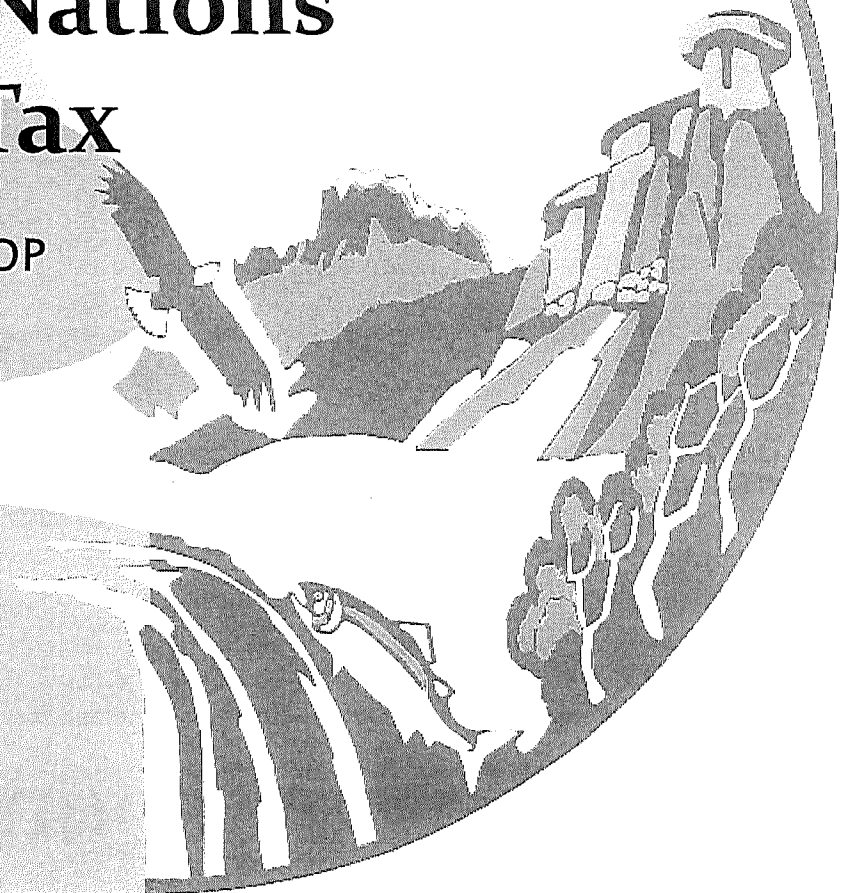


# **TteS Proposed First Nations Goods and Services Tax**

PRESENTATION FOR THE FNGST WORKSHOP  
JULY 28, 2015



# Band Member Resolutions in Support of Sales Tax

- 1990 – BMR in Support of Sales Tax
- 1992 – BMR to Collect all Taxes
- 1997 – BMR in support of 3-Product Tax
- 1998 – 3 Product Tax Implemented
- 2004 – BMR in Support of FNGST

GENERAL BAND MEETING  
KAMLOOPS INDIAN BAND  
JUNE 24, 1997  
DRAFT MINUTES

**PRESENT:**

**Chairman:**

Chief Manny Jules

**Council:**

Councillor Richard Jules  
Councillor Russell Casimir  
Councillor Hank Gott  
Councillor Jeff Seymour  
Councillor Fred Camille  
Councillor James Thomas  
Councillor James Casimir  
Councillor Clarence Jules - absent due to family illness

**Band Members:**

Laurie Allison Ahdemar  
Becky Arnouse  
Frederick Baptiste  
Carol Delinda Camille  
Jennifer Lee Camille  
Terrance Joseph William Camille  
Christina Rose Casimir  
Patricia Monica Elaine Casimir  
Ivan Edward Hazelwood  
Kandy Hogarh  
Charlotte Ann Jensen  
Lynnette Rae Johnston  
Darryl Joseph Jules  
Richard Ian Sisiaskit Jules  
Sisiaskit Star Dreaming Man Jules  
Bernice Christine Thomas  
Margaret Rose Larue  
Robert Bruce Thomas  
Velma Colleen Leonard  
Genier Edwin Roger McCallum  
Colleen Ann Mosterd-McLean  
Marie Louise Thomas  
Gerald Raymond Peters  
Rose Lila Peters  
Michael Gordon Rodgers  
Frederick August Seymour  
Rebecca Rose Seymour  
Harmony Dawn Seymour  
Darlene Yvonne Thomas  
Natasha Lynn Shore

**Staff - Band Members:**

Allan Casimir  
Mildred Matilda Dillabough  
John Wayne Frederick Jules  
Tracy Lynn Leonard  
John Matthew Christopher Seymour  
Sandra Lynn Seymour  
Mary Inez Young  
Priscilla Diane Rosalee Lamarche

**Staff - Non-Band members:**

Heather Williams  
Arnold John

**Delegations:**

Doug Brown, SNTC Tribal Director  
Chief Arthur Manual, SNTC Chair

**Band Members:**

Cora Anthony  
Marjorie Asel  
Angeline Monica Camille  
Evelyn Camille  
Joseph Camille  
William Frank Camille  
Larry Erwin Casimir  
Russell Gray Eagle Casimir  
Caralee Nadine Gillespie  
Donald Charles Isadore  
Gene Leo Johnston  
Brenda Anne Jules  
Elijah John Leslie Jules  
Kevin James Jules  
Timothy Point Jules  
Antoine Edward Larue  
Bonnie Marie Leonard  
Ricky Lewis Leonard  
Margaret Anne Louie  
Annie Parker  
Darlene Louise Paul  
George Michael Peters  
Johnny Peter Ranger Peters  
Stanley Jackie Peters  
David August Seymour  
Gary Arthur Seymour  
Shirley Rose Louise Seymour  
William Seymour  
Joseph Camille

Victoria Levina Rose Casimir  
Janet Jules  
Judy Carol Jules  
Grant William Seymour  
Lorna Karen Seymour  
Barbara Rae Stewart  
Carolyn Lee Leonard  
Joan Karen Paul



1997  
9561

### Land Claims

The other part of the land claims that I had neglected to mention the Delgamuukw court case was argued last week at the Supreme Court of Canada, and that involves the Gitskan and Wet'suwet'n Hereditary Chief Herb George and Don Ryan, took this particular case to Supreme Court and it will have far reaching effects on all of us Aboriginal people here in this province and right across the country. And it goes right to the heart of the matter of what Chief Art Manuel was talking about.

### Gaming

We've recently had a workshop here about gaming, and we've also had the opportunity to co-host a gaming workshop with the Chamber of Commerce in the city of Kamloops. As you know the Provincial Government made a policy announcement regarding gaming here provincially, and its going to be very important that we deal with this particular issue in relatively short period of time. The two items that are outstanding right now is the expectation of the part of the Provincial Government as to what their take is going to be and the second point is what influence the Municipalities and Regional Districts would have of an independent vote to have independent gaming and casinos located on-reserve.

Tape Two -Side A concluded. Insert Tape Two-Side A.

### Health Transfer

..have only one, so all of us would have to go to one clinic visiting our own Doctor's. We would have to come to one Dentist, uh, here, and our own pharmacy, because if we don't take that step the health transfer discussions we are having at the Tribal Council level isn't gonna matter. You may as well carry on with the same system. But if we truly want our own institutions, our own methods of looking after our health, it's gonna have to be done right according to what I've laid out.

### Special Projects Bylaw

The other item I wanted to raise is our Special Projects Bylaw. We've...its been discussed a number of times. There was a resolution passed by Referendum that we not borrow money from the Federal or Provincial Governments to deal with the land claims matters and the monies that we have been generating so far, which is just barely enough to cover our expenditures in the Scheidam Flats court case, we're still gonna need the additional resources to carry our the struggle to deal with the Douglas Reserves Trutch Cut-offs, and I would be proposing an amendment to include liquor sales on the reserves and the like, so I wanna have a bit of discussion about that at this meeting. And if necessary have, I do have a resolution for us to discuss on that matter.

So as you know we've got, I think that would cover it. I guess the final item I forgotten is, we have been working for some time now on the Land Registry Proposal and I'll just leave it at that. I want to quickly get into an abbreviated question period and deal with a couple of the resolutions regarding the projects bylaw, and I just...I better talk about CNR.

### CNR

I have been having several discussions with CNR over the last...since about last fall. One of the things that we have been doing is trying to finalize the 1984 agreement with CNR. All of the access issues that we have with CNR, a lot of the outstanding land matters that we have with them. They have various spur lines that should be returned to us that haven't been. They have ten feet too much of their right of way that should be dealt within some matter. Sonny and I guess Rick's, Rick's property is, has been isolated in particularity with Sonny's home there. we've determined that that has to be a priority to deal with and...that has been agreed to by the CN representatives and because of the un-timely death of my cousin Doug, I made sure that safety was an issue that has to be dealt with CN. We are talking about the possibility of building. I guess a pathway that would go over to the steel bridge and a possibility of a walk way that would go underneath the steel bridge, not on top but underneath to give better safe passage of our members going across that right of way. I told them that as far as I am concerned, no Band member should be charged with trespass over our own lands, that a lot of our members are using that right of way to...to make it into the city of Kamloops. so what we have to do is try to find ways to make sure that there is a safe passage. As far as the 1984 agreement they're looking at probably about an additional three years to...to build up enough funds to provide us with good access to the Band Farm.

### Band Farm Discussion

And later on this evening we will be having a discussion about the future use of the Band Farm, the former Band Farm. We've got three various proposals for that use and one of the things and this, and this ties into the Land Registry.



Joseph Camille:

Manny, on previous meetings we had this discussion, and it was passed by band membership that that Bylaw be incorporated. To date a lot of the lessees have not been pressured that way.

Chief Manny Jules:

As I said we're starting that process, we're going out...what we're.. the first step is to isolate the kind of skills we need in the subdivision, and get people to apply for jobs, a lot of the people that we have been talking to say that a lot of the members, and a lot of its, probably because we have given up, looking on the subdivision. We had a survey of the sub-division quite some time ago. The hiring levels are atrocious. So a lot of that we know about, so we're trying to develop programs to deal with that.

Brian Camille:

Okay, have you got a list of the people that are qualified, instead of, what they are looking for and what we have right now?

