

K'ÓMOKS FIRST NATION
ANNUAL EXPENDITURE LAW, 2022

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 and, interests or rights in 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 K'ómoks First Nation duly enacts as follows:

- 1. This Law may be cited as the *K'ómoks First Nation Annual Expenditure Law, 2022*.
- 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 *K'ómoks First Nation Property Assessment Law, 2011*;

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

“First Nation” means the K'ómoks 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 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 *K'ómoks First Nation Property Taxation Law, 2011*.

- 3. The First Nation's annual budget for the budget year beginning April 1, 2022, and ending March 31, 2023, 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. This Law authorizes the expenditure of contingency amounts as necessary within any of the categories of expenditures set out in the Schedule.
9. 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.
10. Where a provision in this Law is expressed in the present tense, the provision applies to the circumstances as they arise.
11. 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.
12. (1) The Schedule, including any Appendices, 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.
13. 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 ____th day of May, 2022, at Courtenay, in the Province of British Columbia.

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

Chief Nicole Rempel

Councillor Charlene Everson

Councillor Richard Hardy

Councillor Katherine Frank

SCHEDULE			
ANNUAL BUDGET			
<u>PART 1: REVENUES</u>			2022 - 2023
Local revenues to be collected in budget year:			
	Interest-Penalties		\$ 500
	Property Tax Revenues		\$ 47,600
	BC Grant Program		\$ 15,000
TOTAL REVENUES			<u>\$ 63,100</u>
<u>PART 2: EXPENDITURES</u>			
1	General Government Expenditures		
	General Administrative/Wages		\$ 3,000
	Auditing Services		\$ 3,000
	Operating Supplies		\$ 700
2	Protection Services		
	Firefighting		\$ 3,400
3	Transportation		
	Roads and Streets		\$ 2,800
	Snow removal and salt		\$ 1,000
4	Environment Health Services		
	Sewage Collection and Disposal		\$ 3,180
	Garbage Waste Collection and Disposal		\$ 2,300
5	Grants:		
	Home owner grant		\$ 32,250
6	Other Services		
	Tree Removal-Pruning Services		\$ 1,500
7	Contingency Amounts		\$ 5,000
8	Transfers into reserve funds		\$ 4,970
TOTAL EXPENDITURES			<u>\$ 63,100</u>

PART 3: ACCUMULATED SURPLUS/DEFICIT

Accumulated Surplus – Local revenues carried forward from the 2020 - 2021 budget year	\$	-
Accumulated Surplus – Local revenues carried forward from the 2021 - 2022 budget year	\$	2,473
BALANCE (Surplus/(Deficit))	\$	<u>2,473</u>

*Any Surplus to be transferred to Operating Contingency Reserve for Queenish Trailer Park

Note:

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

- Town of Comox, Fire Protection of Taxation District	\$	3,400
- Emterra, Garbage collection and disposal	\$	2,300

**KFN has a Customer Service Agreement dated 2016, but nothing newer; 6% increase occurred after KFN notified via email on Feb 5, 2020.

**Appendix
Reserve Fund Balances**

1 Contingency Reserve Fund		
Beginning Balance as of April 1, 2022	\$	14,923
Transfers Out		
a). To current year's revenues	\$	-
b). To _____ reserve fund as a transfer:	\$	-
c). Moneys borrowed for another purpose	\$	-
Transfer Out Sub-Total	<u>\$</u>	<u>-</u>
	\$	14,923
Transfers In		
	\$	
a). From current year's revenues	4,970	
b). from _____ reserve fund as a transfer:	\$	-
c). borrowed monies repaid to fund:	\$	-
Interest (1%) earned in current year	\$	-
Transfer In Sub-Total	<u>\$</u>	<u>4,970</u>
Ending Balance as of March 31, 2023	<u>\$</u>	<u>19,893</u>

Footnote:

The April 1, 2022 Reserve beginning balance of \$14,923 is higher than the March 31 Ending Balance in the 2021 Expenditure Law Reserve Fund Balance Appendix due to actual payment amounts being larger than the 2021 budgeted value for the Self-Government Enabling Grant received by K'omoks First Nation. The Accumulated Surplus of \$2,473 noted in Part 3 of the 2022 Expenditure Law has been transferred to the Reserve Starting Balance. The 2021 Expenditure Law Reserve Ending balance of \$12,451 plus the Accumulated Surplus of \$2,473 identified in Part 3, results in the Starting balance of \$14,923 in the 2022 Expenditure Law Reserve Fund Balance and meets the requirement that any surplus be transferred to the Contingency Reserve Fund