall be paid the remuneration as may be ordered by the Lieutenant Governor in Council pursuant to subsection 41(5) of the British Columbia Assessment Act, R.S.B.C. 1996 c.20, as amended from time to time with respect to the remuneration of the members of the Assessment Appeal Board (as that term is defined in that British Columbia Assessment Act) during the term of office of the member of a Board of Review.
- (4) A Member of the Board of Review shall be removed from office by Chief and Council if he or she:
 - (a) is convicted of an offense under the *Criminal Code*;
 - (b) fails to attend three consecutive appeal hearings;
 - (c) fails to perform any of his or her duties under this Bylaw in good faith;
or
 - (d) hears an appeal while disqualified by virtue of subsection 5 of this Bylaw.
- (5) No person may sit as a member of the Board of Review to hear an appeals if that person;
 - (a) has a direct or indirect financial interest in any real property assessment which an appeals relates;
 - (b) is the Chief or a member of the Council of the Lower Kootenay Indian Band;
 - (c) is an employee of the Band or the Council of the Lower Kootenay Indian Band; or
 - (d) has financial dealings with the Band or Council of the Band which might reasonably give rise to a conflict of interest and impair that person's ability to deal fairly and impartially with the appeal as required under the terms of this Bylaw.

APPROVED AND PASSED at a duly convened meeting of the Band Council of the Lower Kootenay Indian Band held at the Lower Kootenay Indian Band Administration Office, #42 Hwy 21, Creston British Columbia V0B 1G0 this 9 day of OCTOBER, 1997.

A Quorum of Council consists of three (3) Band Councillors.

MOVED BY: ANNE JIMMIE SECONDED BY: JASON LOUIE



CHIEF



COUNCILLOR



COUNCILLOR



COUNCILLOR

COUNCILLOR

**BAND COUNCIL RESOLUTION
RÉSOLUTION DE CONSEIL DE BANDE**

Chronological no. - N° consécutif
File reference no. - N° de référence du dossier

NOTE: The words "from our Band Funds" "capital" or "revenue", whichever is the case, must appear in all resolutions requesting expenditures from Band Funds.
 NOTA: Les mots "des fonds de notre bande" "capital" ou "revenu" selon le cas doivent paraître dans toutes les résolutions portant sur des dépenses à même les fonds des bandes.

The council of the Le conseil de		Cash free balance - Solde disponible	
LOWER KOOTENAY INDIAN BAND		Capital account Compte capital	\$ _____
Date of duly convened meeting Date de l'assemblée dument convoquée	D J M Y.A 0 9 1 0 9 7	Province BC	Revenue account Compte revenu
			\$ _____

DO HEREBY RESOLVE:
DÉCIDE, PAR LES PRÉSENTES:

WHEREAS:

- A. The Lower Kootenay Indian Band has enacted Property Taxation and Assessment Bylaws pursuant to Section 83 of the Indian Act.
- B. Complaints have been made against the Lower Kootenay Indian Band Assessment Roll.
- C. The Lower Kootenay Indian Band Assessment Bylaw provides that Chief and Council appoint a Board of Review to hear appeals against the Lower Kootenay Indian Band Assessment Roll.

BE IT RESOLVED THAT:

- 1. Pursuant to Section 40(1) of the Lower Kootenay Indian Band Assessment Bylaw, the Chief and Council shall appoint a Board of review having the following members to hears appeals against the Lower Kootenay Indian Band Assessment Roll.
 - Mr. Donald Brothers, Q.C.
 - Mr. David Sparks
 - Mr. Paul Newson
- 2. The Chief and Council hereby appoints Mr. Donald Brothers., Q.C., as Chairman of the Board of Review.
- 3. The Board of Review shall be remunerated pursuant to Section 40(3) of the Lower Kootenay Indian Band Assessment Bylaw.
- 4. All cost incurred are to be submitted for review to the Chairman of the Board of review before submission for payment.
- 5. In the event that any member of the panel is not able to attend a hearing of the Board of Review, then in that event the Chief and Council do hereby appoint Mr. Laurent E. Rivard to take the place of the missing member and be paid the remuneration to which the absent member would of been paid. Mr. Rivard will be authorized to continue remaining as a member of the panel until the absent member is able to return, whereupon the absent member shall be entitled to resume his/her position as a member of the Board of review until the termination of his/her term of office. In the event that the Chairman is the member who is unable to attend a hearing of the Board of review, the members shall elect one of them to be pro tem Chairman.

Quorum (3)

 (Councillor - Conseiller)

 (Councillor - Conseiller)

 (Councillor - Conseiller)

 (Chief - Chef)

 (Councillor - Conseiller)

 (Councillor - Conseiller)

 (Councillor - Conseiller)

 (Councillor - Conseiller)

 (Councillor - Conseiller)

 (Councillor - Conseiller)

FOR DEPARTMENTAL USE ONLY - RÉSERVÉ AU MINISTÈRE

Expenditure - Dépenses	Authority (Indian Act Section Autorité (Article de la Loi sur les Indiens)	Source of funds Source des fonds <input type="checkbox"/> Capital <input type="checkbox"/> Revenue Revenu	Expenditure - Dépenses	Authority (Indian Act Section Autorité (Article de la Loi sur les Indiens)	Source of funds Source des fonds <input type="checkbox"/> Capital <input type="checkbox"/> Revenue Revenu
Recommending officer - Recommandé par			Recommending officer - Recommandé par		
Signature		Date	Signature		Date
Approving officer - Approuvé par			Approving officer - Approuvé par		
Signature		Date	Signature		Date