Chief Manny Jules:

Yeah, we did do...there's been a couple of surveys of not only the Kamloops reserve, but a number of the southern Shuswap Reserves about the kind of skills that we've got. And we're still compiling them, making sure that, all, that the various tenants that we got, know that we've got a bank of people that are available to, to contract and act as employees.

Joseph Camille:

All right, all we're saying is that we're seeing a lot of projects that go out, and we look across at them projects and there's nobody there working. No Band members, and if they are, even if they are qualified, they got a shovel in the hand...they're not paid or, they're not recognized for want they are qualified to do.

Chief Manny Jules:

Yeah..no, just to respond, we are trying to as much as we can to get that happening.

Joseph Camille:

Okay.

Chief Manny Jules:

So that wraps it up, I want to get on with a couple of the other items, its getting a little late.

#### Special Projects Bylaw

The first item is, as I mentioned deals with the Special Projects Bylaw. I've got a draft resolution. this is open for discussion. (*Chief Manny Jules read Resolution Option 2 - verbatim*)

#### MOTION #1

MOVED BY: CHRISTINE CASIMIR  
SECONDED BY: BRIAN CAMILLE

The membership of the Kamloops Indian Band resolves:

Whereas the Kamloops Indian Band has been collecting 3 cents on each liter of motor fuel and \$2.00 on each carton of cigarettes sold to status customers to support KIB land claims processes and the betterment of the Kamloops Indian Band community since 1990, and

Whereas, the intent of the Kamloops Indian Band in 1990, and the continued intent of the Kamloops Indian Band is to extend its tax authority to non-status customer of motor fuel and tobacco, and

Whereas, the Kamloops Indian Band intends to extend its tax authority over alcohol,

The membership of the Kamloops Indian Band Resolves:

To request the Government of Canada to pass legislation which will enable the Kamloops Indian Band to impose a 7% value added tax on all tobacco, fuel and alcohol products sold to any person, on the understanding, where applicable, that the Federal Government will reduce the GST to the extent that the tax is imposed. The Kamloops Indian Band will use these tax revenues to support Kamloops Indian





Band land claims processes, education, economic and infrastructure development projects, and promote Shuswap culture and language,

The Kamloops Indian Band will only impose the tax where there is an agreement with the Government of Canada whereby Canada will act as an agent of the Kamloops Indian Band in collecting the tax,

That, the Council of the Kamloops Indian Band intends to amend the Special Projects Bylaw bringing the taxes referred to above into force as the federal legislation enables it to do so.

Discussion on MOTION #1

Chief Manny Jules:

Is there discussion on the motion...is there discussion on the motion?

Question being called...oh, one...

Charlotte Ann Jensen:

My question is in term of, I want to know where alcohol fits into this motion, and what this Band is gonna do, like...what...how does alcohol fit into this cause I don't agree with, uh, selling alcohol, making money off alcohol. I don't understand where that fits into our Band.

Chief Manny Jules:

The...

Charlotte Ann Jensen:

I, I don't understand where that motion fits in with the alcohol and gas. I mean gas, and cigarettes and alcohol.

Chief Manny Jules:

Yes, I'll explain.

Charlotte Ann Jensen:

Okay.

Chief Manny Jules:

The reason that we're bringing this forward now is that there is a... there's a neighborhood pub established on the reserve, there are going to be other outlets, on the Shuswap Landing properties that are going to have alcohol sales and what we're trying to do is make sure that we, uh, get 7% of that so that we can provide our own...generate some money so that we can deal with land claims, so that we can deal with education and economic and infrastructure issues, as well as to promote Shuswap Language and culture. And its a fact of life that our members are going to be purchasing alcohol, non-natives are coming onto the reserve purchasing as well. And the only way to deal with that is to make sure that, we have resources in place to be able to deal with the issues that it creates. I know that there are members in the community that don't agree with alcohol sales on the reserve, but its a fact of the matter that it is taking place.

Charlotte Ann Jensen:

Well, I don't agree with it whether it's a fact of life or not.

Chief Manny Jules:

Okay.

Brian Camille:

Manny on that Referendum, or lack of Referendum, I think...what it is, how come there was no Referendum put to that Pub Bylaw? Like, in order to gain it, like those guys are gonna make enough money to lease land, uh pay there workers, pay whatever, pay, pay, pay, and still come out of there making a profit. Shouldn't a liquor license have went before the Band and, in case one of the Band members would have wanted it, in order to create...Cause why I'm asking is that, if a Native were to own that Pub, you would not have to pay the liquor

tax that comes into the Pub, and know as Natives as being customers, you can raise that little..I think its, whatever three percent or something, it's very small. But if you were to test the



liquor tax on the incoming liquor that comes across, that get delivered, and you just pay whatever, an eighty buck charge in getting it delivered, its totally racist, the Federal liquor tax on it, it's like, it's like 57%. So if it were to have gone to a Referendum, I'm sure there were, I know four people right now, would have stood up and said why couldn't we of gotten that liquor license then. Its a major thing, they got, it got passed. It's the only pub in Kamloops that ever got passed without a Referendum.

Chief Manny Jules:

There...the discussion that, at Council , there were, there are going to be others, facilities like the Livestock or whatever its called, that will be opened on the reserve within the Shuswap Landing Development...Stockyards, er...I don't know what it's called...

Joseph Camille:

Okay...what I'm saying, is that, if you pass out a liquor license it only involves so many people here. Okay on the reserve, I think it's per capita, your allowed one liquor license or how, man hundreds of ...

Chief Manny Jules:

Bonnie, who left, is drafting a...Liquor Bylaw for us that will accommodate a lot of the concerns that you are raising. Part of the problem is, is gonna be that it is inevitable that there are going to be facilities that sell liquor on the reserve, there has to be regulatory methods to enforce.

Joseph Camille:

Well, okay...well, well.

Chief Manny Jules:

And if you...

Joseph Camille:

What...what I am saying is if you give out that license, with the lack of a Referendum, then, you give out a license that is, that is only one allowed in so many per capita membership. And, general consensus with BC Government is that you got to vote on it if you need it or want it in your community. Now if it's needed and wanted in the community, surely, a Band member would be more profitable, and the Kamloops Indian Band would be better off dealing with a private Band member.

Chief Manny Jules:

Within the...that is anticipated within the proposed Bylaw. That uh, we take over the regulatory aspects of liquor sales...

Tape #2-Side B concluded. Insert Tape #3, Side A.

Joseph Camille:

...the meetings we've had with say Wilder Ventures, and we say, beans with you, we'll go over there and we will take over our liquor license and they say, well, you gotta buy in, do this and do that. And still they're...they're conscious, is that if you come into our project and being because it is designated land, is that they dictate what goes in there and what comes out of it. This, Stockyard is out of that development, it is on leased land already, so in order to set precedence like that, this guy here is laughing his head off and, and it don't matter, like, but in order for a Band member to go in there and try and get that same liquor license, its already gone..because all of the per capita, quota that the Government has set aside for that.

Chief Manny Jules:

As I was saying, I think that with the passage of our own Bylaw, we're gonna be able to influence, within our own community, all of those issues.

Joseph Camille:

So if needed, that you will be able to withdraw that liquor license in favor of a Band member.

Chief Manny Jules:

No I don't think that we'd be able to withdraw, but we'd definitely be able to be in a position to issues other liquor licenses to Band members who wish to get into the business.



Joseph Camille:

That's right, so that what I'm getting at. So in order for you...

Chief Manny Jules:

Yeah, and that's...and that's...

Joseph Camille:

So in order for you, in order for you to, issue out a license, that cuts off a lot of other people even chances of getting it.

Chief Manny Jules:

Yeah, and that's one of the reasons we want to have a Bylaw in place.

Joseph Camille:

So before this Bylaw got in place, we already issued out these guys a liquor license to go ahead.

Chief Manny Jules:

Yes.

Joseph Camille:

So, in order for them to go ahead it will be harder to stop them now eh?

Chief Manny Jules:

They're already in operation. What the proposed Bylaw will do is accommodate other Band members who may wish to get into the business themselves. And we would be able to regulate them.

Joseph Camille:

Do you think there will be provisions in there in accordance with that, uh, per capita membership, as for how many pub licenses or how many liquor licenses you're allowed to have?

Chief Manny Jules:

Well, I think we will be able to deal with those kind of issues. There may be, you know, some problems but we'll try to work through them to ensure that if there are members that want to get into that particular line of business, that there be every opportunity to do that.

Joseph Camille:

All right.

Chief Manny Jules:

Are there any other questions? One, Dolly.

Darlene Yvonne Thomas:

Manny, um, before you do this...bylaw, right, don't you have to rescind or amend the original, that was first brought about when we did the xxx on the tax on the gas.

*(could not transcribe xxx, Chief Manny Jules an Darlene spoke simultaneously)*

Chief Manny Jules:

Yeah, no what...the resolution is addressing that...the Bylaw regarding liquor is going to be a separate Bylaw. what I'm suggesting is that we amend the Special Projects Bylaw through the resolution I am proposing.

Darlene Yvonne Thomas:

Okay.

Chief Manny Jules:

Okay.



Kandy Hogarth:

Hi Manny, my name is Kandy Hogarth. Um, this, like Charlotte Jensen before me, I would just want to quickly um, defend her comment that I really don't think that...um, our community should involve, I think, anything with liquor, in our community. I mean, you say this as a business and economically, do you really think we need to go that direction. Do you think its really necessary? And again, I mean, with the money that's made from this venture, I mean, taxes...um, just on the humorous side..I mean realistic side too, I mean to do with our culture and our people and how history has shown that we really, bottom line, do not react well with this in our culture and that with some of these profits going towards, perhaps a treatment center beside it. Anyways, that's my comment, and I just want to, um, um, add that...I, I, disagree with the motion. Thank you. I mean I do agree with sure, lot..lottery monies, stuff like that, I think that's great, but um, anything to do with the liquor part, I disagree with it. Thank you.

Chief Manny Jules:

Thank you. It's a tough issue, you know, it's, we all know the.. the problems that alcohol has created within the community over many generations, but it's also, you know...true that people are going to be, you know...it up to the individual to make their own decisions. What, what we've got to do as a community, is to be able to try and get the resources to be able to deal with those issues our selves, and we're making efforts to do that through our own health approach etc. If we don't deal with it, there are going to be others in the community that, you know, in the developments that are gonna be doing, the same. Charlotte.

Charlotte Ann Jensen:

Yeah, I assume there was a BCR passed on this?

Chief Manny Jules:

Yes, there was.

