

AKISQNUK FIRST NATION
ANNUAL EXPENDITURE REPLACEMENT LAW, 2018

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 make, at least once each year, 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 Akisqnuq First Nation duly enacts as follows:

1. This Law may be cited as the *Akisqnuq First Nation Annual Expenditure Replacement Law, 2018*.

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;

“Assessment Law” means the *Akisqnuq First Nation Property Assessment Law, 2016*;

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

“First Nation” means the Akisqnuq 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 as required by subsection 10(2) of the Act;

“local revenues” means money raised by the First Nation under a local revenue law and payments made to the 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 *Akisqnuq First Nation Property Taxation Law, 2016*.

3. The First Nation’s annual budget for the budget year beginning April 1, 2018 and ending March 31, 2019, 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. The grant amounts set out in the annual budget are hereby approved as expenditures in accordance with the Taxation Law.

8. The Recreation Centre Reserve Fund, which has a zero balance, is no longer required and is hereby closed.

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

10. 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.

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

12. 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.

13.(1) The Schedule attached to this Law, including the Appendices, 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.

14. The *Akisqnuq First Nation Annual Expenditure Law, 2018*, is hereby repealed in its entirety.

15. 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 ____day of November, 2018 at Windermere, in the Province of British Columbia.

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

Chief Alfred Joseph

Councillor Darcy Fisher

Councillor Donald Sam

Councillor Theresa Kains

Councillor Jason Nicholas

SCHEDULE
ANNUAL BUDGET

PART 1: REVENUES

1. Local revenues to be collected in budget year:	
a. Property Tax Revenues	\$ 346,718
2. Moneys from Reserve Funds	
a. Capital Reserve Fund	\$ 405,000
TOTAL REVENUES	\$ 751,718

PART 2: EXPENDITURES

1. General Government Expenditures	\$ 55,000
a. Executive and Legislative	\$ 28,750
b. General Administrative	\$ 10,000
2. Protection Services	
a. Comprehensive Service Agreement (RDEK)	\$ 72,618
b. Firefighting	\$ 510
3. Transportation	
a. Roads and Streets	\$ 25,500
b. Snow and Ice Removal	\$ 15,500
4. Recreation and Cultural Services	
a. Culture	\$ 8,500
b. Heritage Protection	\$ 8,500
c. Recreation Building Capital Infrastructure	\$ 405,000
5. Community Development	
a. Education	\$ 8,000
b. Community Planning	\$ 8,000
c. Economic Development Program	\$ 5,000
d. Housing	\$ 10,000
6. Environment Health Services	
a. Water Purification and Supply	\$ 60,000
b. Garbage Waste Collection and Disposal	\$ 5,000
7. Other Services	
a. Health	\$ 10,000
8. Grants:	
a. Home owner grant equivalents:	\$ 9,000

9. Contingency	
a. Contingency amounts	\$ 6,840
TOTAL EXPENDITURES	\$ 751,718

PART 3: ACCUMULATED SURPLUS/DEFICIT

1. Accumulated Surplus – Local revenues carried forward from the previous budget year	\$ 0
2. Accumulated Deficit- Local revenue expenditures carried forward from the previous budget year	\$ 0

BALANCE **\$ 0**

Note: The following are the 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. Regional District of East Kootenay for:	\$72,618
Fire and other protection, waste disposal, hospital and other	

Note: This Budget includes the attached appendices.

Appendix 1
Reserve Fund Balances for Revenues Included in Part 1 of the Schedule

1. Capital Reserve Fund	
Beginning balance as of April 1, 2018:	\$ 402,108
Interest earned to March 31, 2019:	\$ 4,590
Transfers out	
a. To local revenue account:	\$ 405,000
Ending balance as of March 31, 2019:	\$ 1,698

Appendix 2

IBE Water System Replacement Service Tax Budget and Debt Repayment Reserve Fund Balance

A. Service Tax Current Year Budget

Revenues:

1. Service Tax Revenues to be collected in current year:	\$ 127,008
2. Moneys from Service Tax Reserve Fund to be expended in current year:	\$
Total Service Tax Revenues:	\$ 127,008

Expenditures:

1. Financing Payments to First Nations Finance Authority	\$ 92,033
2. Transfers into <u>IBE Water System Replacement Service Tax Debt Repayment Reserve Fund</u> :	\$ 118,368
Total Service Tax Expenditures:	\$ 210,401

Accumulated Surplus/Deficit

1. Accumulated Surplus – Service tax revenues carried forward from the previous budget year	\$ 83,393
2. Accumulated Deficit- Service tax expenditures carried forward from the previous budget year	\$ 0
Balance:	\$ 0

B. IBE Water System Replacement Service Tax Debt Repayment Reserve Fund Balance

Beginning balance as of April 1, 2018:	\$ 1,173
Transfers out to current year service tax revenues:	\$ 0
Transfers in from current year service tax revenues:	\$ 118,368
Interest earned in current year:	\$ 50
Ending balance as of March 31, 2019:	\$ 119,591