

**COWICHAN TRIBES FIRST NATION
ANNUAL EXPENDITURE LAW, 2019**

WHEREAS:

A. Pursuant to section 5 of the *First Nations Fiscal 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 authorizing the expenditure of local revenues;

B. The Council of the First Nation has made a property assessment law and a property taxation law;

C. Subsection 10(2) of the *First Nations Fiscal Management Act* requires a first nation that has made a property taxation law or a law under paragraph 5(1)(a.1) to, at least once each year, make a law establishing a budget for the expenditure of revenues raised under those laws; and

D. The Council of the First Nation wishes to establish an annual budget for the expenditure of revenues raised in the current taxation year, and wishes to authorize expenditures made in accordance with section 13.1 of the Act;

NOW THEREFORE the Council of the Cowichan Tribes First Nation duly enacts as follows:

1. This Law may be cited as the *Cowichan Tribes First Nation Annual Expenditure Law, 2019*.

2. In this Law:

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

“annual budget” means a budget setting out the projected local revenues and projected expenditures of those local revenues during a budget year, and setting out expenditures made in accordance with section 13.1 of the Act;

“annual expenditure law” means a law enacted under paragraph 5(1)(b) of the Act as required by subsection 10(2) of the Act;

“Assessment Law” means the *Cowichan Tribes First Nation Property Assessment Law, 2013*;

“Council” has the meaning given to that term in the Act;

“First Nation” means the Cowichan Tribes First Nation, being a band named in the schedule to the Act;

“Law” means this annual expenditure law enacted under paragraph 5(1)(b) of the Act;

“local revenues” means money raised by the First Nation under a local revenue law and payments made to a First Nation in lieu of a tax imposed by a law made under paragraph 5(1)(a) of the Act;

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

“Taxation Law” means the *Cowichan Tribes First Nation Property Taxation Law, 2013*.

3. The First Nation’s annual budget for the budget year beginning April 1, 2019, and ending March 31, 2020, is attached as a Schedule and the expenditures provided for in the Schedule are authorized.

4. Expenditures of local revenues must be made only in accordance with the annual budget or in accordance with section 13.1 of the Act.

5. The expenditures made in the current year before this Law is enacted are included in the annual budget and are authorized by this Law.

6. Where the First Nation wishes to authorize an expenditure not authorized in this Law, or change the amount of an expenditure authorized, Council must amend this Law in accordance with Council procedure and the requirements of the Act.

7. This Law authorizes the expenditure of contingency amounts as necessary within any of the categories of expenditures set out in the Schedule.

8. 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.

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

10. 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.

11.(1) The Schedule attached to this Law forms part of and is an integral part of this Law.

(2) A reference to the Schedule is a reference to the Schedule to this Law.

12. This Law comes into force and effect on the day after it is approved by the First Nations Tax Commission.

THIS LAW IS HEREBY DULY ENACTED by Council on the 28 day of May, 2019, at 5760 Allenby Road in the City of Duncan, in the Province of British Columbia.

A quorum of Council consists of five(5) members of Council.

Chief William C. Seymour

Councillor Debra Toporowski

Councillor Andrew Canute

Councillor Darin George

Councillor Craig George

Councillor Dora Wilson

Councillor Garrett Elliott

Councillor Howard George

Councillor Stuart Pagaduan

Councillor Albie Joseph Charlie

Councillor Calvin Swustus

Councillor Cindy Daniels

**SCHEDULE
ANNUAL BUDGET**

PART 1: REVENUES

1. Local revenues to be collected in budget year:	
a. Property Tax Revenues	\$2,899,993
b. Payments received in lieu of taxes (BC Hydro)	\$20,000
c. Business Licensing	\$7,470
d. Penalties and Interest	\$15,000
TOTAL REVENUES	\$2,942,463

PART 2: EXPENDITURES

1. General Government Expenditures	
Accounting & Audit	\$5,775
Assessment	\$18,500
Allowance for Taxes in Dispute	\$200,000
Finance Administration	\$200,000
O&M Administration	\$375,152
Information System Administration	\$115,000
Lands Management Administration	\$947,800
2. Protection Services	
Policing – Community Justice	\$22,593
Other Protective Services – Security Guards	\$223,989
3. Transportation	
Community Infrastructure Maintenance	\$92,426
4. Recreation and Cultural Services	
Gym	\$139,475
Recreation	\$59,855
Activity Fees	\$71,000
5. Environment Health Services	
Water Purification and Supply	\$93,063

Sewage Collection and Disposal	\$199,209
Recycling	\$50,000
Other Environmental Services	\$78,625
6. Contingency Amounts	\$253,203
7. Transfer into Reserve Funds	\$ 0
TOTAL EXPENDITURES	\$3,145,665

PART 3: ACCUMULATED SURPLUS/DEFICIT

1. Accumulated Surplus – Local revenues carried forward from the previous budget year	\$146,000
2. Accumulated Deficit – Local revenue expenditures carried forward from the previous budget year	\$(62,220)
3. Property Tax outstanding from the previous budget year	\$119,422
BALANCE	\$ 0

Note: The First Nation has the following service agreements with third-party service providers, and the amounts indicated are the amounts payable by the First Nation under each agreement during the budget year:

a. District of North Cowichan <i>(service provider)</i>	Fire Protection (Maple Bay Petro) <i>(service provided)</i>	\$ 0
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Note: This Budget includes the attached Appendix.

Appendix
Reserve Fund Balances

1. Building Expansion Reserve Fund

Beginning balance as of April 1, 2019:	\$ 0
Transfers out	
a. to local revenue account:	\$
b. to _____ reserve fund as a transfer:	\$
c. moneys borrowed for another purpose:	\$
Transfers in	
a. from local revenue account:	\$
b. from _____ reserve fund as a transfer to fund:	\$
c. borrowed moneys repaid to fund:	\$
Interest earned in current year:	\$ 0
Ending balance as of March 31, 2020:	\$ 0

2. Contingency Reserve Fund

Beginning balance as of April 1, 2019:	\$ 0
Transfers out	
a. to local revenue account:	\$
b. to _____ reserve fund as a transfer:	\$
c. moneys borrowed for another purpose:	\$
Transfers in	
a. from local revenue account:	\$
b. from _____ reserve fund as a transfer to fund:	\$
c. borrowed moneys repaid to fund:	\$
Interest earned in current year:	\$ 0
Ending balance as of March 31, 2020:	\$ 0