Charlotte Ann Jensen:

Is that true? Can you tell me when that was, so I can, I'd like to be able to research this a little better for myself?

Chief Manny Jules:

Okay, we get...we'll send that to you. Is there any other discussion on the resolution? I see none.

Is there question called.

QUESTION HAS BEEN CALLED

ALL THOSE IN FAVOR OF THE MOTION. (Unanimous show of hands).

OPPOSED.

**MOTION #1 HAS BEEN CARRIED.**

(Applause).

Chief Manny Jules:

So...so, with the next, with the land acquisitions, I don't know, Marge or Rick, or T.J., uh, who wants to go first? Okay, could you speak, yeah. Thank you for your patience Marge.

Margorie Asel:

Yes, I want to ask if you have set up any guidelines since we had the meeting about me repurchasing the land?

Chief Manny Jules:

The, the only guidelines, is, that have been discussed is that, uh, this cannot effect another...because there were fears that this would open the doors to effect those that have already been issued a Certificate of Possession, that have acquired land from those that may have loss..like in your particular situation,, uh, what we've said is that, we will not expropriation to get those lands back from an individual. That we're also proposing that we develop a system that, as I mentioned, that would possibly give a first right of refusal to an individual in your case. And the other possibility is, is opening up other areas of land within the Reserve where all other efforts to purchase property back have failed. Those are the kinds





of issues that have to be addressed by the membership as a whole, what we're, what we proposed in your particular case and in the Rick and T.J. and, regarding use of the Band Farm, is that, that is going to be dealt with at this Band Meeting. It was delayed a while ago, but it has to be dealt with here.

Marjorie Asel:

We're gonna deal without tonight?

Chief Manny Jules:

Oh yeah.

Marjorie Asel:

Oh, okay. So...

Chief Manny Jules:

So your on the floor.

Marjorie Asel:

Yes. I have uh, been here for several meetings and have requested, repurchase the land that I, I was forced to sell on account of I didn't have my status. So I want to purchase back that land if its offered.

Chief Manny Jules:

And.

Marjorie Asel:

I have read the letter to you, before at a meeting, Should I re-read it?

Chief Manny Jules:

Sure.

Marjorie Asel:

*(Marjorie read her letter verbatim)*

It says here, Dear Mrs. Asel. As we have discussed previously, you are entitled to hold land in estate as you are not a member of the Kamloops Indian Band, As the Edmund's xxxx of Estate, I am of required by virtue of Section 15 of the *Indian Act* to dispose of the land assets by sale and to pay the proceeds of the sale to you and your sister.

*(Due to audio defects, could not transcribe xxx).*

So, if I may ask to repurchase my land.

Chief Manny Jules:

So there you have the question., members. What happened is that, uh, because of the *Indian Act* prior to 1985, uh, individuals that lost their status for what ever reason, you're obliged within six months or so to sell their land or to, either revert to the Band, or, or, to, or they could assign it to another heir or another member of the family or who ever they chose. In this particular case there wasn't the decision to do that, uh, it eventually ended up in the hands of the Band, and now there is a request to purchase this property back, uh, and the subject property is right, uh, east of the Husky station. Right behind the Husky station, the old Jones uh, property, uh, which was Alex, then the sisters then Clements then, then the Bands. And so can I have an order to facilitate the discussion. Can I have a move to either accept or reject this request. Is there such a motion? There's a move to accept the request of Marge, is there a seconded. Okay Christine seconds. Is there discussion on the motion. Okay Christine, than John.

#### MOTION #2

MOVED BY: JOSEPH CAMILLE  
SECONDED BY: CHRISTINE CASIMIR

THAT, the request put forth by Marjorie Asel to have the option of purchasing prior family property, be accepted for discussion.



Chief Manny Jules:

Okay, is there somebody's hat that we could use? Calf Eye's?. Heather could you just come up and everybody will...on the ballot, it's gonna be, you're either gonna write Rick, T.J. or Ginseng. Ginseng is G-I-N-S-E-N-G. We'll count them up. Everybody just put in one ballot. Everyone is required to come up and put in their own ballot, nobody else comes in and puts theirs in.

Timothy Point Jules (Calf Eye):

I thought there was a land freeze myself, I thought it was still froze out there.

Chief Manny Jules:

Is there anybody else, just wait Heather there are some more., some more coming up...Is there anybody else. Any others?...One more. These are the results of the tally. General Band Farm, four votes, or Ginseng I should say, four votes. Rick, eight; and T.J. thirty-two.

Band Farm Vote Tally:

Ginseng Farm	= 4
Ricky	= 8
T.J. Camille	= 32

Chief Manny Jules:

Okay, Rick wants to say a couple of words.

Ricky Lewis Leonard:

I guess that was for the upper bench on the field of the Farm. No, not Band Farm, field, ranching, haying, its in the words, it's in the minutes, the motion...the motion was in place, 1992. No, the motion of the haying, he was requesting, was in place. You read it out tonight, I have a motion on it from 1992, it is in place. Manny, you directed as a Chair, right from day one (muffled voices).

Chief Manny Jules:

I think that there is...just wait, let...me say a couple of words here, there has been some discussion about quorum. As I mentioned earlier, quorum is fifty band members. And that happened at about eight o'clock this evening. There's nothing in the minutes or regulations that say, that once, it goes lower or fluctuates, that we don't have a quorum. If that's an issue with Band members then we are going to have to discuss it specifically. As far as the vote this evening, it was very clear from the other General Band Meetings that there would be resolutions to the situation involving Marjorie and including the Band Farm. So that concludes this evenings General Band Meeting. And I would like to thank you all for your attendance. Can I get someone to say the closing prayer. Evelyn can you say the closing prayer for us.

**Closing Prayer:**

Evelyn Camille

Meeting Adjourned at 12:30 am.



to Arnold John, KIB Technical Planner, who said we have \$1,600.00 in the Bingo Account; which is not too bad I guess. We have been working quite closely with the 1993 Canada Games Committee and are looking at different things the Band may be able to get; ie: a ball ground, rowing/canoeing facility, and possibly an Archery Club facility, which might be of interest to Band members interested in archery. On to logging, I called a Forestry/Range Committee meeting recently but none of my committee members showed up, so I was on my own to get things going in logging. Barry McDougall, SNTC Forester, has been working mapping out timbre cruising, and tree cruising. We went out the other day and check out our roads and hopefully we will be putting in a new road. I will be calling a meeting quite quickly with the Forestry/Range Committee; and, hopefully we will get some things going before we start logging. Hopefully, we will start logging by July 15th, maybe. With the Range crew, we just about got all the corrals built and have about 3 more gates to hang. I lost one guy so far from the crew and I got Bill Vass, CJS, who extended the contract to the end of September 1990. Two more corrals will be built. I will be meeting with the Stockholder's as quickly as we can and set up some by-laws; ie: turn out times, salt. We are having problems with a few ranchers and hopefully we can come up with something there. That's about all I have to report at this time. Thank you.

Councillor Clarence S. Jules, Sr.:

The month of May has been an awfully busy month for me and I guess that month you can probably call me the travelling man. On May 01 & 02, 1990 I travelled to Saskatoon for a meeting re: formula funding money for lands, and had discussions on Band Enhanced Powers. On May 17 & 18, 1990, we met in Musqueam, and had the good fortune of meeting with Hon. Tom Siddon, Federal Minister of Indian Affairs, Harry Swain, Deputy Minister of Indian Affairs and Don Goodwin, Assistant Deputy Minister of Indian Affairs. On May 29, 30, & 31, 1990, the Chief Technical Meeting was requested to attend a further meeting in Winnipeg re: Sections 53-1 & 60. This was a very successful meeting and both headquarters and regional agreed to the formula for time spent, and the number being administered by the office. We are requesting funds of the Indian Affairs to run our land management and we have a rough draft copy and Chief Manny Jules will be presenting it to the membership. Some of the recommendations from our Land Use Committee will probably come up on the agenda. Thank you.

Chief Manny Jules - That wraps up the reports by Council and we will now get into a brief question period and then deal with land related matters.

4. QUESTION PERIOD

Band Business:

Garry Gottfriedson - Councillor Richard Jules was talking about the Education Committee and commented that Chief Manny Jules and Chief Ron Ignace are negotiating and additional \$10.7 million dollars. Why is Chief Ignace involved in Band business?

Chief Manny Jules - What happened was that I was involved with the committee to advise the provincial government on what to do in that will make history in culture. Now that committee has come back for legislation for preservation on language's in the province. The committee had recommended something like \$13 million dollars be set aside for the preservation of languages in the province. Out of those discussions, the province committed close to \$10.7 million. The reason Chief Ignace is involved is that it isn't just a KIB position. It's one that includes all of the province. What we will be doing is tying, at another meeting in Ottawa next week with departmental officials as well as other officials, is to try and

secure matching dollars for \$10.7 million. Hopefully, we will come out of the discussions with matching dollars from the federal government with the province initiating legislation. The legislation also includes the capability of seeking corporate donations that will be 100% tax write-off. So the next phase of discussion after we get a commitment from the federal government will be to seek corporate donation, hopefully in the amount of \$10,000.00.

Garry Gottfriedson - How much of that money comes back to the Band?

Chief Manny Jules - What will happen will receive a benefit from funds flowing the cultural society but it is part of all those discussions. What happened was that I was able to negotiate about \$1 million dollars from the Go B.C. Fund, because of my involvement within the committee, the province has committed \$1 million dollars towards the development of the Cultural Centre here (Kamloops Indian Centre).

**GAS/CIGARETTE SALES TAX EXEMPTION FUNDS:**

Guy Gottfriedson - The question now is on the native gas purchase discount on gas tax, why are we being taxed for these purchase or what happening there?

Chief Manny Jules - That's something that I want to get resolved. One of the things that Band Council did do quite a while ago, because of the cost of the Scheidam Flats Court Case, what we decided to do as Council, was to seek 40% of what the profits the province was collecting on tobacco products and \$.03 per litre on gasoline fuel purchases. What we have done is put the money into an Interest Bearing Account specifically to pay for the Scheidam Flats Case. This was raised to Council within a month, and what we decided to do at that particular meeting was to carry on with collecting the dollars, putting it into a trust fund, until this Band meeting; and seeking direction on what to do, should we continue or should we stop, that type of an approach. To date, we've collected \$9,000.00, as of the 31st of May 1990. One of the benefits that I see from continuing on with this type of approach is that it saves the Band dollars in the long run; and if the Band members gives us the direction that this no longer be the case, that will be followed.

Guy Gottfriedson - I understand that, but, what about the native person from a different Reserve come to Kamloops and purchases gas, they also get a percentage taken off, don't you think that's a pretty touchy situation?

Chief Manny Jules - That's why we are working it out here.

Guy Gottfriedson - That doesn't just apply to Band members it applies to any status or registered Indian who purchase tobacco or gas from any of our three gas stations on the Reserve. When you tax a person that's provide a service, why are we not providing this service and is the situation that we are taking their tax dollars discount off of them; and they aren't a member of this Band. These are the things I'm concerned about.

Chief Manny Jules - One thing that sparked Council's interest in this whole area is that other Tribal areas are doing exactly the same thing. The Git'San'Wak'tan in the Prince George are doing the same thing to pay for their Court Cases. A Band on the Vancouver Island are collecting the same on gasoline and tobacco; to pay for the Mear's Island Court Case. There are a number of other Bands who have Court Cases in front of the Courts right now. How this would benefit those non-Band members, if you will, would be if the Band wins the Scheidam Flats Case, all of the Douglas Reserve Bands will benefit from that. As of yet, no Band has contributed

financially to the Band. The Shuswap Tribal Council set aside approximately \$8,000.00 to deal with the Douglas Reserve issue. We've gotten verbal commitment from the Adams Lake Band for approximately \$5,000.00 to contribute towards our case. No other Band has contributed any dollars other than support.

Guy Gottfriedson - I understand that, but, how are we going to be able to say to the other person from a different Reserve, and is not familiar with this case, that there is an x amount of dollars that is deducted when you purchase gas or tobacco from our Reserve. What if he says I have no need for this, I have been taxed for this and I don't want this? This is the thing I'm getting at. I agree with what you're doing, but, what I'm saying is that this issue should be really looked at and really debated before we start taxing any band member.

Chief Manny Jules - That's why Council had said that it will be raised at this Band meeting to get direction. What we are looking at with the Scheidam Flats Court Case is a considerable amount of dollars; probably in the range of \$1,000,000.00 to fight this case. Every little bit helps as far as Council is concerned. We are looking at raising about \$3,000.00 per month from gasoline and tobacco revenue source. And that's how we are looking at it, as a way to raise revenue to fight for the Scheidam Flats Case. The money as I had said earlier is set aside in an Interest Bearing Trust Account specifically for the Scheidam Flats Case and I'm looking for direction from the membership right now.

Delores Jules - I don't see any of the other Bands contributing towards our Courtcase verbally, financially or anything. I think this is just a small way that they can do and if they don't like it I'm sure they can gas up some where else other than on our Reserve.

Vivian Leonard - I think the reason why you're doing it for is great, but, I think it would have been nice if the Band members had been approached or told about it before it started instead of everybody finding out months down the road what was happening. The reason why you're doing it is fine.

Chief Manny Jules - Councillor Ted Gottfriedson just whispered to me that it's not too late and that's the reason why we're bringing it up now and responding to the questions. When we made the decision we knew the potential whole flip side of the coin as to quote Guy and we know that in the long term its going to save all of us some heartache by raising the dollars this way and that's one of the things that I would like to recommend is the introduction of a resolution either to support the collection of the revenue of the tobacco and gasoline sales or not so that we can get the issue settled right now.

Cora LeCamp - I agree with that.

MOTION #1

A motion was made by Cora LeCamp, seconded by James Casimir that as approved and directed by the membership at the General Band meeting held on Wednesday, June 13, 1990, that the Kamloops Band shall continue to collect sales tax exemption funds at the following rates a) 40% of the applicable provincial sales tax; b) \$03.litre of gasoline fuel of applicable sales tax. Such funds as collected shall be placed into an Interest Bearing Trust Account and shall be used only to cover litigation expenses in connection with the Scheidam Flats Courtcase, nothing else. Once the Scheidam Flats Court Case is over taxes will cease to be collected as a source of revenue. Informational sign/posters will be posted at both gas stations explaining how much tax is being deducted and the reason why.

MOTION CARRIED UNANIMOUSLY

Discussion on the motion:

Fred Baptiste - I support what you guys are doing, but, you should have let the Band members know of it first.

Evelyn Gottfriedson - I got no problem with the resolution but it should also state that the money plus the interest is only for the Scheidam Flats Courtcase, nothing else. We should also have a poster at the gas stations letting other Indian people know why they are paying and how much they're paying so that they don't find out like we did and get mad.

Cissy Gillespie - Mine is a continuation of what Evelyn said is there any way that this could be set up on a voluntary basis.

Chief Manny Jules - Then nobody will volunteer.

Sonny Leonard - On the idea of collecting the taxes I think that if an informational sign was displayed explaining what the issue is about and that its a precedent land case and all natives in Canada will benefit from the Kamloops Indian Band.

Chief Jules - We will and that's the direction we've been given.

Henry Gott - I was just thinking that perhaps photocopies of what type of taxes are being collected and where the money is going.

Chief Jules - That's what we will do. Is there any further discussion?

Bobby Seymour - My concern is the people that own livestock on Reserve, why can't Chief & Council pass a bylaw to make sure that people keep those cattle where they are supposed to be kept?

Chief Manny Jules - Freddy, there was a question and discussion on the motion and Bobby has raised a point that we can deal with after this resolution.

Garry Gottfriedson - I just had a question here, how much are you taking off of gas and cigarettes purchases. How much do you estimate that you can collect per year? Before we pass this resolution, is this \$03. written in stone or can we negotiate that?

Chief Manny Jules - \$03./litre on gasoline purchases and 40% of the applicable provincial sales tax on tobacco products. We estimate that we can get approximately \$3,000.00 plus per month. That's what we are getting right now, and looking at \$38,000.00/year. You can put on the table for \$.03 tax for gasoline and 40% for tobacco products. That is the question that is up to the Band membership. What we recommend is 40% and \$03 of applicable sales tax of tobacco and gasoline be collected.

Guy Gottfriedson - My question is, this tax that everybody is going to be paying, is this going to last only as the Scheidam Flats issue is in the Courts.

Gus Gottfriedson Sr. - This provincial tax, do we benefit from the provincial tax in any way?

Chief Manny Jules - Well, what they are using the money for is to try and fight us in Courts? I don't know if we are benefiting from it. The Province has always maintained that Indian people benefit from the taxes they collect off Reserves and their response generally to other questions about what do we get in terms of services and their usual response is good government. How they are handling this right now is that they are paying for the Attorney General lawyers for the Scheidam Flats Courtcase.



Ricky Leonard - Any native person pays the tax?

Chief Manny Jules - That's right, no matter where they are from.

Gus Gottfriedson Sr. - Right now the Province are collecting the tobacco and gasoline tax?

Chief Manny Jules - 60% of cigarette tax and \$06.-.07 cents/litre still goes to the native person.

**SCHEIDAM FLATS COURTCASE:**

Gus Gottfriedson Sr. - We need quite a few dollars for this Courtcase do we not?

Chief Manny Jules - That right.

Gus Gottfriedson Sr. - My recommendation here is that these Indians use more gas and use more tobacco. (Members brought the house down with laughter).

Wendy Leonard - What are we going to do with the money left in the account after the Courtcase?

Chief Manny Jules - I don't think there will be money left?

Wendy Leonard - Well, there might be.

Chief Manny Jules - Well, if there is, we will use for the big celebration up at Scheidam Flats. (Membership applauded).

Nancy Mitchell - Just out of curiosity, do you have any idea what it will cost for the Courtcase?

Chief Manny Jules - Just as an example, taken up to the last fiscal year it cost us about in excess of \$100,000.00.

Nancy Mitchell - That we still owe?

Chief Manny Jules - That we have paid out.

Nancy Mitchell - I was just thinking about it because we've still go no choice but to pursue.

Chief Manny Jules - That's right. When you look at having, just as an example, this Friday (June 15, 1990) to prevent Harper Ranch and Best West Realty from transferring water rights from Harper Ranch to Best West Realty. That cost us money. Every time we go to the court or have those types of discussions it cost us dollars.

Nancy Mitchell - Do you have a definite figure?

Chief Manny Jules - Well, we can be looking at easily about \$1,000.00/day. When we look at the Scheidam Flats case it could take anywhere from 45 days to 75 days and that's just at the Supreme Court of British Columbia. Then you have the Leave to Appeal, The Appeal Court level, and the Leave to Appeal to the Supreme Court of Canada on the Supreme Courts. There is three levels of Court that we are going to have to be going through. There are other works that are tied to all of this. Researchers such as a Professor from UBC, David Lane, Lane Appraisals, are involved with these types of courtcases and these types of experts cost us money. The upcoming few months are probably going to the most expensive because we are going to be preparing the Supreme court of British Columbia.

Nancy Mitchell - Just off the top of your head, how long do you it will take us in Court?

Chief Manny Jules - I estimate that we will be in Court in any where from two to five years.

Guy Gottfriedson - I'm all for this, being part of putting my three cents in (laughter). There's no problem there, but, what concerns me, are we liable legally to collect these tax dollars for our purpose, whether it benefits all Reserves in the nation, now, that's my only concern. Can other people come and say, hey, I'm paying.... and that concerns me.

Chief Manny Jules - Tax Revenue that's collected by the Band is separate from what they call Indian money's which will be given to the Band by the federal government and separate from Band's own revenue monies which we have to account for monies we collect off of our own lands to the federal government. This is completely separate. Really, there is no liability against anybody else.

Guy Gottfriedson - I just want other native people that put in this \$03./litre to understand this and that there will be no problem then. That's what concerns me.

Chief Manny Jules - That's correct.

Fred Baptiste - The question is about my brother (John George), who will not be here tonight, and him going to carpenter school.

Chief Manny Jules - We will deal with that after we deal with this question, then Bobby Seymour's question, then yours. Just bear with us for a couple of minutes.

Chief & Council want to thank you for your understanding and apologise for any inconvenience this has caused and promise it won't happen again. (Members brought the house down with laughter). We knew it was a controversial area when we took the steps, and those steps had to be taken, unfortunately. With the type of direction given this evening, we assure you that it won't again. We now go back to a question raised by Bobby Seymour, re: cows.

#### CATTLE AT LARGE:

~~Bobby Seymour - I was wondering why Chief & Council didn't pass a by-law on people's cattle roaming all over the place when you have people trying to make money through garden and haying. Why do Chief & Council let that go on?~~

~~Chief Manny Jules - The type of by-law we have in place unfortunately is an impound by-law and right now the onus is on the land owner to fence off their property and that's it. One of the questions that Councillor Ted Gottfriedson has been bringing to his own committee is just that very issue. And if you would be prepared move a resolution we would be prepared to deal with it and have the range and forest committee begin to draft a by-law.~~

~~Bobby Seymour - East of the school, none of that is fenced. The range is open and I don't see why cattle are allowed to roam around. There's no fences. Chief & Council know how the Co-op is trying to make money.~~

~~Chief Manny Jules - If your prepared to make a resolution to that effect, and have a seconder, we will deal with it.~~

Association and we will deal with it there. I mean if a complaint comes in, we sure will deal with it.

Chief Manny Jules - Okay. Thanks Gus.

JoAnne Gottfriedson - Because certain people get so much for little or nothing and have only the responsibility to fence it. It is a collective venture and what I would like to see and ask is what responsibilities do we have a community member, or are we always going to depend on the Band to make sure that everything is all set or are we going to be responsible and do it ourselves? What I would like to recommend is that this issue go to the Land Use & Agriculture and other related Committee's connected to this issue, review and develop a bylaw for the next General Band Meeting.

Chief Manny Jules - That is the motion on the floor Jo-Anne.

Fred Baptiste - I agree with everything said. We fenced the land on East Shuswap Road. Me and my two sisters we fixed our land, fenced, planted, everything. The cows keep coming through the fence, they are Allan Casimir's cows. I'll pay the .....later on.

Nancy Mitchell - ..... Stockholder/s.....who knows it.

Chief Manny Jules - The Portfolio responsibility is Councillor Ted Gottfriedson. I will read back the resolution. What also should be included in the resolution is the Hunting & Wildlife bylaw.

Bobby Seymour - Involved how?

Chief Manny Jules - Because we allow certain uses and have to look at the Reserve in its total use; and if we want to use the Range land for certain uses, and the Forest for certain uses, we also have to be looking at preserving the Wildlife that's on the Reserve like the Big Horn Sheep, White Tailed Deer that have been spotted a couple of times, to moose. Is there any further discussion on the motion?

Rick Leonard - There's only so much water up there. Is there any way of building up the water or springs up there? Water holes?

Chief Manny Jules - Actually, we have a consultant here tonight who will be making a presentation on the Water Use on the Reserve.

I think we have had plenty of discussion on this resolution, question has been called. MOTION CARRIED UNANIMOUSLY.

#### **SALES TAX:**

Garry Gottfriedson - I did have a question to ask Councillor Fred Camille about Revelstoke Building Supplies; why do they take tax off us when we purchase building materials from them and the other places in the Mt. Paul Subdivision?

Chief Manny Jules - Did you keep your receipts?

Garry Gottfriedson - Some of them.

Chief Manny Jules - Okay, one of the things that, even though the federal legislation given the extending the tax exemption to what now called "designated lands" the province didn't get out of taxing Band members until just recently. We wrote a letter to the Minister of Finance about a year ago because we had no action basically. All of the letters from the Minister of Finance have now been sent to all of the leaseholders on the Reserve so that the tax benefit (tax exemption) should apply now. If you are paying

tax and have kept your receipts, write to the Minister of Finance for a rebate on those taxes that were collected.

Garry Gottfriedson - So they are not going to tax now?

Chief Manny Jules - That's right.

Garry Gottfriedson - Thank you.

**CARPENTER APPRENTICESHIP PROGRAM:**

Fred Baptiste - My brother, John George, went to Kelowna for a Carpenter Apprentice Course and he had to pay his own way. How come "Sup's" (Fred Seymour) and all those other guys got paid by the Band and my brother had to pay his own way?

Councillor Richard Jules - As far as I understand it Fred, your brother John left his job and never came back for three weeks. As soon as you leave the job and you don't report back to the office after two days, that means you quit. He came back later as a contractor not as an apprentice. There is a difference there.

Fred Baptiste - Well he paid it all on his own anyway. The Band wouldn't help him out.

Chief Manny Jules - That's right. Council reviewed the situation, we had input from the Education Coordinator, the Councillor responsible for the Portfolio. The feeling of the Council was that he did quit being an "apprentice" and came back to work as a contractor.

Fred Baptiste - He did come back as a contractor but he came back to work and travelled back to Kamloops and worked on weekends on his contract. I was supposed to help him but he had it done.

Chief Manny Jules - As a contractor?

Fred Baptiste - Yes. He tried to do his job and that is all that I can say.

Vivian Leonard - I was just wondering, as a Band member, shouldn't he have had his wages paid whether he quit his job, had a contract. There is course that he likes and he's good at, why wouldn't the Band pay his way? He quit his job, but, he is a Band member and I think he should be paid like everyone else.

Sonny Leonard - The situation, the apprentice's are working with the Kamloops Indian Band as "apprentices", they get their wage scale with their job experience that they have. But if you are put on a contract, you are taking on the responsibility of your own training. He was making more than what the apprenticeship wage scale allowed. He was getting paid as a full time contractor.

Vivian Leonard - Okay, I have no problem with that. He contracted for a few months but he still needs his training and why couldn't he get the same as any other Band member? And he probably will come back and continue to work on the Reserve.

Sonny Leonard - If he wants to be an apprentice he has to get formal training. When you obtain a contract, you are not getting paid by a wage scale. As soon as he quit the Band, the trade schools that works through Secwepemc Cultural Education Society, certain conditions have to followed as an apprentice. You have to put in some many hours, plus go to school, that's through the training of the apprenticeship. Those services provided by the Band the same as "white" contractor from across the river were broken when he took in his own costs on a contractor basis.

Chief Manny Jules - We will do what we can Nancy, a lot of the onus of representation to the committee's falls on the family. What we will do is ensure that the names of all of the committee members will be sent out to all of the Band members.

Nancy Mitchell - That's a good idea.

Garry Gottfriedson - That list should include which portfolio each Councilmen is responsible for.

Chief Manny Jules - Yes.

Jo-Anne Gottfriedson - I'm glad everyone that everybody's talking about procedures. I would like to recommend that there be a by-law procedure to follow and I would like to see that the Councillor or whoever is not active and not doing their duties should have their honorariums docked. I think it's really important because when I come to a Band meeting I don't want to hear people comment about work or under the influence of alcohol or whatever. I want to come to a Band meeting in a business type of a way and I would like to have that in place before the next General Band Meeting.

Chief Manny Jules - Is that a motion?

**MOTION #5:**

A motion was made by Jo-Anne Gottfriedson, seconded by Ricky Leonard to establish and have in place procedures for General Band Meetings and Band Committee's.

MOTION CARRIED UNANIMOUSLY

Discussion on the Motion:

Evelyn Gottfriedson - Does that include the Councillor's who are not active? Is that included in the motion?

Chief Manny Jules - No, that will be included in part of the development of the by-law, correct Jo-Anne? Affirmed. Is there further discussion on the motion? Gus Gottfriedson called question on the motion.

I would say that we have done a lot of business tonight and there are a lot of tired faces out there and if their any more discussion can I have motion for adjournment.

**MOTION #6:** A motion was made by Delores Jules, seconded by Evelyn Gottfriedson to adjourn the Band meeting at 11:15 p.m.

MOTION CARRIED UNANIMOUSLY

Chief Manny Jules - Good stuff. Thank you all for coming. Good night.

**Next General Band Meeting**

Date: August 22, 1990  
Time: 7:00 p.m.  
Place: KIB Conference Centre

  
Chief Clarence T. (Manny) Jules, Chairman

September 25, 1990  
Date approved

*draft*

GENERAL BAND MEETING  
CHIEF LOUIS CENTRE  
KAMLOOPS INDIAN BAND

DATE: JUNE 15, 1992  
TIME: 7:00 P.M.

COUNCIL (8)

Chief C.T. (Manny) Jules  
Councillor Marie Baptiste  
Councillor Richard Seymour  
Councillor Russell Casimir  
Councillor Rick Jules  
Councillor James Casimir  
Councillor Fred Camille  
Councillor Clarence Jules

STAFF (34)

Don Seymour  
Randy McDonnell  
Felix Arnouse  
Ken Scopick  
Vance Paul  
Fred Seymour  
Doreen Saul  
Maureen Frank  
Rosemary Casimir  
Trudine Mensies  
Celina Lampreau  
Shane Paul  
Gerry Thomas  
Sadie Casimir  
Rick Denault  
Robert Bennett  
Judy Jules  
Anne Doucette  
June Jules  
Arnold John  
Sidney Rees  
Cora Anthony  
Keith Matthew  
Harry Paul Jr.  
Jeff Seymour  
Carrie Leonard  
Tracy Antoine  
Becky Major  
Mario Piva  
Jeanette Jules  
Freda Jules  
Shirley Seymour  
Ric J. Seymour  
Allan Casimir

Band Members (57)

Daniel Seymour  
James Thomas  
Wilma Jules  
Louise Thomas  
Charlotte Manuel  
Gene Johnston  
Jo-Anne Gottfriedson  
Faron Manuel  
Christine Casimir  
David Malloy  
Allan Manuel  
Linda Thomas  
Marie Hazelwood  
Ivan Hazelwood

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Celestine Paul  
Christine Tronson  
Bernice Tronson  
Connie Leonard  
Vivian Leonard  
Barry Hazelwood  
Joseph Leonard  
Bonnie Leonard  
Ernest Edwards  
Gerald Seymour  
Robert Leonard  
Joanne Mosterd  
Faye Jules  
Carol Blank  
Francesca Vinson  
Gus Gottfriedson Sr.  
Guy Gottfriedson  
Joe Peters  
Jay Jules  
Evelyn Camille  
Celestine Camille  
Delores Jules  
Leo Neveu  
Harry Paul Sr.  
Linda Jules  
Vicki Manuel  
Margaret Ferris  
William Camille  
Ricky Leonard  
Brian Camille  
Clarence Lulu  
Lorna Seymour  
Annie Parker  
Colleen Leonard  
Ted Gottfriedson Sr.  
Evelyn Gottfriedson  
Shannon Gottfriedson  
Gail Gottfriedson  
George Peters  
Bruce Thomas  
Tim Jules  
Robert Jules

Non Band Members (8)

Matilda Morgan  
Sherman Archachan  
Susan McNab  
Virigina Bisailon  
Chris Moore  
Rick Joe  
Tina Chrisenson  
Ernie Oates

Total in attendance (107)

CALL TO ORDER:

Chief C.T. (Manny) Jules, Chairman, called the meeting to order at 7:00 p.m.

CORRESPONDENCE:

1. Working Group 3: Rolling Draft
2. AFN Constitution Update - June 12, 1992
3. Tobacco Sales and Band Revenue Memorandum
4. Addendum to the Parallel Process Report  
National Treaty Meeting April 6, 1992

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will not be running all over the country. It will be restricted to the access by the CNR and down by the Seymour's.

Joanne Gottfriedson - I am looking at it in a geographic perspective and a traditional perspective. It brings to my mind what is the best use of that land and how does it effect our environment and our community? I don't think I am prepared to make a decision right now. I feel I need to look at this a lot deeper because it is going to affect our community.

Chief Jules - with one of the things that we discussed today and we have had a couple of Land Use Committee meetings, one of the long term proposals for that area has been for residential purposes. What I intend to do is have that worked through over the summer and brought back to the membership this Fall.

Connie Leonard - I have a comment, I hear about non-native people coming on our Reserve to do business. We have a Band member willing to use land that is not being used. The only difference is that no one is using this land. Ricky is willing to control it. The difference is that it not a non-native or non-Band member, but a Band member. He is showing initiative to develop a business on this Reserve.

Gus Gottfriedson Sr. - it is different if it is on your own property, not Band land.

Connie Leonard - what would be the difference that the Farmer's did.

Gus Gottfriedson Sr. - they paid a lease rental.

Christine Casimir - I noticed that three of us who were considering setting up our business. One of the things we have to take into consideration is that we would have to with no consideration of being given something for nothing, for example the land value. That we had to take into consideration to rent the space year round. This is a precedent situation for the rest of us in the future. I wouldn't mind to have it addressed. I didn't take that into consideration when I was thinking of supporting it. There are two of here now who are thinking seriously about establishing a business. I would like to see us treated fairly, if you are going to provide them with a gift of the land they use without any consideration, that we would like the same consideration. Thank you.

Ricky Leonard - how is a person supposed to get anywhere on his property when the Bands lands are froze. We can't even nothing on our own property. All kinds of people got more land than other people. This land freeze is holding all this land. What else are we supposed to do. That is why I chose to utilize the flood plain along the North Thompson River. We aren't hurting anyone down there. We want to develop it and make it good. The stock yards are falling apart. Who is going to go down there and develop a stock yard. I am using my own materials that I have been collecting from a business I started last year taking down telecommunication lines on the CN line. I plan to use them towards the stock yard.

Cora Anthony - with all our land over on East Shuswap Road, we developed our own agricultural projects. We have been notified that we can't use it for anything else. My brother John George had a plan to teach all the Band members free of charge to ride a motor bike. It was agreed to then a year later there was a letter of complaint. That business was taken from him. The proposal doesn't have everything down in black and white. It is not a complete proposal. All these concerns should be addressed. I can't see anyone profiting from it.

Chief Jules - there has been sufficient discussion on the issue. There is a motion on the floor to support Ricky Leonard's proposal. Question on the motion. Those in favour, 20. Those opposed, 14. Motion Carried.

Ricky Leonard - thank you very much. Applause.

Chief Jules - there was some very legitimate concerns Ricky that were raised that have to be addressed. Among them is lease rental, there is going to be some type of discussion over that issue. Flushing out the Business Plan and a number of other things that will have to be addressed before we can proceed based on the discussion that we heard.

FARON MANUEL - WEST COAST SMOKE SHOP

Chief Jules - the next item is in relation to tobacco sales. In one of your packages, where it is got the Working Group 3 Rolling Draft, it is the third insertion at the end. Included in there is a memorandum to KIB Band members from Chief and Council. Undoubtedly, everybody



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GENERAL BAND MEETING  
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knows what the issue is. It has been an issue that has been around for a number of years now. It is not simply a local issue but is an issue that goes right across Canada and across the United States. It is one of prime importance to our community. I will read the memorandum. In there are a couple of scenarios for the membership to consider. To recap what we are looking for this evening is direction basically to look at the three options. The preferred option we recommend is option 3. The first option would be to impose a ban on the Reserve which would be virtually impossible because we would have to shut down tobacco at Esso and Husky, Little Hobo and other retailers located on the Reserve. The second option is to do nothing which in my opinion is not an option at all. It is there for you to consider. The third and preferred option we would like direction on is to direct Chief and Council to do what is necessary to protect the revenue for the Scheidam Flats Courtcase and preserve our jurisdiction over our own lands. To do that I will be meeting with the Finance Minister, Glen Clark on June 29th in Victoria as well as later on in the day with Minister of Aboriginal Affairs, Andrew Petter, Attorney General, Colin Gableman, and Art Charbonneau to carry on discussions on possibly settling Scheidam Flats. I would be able to raise that issue with Glen Clark. We do have a business licence in place. There are a number of sections in the Business Licence that we could enter into a licensing agreement with tobacco outlets. Also, that the Band become the wholesaler or basically to be in the position of the Province, so the Province would vacate the wholesaler position. We would take over that role and would be able to get all of the dollars up front. In the long term deal with both the federal and provincial governments to get them to vacate the tobacco tax field but all other tax fields which I feel should be under our jurisdiction. Just the sale of tobacco products to non-natives where that PST and GST should come to the Band. Income taxes by non-native people working on Reserve should come to the Band. Corporate income taxes, like those on the subdivision, should be coming to the Band. It is kind of an overall tax problem we are facing. It is not going to be easy to settle by any means. It is going to take a lot of will from all of the locattees and those Indian Enterpentuers who want to do business. What I am concerned about more than anything else is that we continue to have enough resources to fight the Scheidam Flats Courtcase. We just had a \$30,000 from our lawyers today. The Courtcase definitely isn't going to get any cheaper. I would like direction to pursue option 3 and give us the ammunition to deal with this situation on the Reserve. There was an initial question from Jim Thomas.

Jim Thomas - it is my understanding that all the logging revenue on the Reserve was to go towards fighting Scheidam Flats Courtcase? Is that not true?

Chief Jules - that is part of it made in a resolution of June 1990 was to apply a surcharge be added to tobacco sales and gasoline sales to pay for the Scheidam Flats Courtcase.

Jim Thomas - why are tax every other thing as well too. If we need that kind of money, why don't you go for everything.

Chief Jules - Because at that time it was felt it was the easiest to administer. Before the Schelt Case the Province had to deal with us. They had to come to the Band to ask who or what our outlets were on the Reserve. Because of the Schelt Courtcase that changed everything. It meant that the door was wide open. In the long term what we do intend on doing has been described at a number of Band meetings is going after what we call a Geographic Tax Model, which is everything. That has to take place over the long term.

Jim Thomas - how long?

Chief Jules - it will probably be up to a ten year struggle and possibly even quicker. One of the developments that are taking place right now is that Primer Harcourt wants to sit down with a number of individuals provincially to discuss tax issues. Not only property tax but joint revenue sharing, which is resources off Reserve lands. The federal government is undertaking a finance review right now. I will be meeting with Masinkowski, Federal Minister of Finance, over this summer. I have been involved as well as Council in discussions with the Department of Finance going back about three years trying to deal with all of these issues. The primary focus and the message that I bring to those individuals who are really controlling the purse strings of this Country is that geographically or any tax that is collected on Reserve no matter who it is paid by should be the Band's. That is the first objective. In order to reach that objective it is going to take some time. It is going to take making sure that we get support from the Band membership but also from provincial organizations as well as nationally organizations. As you as you mention tax at a national meeting people right a way turn off their internal radio's. Because of the Constitutional discussions that are going on right now and the recognition that we will be getting in the Constitution I feel that it opens the door for these kinds of discussion. I definitely would like to see a lot of the issue being settled over the

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summer in the short term, and in the long, hopefully by I wouldn't say next year, but definitely within the couple of years implementing a geographic tax model.

Jim Thomas - I think with what you are talking about we should cover the whole base and start from there instead of taking taxation here and there. If you say it is going to take ten years we should get at it now.

Chief Jules - that is what we are suggesting.

Guy Gottfriedson - I think that we as Indian people and what I see from this and tax, it is the only right we Indian people have left. You are telling us that you to tax us for the ten years. We just passed business that proposed a business without any concern with any monies going to Scheidam Flats or any monies going anywhere. And now we are talking about another business to put a guy out of business because he is a Band member on the basis of tax. I think that is our only right as Indian people that we have left, is not to be taxed, and you are telling we are going to be taxed for the next ten years.

Chief Jules - you completely misunderstand what I said. What I said was that the bigger issues involving tax could take up to ten years. The direction from the Band membership was that a surcharge be attached on the sale of tobacco and gasoline sales on the Reserve to pay for Scheidam Flats. That will only take effect for as long as the Courtcase is in effect. The way things are moving in the Courtcase we could be facing a ten year Court battle because we may have to go to the Supreme Court of Canada. It may take five years. That we have some control over but the Courts have got their own systems as well. We are imposing anything here, what we are asking is for the membership to give us direction to deal with our third option, which is to go after and deal with, and this isn't to shut down any operation, because we've said to impose a ban on tobacco sales would be literally impossible. We couldn't do it. We would have to shut down Esso, Husky and all other cigarette retailers on the Reserve. It couldn't be done. Do nothing. That would not do anything for the Band because right now we are not getting any revenue from the sale of tobacco or gasoline on the Reserve because nobody is paying it to us. What we are saying is, and we are not shutting anyone down, is that if individuals want to start up this kind of business, there are a number of things that have to be done. One is that the first and primary objective, in my view, would be for the Band to become the wholesaler. That we approach the Provincial government and say we want to be the wholesaler so that all individuals that want to open up a cigarette outlet on the Reserve would have to come and purchase their cigarettes from the Band so that they wouldn't have to hassle with rebates and all those other kinds of issues. The other thing we are asking, and we do have a business licence in place that could accommodate issuing of business licences on Reserve to allow this type of situation to take place. That is all included in option three. We are not suggesting that these operations be shut down. What we are asking for is that we protect our revenue so that we can fight the Courtcase and that we have some measure of control of activities on our Reserve.

Jim Thomas - if we got this power to tax gasoline and tobacco why don't we have the power to tax everything else on the Reserve. Why just those two? Why not everything? What about all those other taxes?

Chief Jules - I mentioned them, it is the geographic tax model. It is included in option three as part of the long term objective. As far as the other items, what you would be talking about is sales and non-Indian taxes, etc., if the membership wants us to pursue that as well, we would be more than happy to do it.

Jim Thomas - why don't we open up the range and get more tax money at that level. Why just tax a little bit?

Chief Jules - We have to do it in a two fold approach. One is the geographic tax model that takes care of all non-Indian sales, and the other aspect is what Guy was talking about, the status Indian exemption. Is that what you are saying is that we should be going after that in other parts of the Reserve?

Jim Thomas - you are just going after gasoline and tobacco and not everything else. If we need the money go after all of it.

Chief Jules - Okay. If the Band wants to do that.

Charlotte Manuel - does that include businesses on private land?

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Chief Jules - that is the kind of direction we are asking for tonight. If we are going to be controlling the sale of tobacco products on the Reserve it has to be on the Reserve.

Christine Casimir - I have a two part question in regards to the surcharge of the 3% tax on gasoline and tobacco. Do we have to pay on top of that tax then collect it back? Does the Band have to account for it? If not, then we should be able to use that as a long term goal like the geographic tax model. Not only for status Indians on the Reserve but for status Indians from around the Province of B.C. to be exempt no matter where they go. I believe that is happening and in operation in other provinces in Canada. It is only us that don't have it yet and we have the largest amount of Indian people on Reserve who can benefit from it. For example, if we were to go off Reserve into a hotel or motel or food industry that we don't have to pay taxes there because we are recognized as First Nations people. That is my two part question. Would you consider that?

Chief Jules - what we have been doing in regards to the large tax picture is that we have undertaken what we call a leakage study of the Reserve. I wrote a letter earlier on this Spring to all our lease holders on the Reserve. We estimate at a minimum taxes that are generated on the Reserve to be in the range of about \$20 million dollars that just leaves our Reserve. There are more taxes that leave our Reserve than services we get back from the federal and provincial governments. That has to change. That is the larger tax problem that we have to deal with. The other thing that has been interesting is that when you look at all the tax room, property tax is less than 10% of the total tax pie. All of the other taxes comprise 90%. That is what we want ultimately. That is going to take discussions and it is going to take some time. And there has been direction already from the membership to proceed on that basis and there has been discussions between myself and federal and provincial representatives as well as the Assembly of First Nations. That is definitely in the works. As far as some of the other items they are just going to have to be part of those discussions. X

Christine Casimir - is income tax exempt on-Reserve.

Chief Jules - yes. If you have your income earned on Reserve you don't have to file your income tax.

Ricky Leonard - from my understanding of this, why doesn't the Kamloops Indian Band develop any number of types of business (gasoline, concession stand, etc.) to help pay for our land claims.

Chief Jules - those types of things take time, and those are areas we have supported, the direction we have received from the membership in June 1990 was to pursue exactly what we are doing now. That worked smoothly until just recently. Now we don't make any revenue.

Billy Camille - two weeks ago I applied to the Provincial government for a licence to sell tobacco. I might not use it but I am here to make money. I attended a Council meeting and they told me to attend the General Band meeting to decide. I propose to pay the Reserve \$2 for every carton I sell. My two gas stations (Esso's) pays over \$100,000 to the Band every year for gasoline tax, never mind the tobacco tax. I agree to where the money is going to fight Scheidam Flats Courtcase. That is why I proposed to donate \$2/carton. First all, I am an Indian first and money doesn't matter that much to me as long as it is going to a good cause.

Chief Jules - thanks Billy.

Delores Jules - I don't think there should be any question about Scheidam Flats, they should be giving towards it. Our past Chiefs' and Elders have been fighting for it. I don't think there is any question that we should be carrying on what they were doing, not just for me but for my grandchildren and the people that come after that. That is all I have to say.

Guy Gottfriedson - I think what Faron Jules, our Band member is doing here is exercising our right as Indian people and I support it. It is showing that concerns of the government that they don't want to step in Indian affairs and issues. He is setting a precedent here, and is exercising our right as Indian people.

Joanne Gottfriedson - I have a problem with taxing our own people. What's is going to stop the government from saying you already tax your people and now you have to pay taxes on your vehicle, etc. I don't like that idea. I believe that in exercising our rights, and I think that although Scheidam Flats is an very important issue, but I am opposed to taxing our own people. That is the first step Manny, what is to going to stop us in the next ten years, and our people who own land or lease land on the Reserve are going to start paying taxes? What about our

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homes and property? We could be opening up a big can of worms if we continue to this way. If we are going to have Indian self-government and start living like non-natives to tax ourselves, and throw away what we really are.

Gus Gottfriedson - I was looking here at option three that isn't very clear but it does mention business licence being issued at the Band office. Why wouldn't this apply to any other business?

Chief Jules - that is what we are proposing to do Gus.

Gus Gottfriedson Sr. - well go ahead and do it. If someone wanted to get into business legally, they should obtain a business licence or collect everything themselves if that is what they are worried about.

Chief Jules - it is two fold.

Gus Gottfriedson Sr. - that would solve a lot of this here; if they just obtained a business licence and go into business. That would solve we are going through here. All the way down the line we hear about Scheidam Flats. How much is Scheidam Flats costing us already? What we would have purchased it for is not the question it is the principle of the thing. If it is going to be costing us millions and millions of dollars how are we going to get our money back just upon principle? I see what the thing this Council has to go through in regards to these other businesses. If one guy says they aren't paying why should we. As far as Scheidam Flats goes, when are we going to get this settled, it appears to me that the only guys making any money are the lawyers, and I mean plenty. Maybe the Band should be brought up to date on how much money we spent already on Court and lawyers. All a lot of the Band members are in the dark on this, and every meeting we hear about, but we don't know now or tomorrow or next year whether or not we are going to win that case. The way the Justice System is today it is just a joke.

Chief Jules - just before I go to the next member, just a couple of comments. The Scheidam Flats Courtcase has cost us an excess of \$300,000. We anticipate right now is a crucial week for us. We might be in Court later on this week in Chilliwack before Justice Davies. That is all to do with the Archaeological work that has to be done at Scheidam Flats. What happened was that we were going to go up and do some archaeological work, Bill Bilton came up and said those sites are going to be there for the next thousand years, if there is no development there is no hurry. We had time constraints because of the season and some of our archaeologists are not going to be with us after the end of this week, that would have delayed all of the archaeological work for another year. One of the things that we have been trying to do, is have one meeting with, Colin Gableman, the Attorney General and Andrew Petter, the Minister of Aboriginal Affairs provincially and Art Charbonneau, the Minister of Highways and our local Minister in Kamloops and Fred Jackson. They have all agreed to try and look at ways to settle Scheidam Flats Out of Court. The problem that we are facing in those discussion is that the provincial government, one the things we threw on the table in February, was that before the discussion could go even further, the Province could put Harper Ranch on the table, so that we would be the mortgager. Right now Bill Bilton owes Harper Ranch \$575,000 and Harper Ranch holds the mortgage for Bill Bilton. What we proposed to the Province was that you buy the Ranch for us, you turn it over to us, make it part of our Reserve, we are mortgager and can apply pressure on Bill Bilton. In my last meeting with Andrew Petter about two weeks ago we have been getting resistance from the Attorney General's office. The Attorney General's staff is split, half feel that they can win a Courtcase against the Kamloops Indian Band, the other half feel that it is in the best interest of the Province to settle Out of Court. There is a split there. I have met and spent a considerable amount of time with Prime Minister Brian Mulroney, Hon. Tom Siddon, Minister of Aboriginal Affairs federally in Kamloops to discuss the Scheidam Flats issue. There is a willingness on the federal government side to try and settle Scheidam Flats as well. What we are trying to do even though Scheidam Flats is just 320 acres, what we are dealing with is the Douglas Reserve that could be up to 75,000 acres. We don't know yet because all the mapping work hasn't been done. Just to do mapping is \$30,000. Every time you hire a professional, and because of the Gitksan Wetsuwet'en Case and the Delgamute Case, we can't be hiring just some guy off the street. That is why the Gitksan Wetsuwet'en lost is because a lot of their expert witness lacked credibility. When you hire these guys it costs big bucks. It cost us a minimum of \$2500 a week to have the archaeologists out there. Those decisions have to be made and we have to have the resources. One of the things Council will have to do is have a process to settle Scheidam Flats and also begin to settle the larger Douglas Reserve question. The resolution that came out of the Band meeting was to deal with Scheidam Flats and not forget about all the other lands that should be part of our Reserve land. You can name the Ranches that border our lands that should be part of our land base. We are not trying

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to tax members because we want to. When the Band members adopted the Taxation By-law for property tax there was a clear stipulation in there about what we could and couldn't do. In 1990 the Band members said let's use a portion of what we are saving in taxes to go to the Band so that we can fight collectively to protect Scheidam Flats and hopefully get back all of the lands we have lost. As part of this discussions I have told both federal and provincial governments that my expectation clearly is that every penny we spend fighting this case has got to come back to the Band. Any monies that were spent on the Courtcase has to come back to us. As well as all the things, a process to deal with the larger Douglas Reserve issues, Scheidam Flats has to be guaranteed approach to be a main part of our Reserve. One of the opening rounds has to be Harper Ranch on the table.

Evelyn Gottfriedson - I remember when we had a resolution by the Band membership to run the Husky Oil Gas Station. The Band would hire its own people. We leased the darn thing out and only have one Indian working there. About taxation, we asked you at the last meeting, where is the taxation money gone. We were told it is allocated in the budget. If we go and give you this power tonight, you guys are going to tell us we gave you this power way back when.

Chief Jules - just to clarify the position that has already been made. What happened is that the Band is not making any more revenue. We made an option proposal with option three being the preferred to be adopted by the membership that we do become the sole wholesaler on the Reserve.

Evelyn Gottfriedson - that is another problem. If we pass this it will be used against us.

Brian Camille - I believe taxation is an very important issue but the style and mode you are setting right now is set up for a person that has his own land and you are saying let's tax him. Faron is an individual proprietorship trying to do his own business, that is different. I agree that money should go and help fight an important issue, Scheidam Flats. But it is also saying that I can tax that person on that land. This is a different issue here. It is his property. The Band has building licences, they have operating licences, there are different licences to go through but are they open. No they are not. You are allowing everyone to come here and take control of our housing, our logging. How many loggers came from KIB? How many people have adequate housing? How many kids live around here without adequate education? On recreation, we are forgetting the basic issues. Let's pull these people together, you want to log, let get everybody together. You are giving our logging jobs to other people and it is wrong. What I say is open up the work. Let the members help the Kamloops Indian Band out. Even a coffee shop cart goes around this Reserve. It could have been a KIB Coffee Cup Wagon. The Band could be making 64% of that revenue. The remainder going for its upkeep. The trucking business is the same. Whatever. We would like to have a chance at making money. If that means revenue to the KIB, right on. That's great. But there are other issues like my kids don't get an education or anything. There is no housing, I can't even do that. Back in 1980 I got permission to cut logs for my home. I can't even go up there and get it. We have residential, commercial, industrial, agriculture, the KIB Band Farm all going to hell. Faron is trying to do something, he is putting us on the map. We used to handle 600 head of cattle a year. How much more do you want? If you help KIB members as a whole that's great. I'm all for it. If that means \$2 or \$10 per carton of cigarettes, right on. This is one the biggest and best Reserves I think. I go to the Little Shuswap Band I see the Quoaat Lodge. 72 rooms there. Beautiful place. You go to the Westbank Indian Band, how many billions of dollars they produce there. They say what happening on Kamloops Indian Band. All I am saying is if you want to operate then give us chance. Give us a chance to go out there and run our own land. Then we won't come in here and argue about 13%. We'll come in and argue about 92%. There is a bigger issue in this. Even sweeping the floors for God's sake. There are a lot of members I talk to. I ask them how they are doing. They say going into the 37th month on welfare. They ask me how I am doing? I am picking beer cans. If you want businesses, let's get at it. Have faith in your people. Have faith in the educational system, we were made to go under white man's regime. We learned how about businesses, we learned to count money. We can count up to 100 ten's at a time. If you want help, right on, help us. Thank you very much. Applause.

Ted Gottfriedson - I am kind of in favour of that smoke shop for a simple reason some Band members on our Reserve can't get jobs with the Band. I understand that we have two Band members working for \$10 per hour at Faron's. Those people couldn't get a job at the office. I don't know why you are trying to shut that down. We should be thinking about that place by Michael Paul's and the PCB problem. How come there is trucks going in and out of there yet? We should be looking at that big tank by the steel bridge instead of worrying about a little taxation revenue from cigarettes and gasoline. We should be concerned about that. We should be concerned about suicidal attempts. Workshops on that. That is what we should be really

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looking at. Worrying about a little taxation here and there. How much money are we going to lose on it? Does anybody know?

Gus Gottfriedson Sr. - I think too, I've heard a remark by one of those Councilmen up there who said that as long as you are a Gottfriedson you will never get a job while I am on Council. He is sitting up there right now. You guys are supposed to represent each and every one of us, not just your own family. There are guys that get nothing and others that get first chance at all the jobs.

Chief Jules - there is obviously a lot of issues that we have to deal with. A lot of them.

Gus Gottfriedson Sr. - I am talking about the ways the guys are hired to work on this Band.

Chief Jules - I know exactly what you are talking about.

Gus Gottfriedson Sr. - Can't you do something about it? Straighten it out? We can live with this for only so long.

Chief Jules - One of the things I want to make clear here is that we are not under option three intending to close down any operation. That isn't the intent. When you look at all three options, like Billy was saying we made \$100,000 in sales from Esso. That goes specifically to pay for the Scheidam Flats Courtcase. What we would have if we just left things as they are and didn't try to deal with the issue is that we wouldn't be making any income. That is the income we are using from the direction of the membership to pay for the Scheidam Flats Courtcase. What we proposed is option three, direct the Chief and Council to do what is necessary to protect the revenue for the Scheidam Flats Courtcase and to preserve our jurisdiction. That means we would use a combination of a licensing formula to allow businesses to take place on the Reserve as well as pursue a wholesale licence for the Band, so that we would be able to deal with it centrally. That way we wouldn't have to deal with some of the corporate concerns like Esso and Husky. Is that they have to put up all the tax exemptions up front, they have to carry not only paying out the taxes up front, but also the exemption that is given to the Indian customer, from anywhere from 30 - 90 days they have to wait for a rebate. That in my opinion is unacceptable. What we are proposing is to try to deal with this in conjunction with all the other tax issues that are out there. Tobacco and gasoline are just one small portion of the all the tax revenue that should be coming to us.

Gus Gottfriedson Sr. - I thought we had taxing jurisdiction?

Chief Jules - for property tax. The only other taxing authority is an 83 over-riding an 87. That doesn't cover all we want to deal with. We want to get to the 90% of the taxes that are still going to federal and provincial governments.

Gus Gottfriedson Sr. - what kind of taxing authority does this Band got?

Chief Jules - property tax. When the Indian Act was amended, it stated clearly that anyone who has an interest in Reserve lands is subject to a property tax. Even though it is called property tax, it can be a lease hold interest, it can be a buckshee lease, it can be any interest on the Reserve by direction of the membership that non-native people are taxable. What we are proposing is that we deal with it specifically on this issue but also begin to go after all of the other ones. There are a number of options.

Gus Gottfriedson Sr. - that taxing authority only pertains to one specific thing, property tax?

Chief Jules - that's right. We have a motion on the floor, do we have seconder.

Moved by: Christine Casimir  
Seconded by: Wilma Jules

To adopt Option 3 as presented to the membership as follows: Direct the Chief and Council to do what is necessary to protect KIB Revenue for the Scheidam Flats Court Case and preserve KIB Jurisdiction; Consequences: if effective, it would preserve or increase KIB revenue for the court case; if effective, it would preserve or increase KIB jurisdiction; if effective, it would remove to some extent the federal and provincial jurisdiction on KIB land; if effective, it would create confidence in, and respect for, KIB decisions from external governments, the commercial community and local citizens. Recommendations: The third option is the best interest of KIB, if we are to secure the revenue generated by

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on-reserve sales of tax exempt tobacco products to status Indians in order to fight our Court case. Therefore it is necessary, and in our best interest to exert tight controls over these types of sales. Perhaps an overriding interest in KIB in the longer term, is to establish broader taxation jurisdiction initiatives and self-government agreements will provide for such jurisdiction. Regarding Licensed Corporate Retailers on reserve, to put all retailers operating on reserve on an equal competitive basis, the province could be persuaded to put in place some sort of special tax administration, such as a quota system or something of similar effect. This would take care of the working capital problems of such businesses and make them more agreeable to administering the KIB tobacco surcharge. One instrument for implementing the surcharge could be KIB licensing conditions requiring the licensee to collect the tobacco surcharge from the status Indian customer and to pay it to the Band on a monthly basis. KIB would then ensure to the Province, as part of the deal, that it would be strictly enforce its licensing requirements for on-reserve tobacco sales, (that is, only licensed retailers would be allowed to operate on Reserve - others would be shut down by the Band). As mentioned above, Licensed Indian Proprietors would not present a problem for collecting the band surcharge, it would be part of their licensing agreements with KIB. All businesses could apply for and maintain a KIB tobacco retail licence or risk having it taken away and losing their right to operate on our Reserve. In the medium term, KIB could explore the possibility of issuing an exclusive reserve based tobacco wholesale licence to the Band, and persuade the Province to cooperate in making it the only wholesaler able to sell to KIB licensed retailers. This would tighten KIB control over the movement of tobacco products on Reserve, as well as, enable the Band to more closely audit the system (comparing retail and wholesale sales). Also, the incidence of the surcharge would be transferred to the wholesaler, reducing the costs and providing more commercial convenience to licensed retailers (they wouldn't have to worry about collecting it.)

MOTION CARRIED

Discussion on the Motion:

Billy Camille - as per Ted Sr. talking about Band members working. On my proposal I have organized for my daughter, Ricky's two kids, my sister Cee Cee, as well as any Band member who wanted to work at either Esso Station or any other place. I helped Ted Sr. daughter, Shannon, a good friend of mine, get a job at Esso. That was no problem. I talked with the owner and she started the next day. I have no problem hiring natives on my business venture.

Joanne Gottfriedson - I guess I agree with it on principle but I am concerned about the Chief and Council having the power to do whatever is necessary. I guess I would like to see in that motion that they act as the wholesaler so that we will have total control.

Chief Jules - is that okay with the mover and seconder? Yes.

Jim Thomas - what is guaranteeing about the Band to take this power to be wholesaler to worry about a black market right now. Is that going to be an extra 10% to the Band? What is going to stop this black market? Is this going to solve the problem?

Chief Jules - that is what we are try to correct. Undoubtedly, there will still be problems with any system that is there. What you try to do is bring them in to make sure it is done as good as possible. That is all we can do.

Jim Thomas - for this motion, it should include taxation for everything. If you are hurting for money, tax everything.

Chief Jules - if you are prepared to enter into a resolution after this one is done on that item the floor will be open for it. Any other discussion.

Gene Johnson - About Scheidam, the Band gives the Pow Wow Club money every year and they don't show no profit back to the Band. Why should be give them more money. It could be put towards Scheidam Flats. Why should we give that Committee money instead of the Court case. Why? We don't see anything back from them. What about money for Recreation? We shouldn't be giving them money at all. Scheidam is our main concern, right? I don't think it is right for us individuals that don't have anything to do with a Pow Wow give them money from the Band.

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It should be going to other causes, the old people and recreation. Just for three days of Pow Wow I don't agree with.

Chief Jules - you have addressed that issue with the context of the resolution that is on the floor. One of things that and I have said it at several Pow Wows, you can call these Pow Wow's, is that the Pow Wow has generated revenue for us. It is generated to the tune of \$1 million bucks.

Gene Johnson - where is it?

Chief Jules - it is going to the development of the Chief Louis Centre. Any further discussion on the motion.

Faron Manuel - I would like to say a few things here. I am just leasing the land to them. It has created five jobs for Band members plus it is going to create more. You deal with them. That is all I've got to say.

Chief Jules - that is the direction we are seeking, Faron. To clarify it once more. We are not out to shut anybody down from business. What we want to do is make sure that there is revenue coming into the Band for motions that have already been passed. It is as simple as that.

Gene Johnson - why do we have to give Pow Wow money?

Ricky Leonard - As soon as I can get a certain cash flow off the ground I will donate some money towards land claims.

Chief Jules - Question. All those in favour of the motion, 32. Opposed, 0. Motion carried. Jim Thomas would like to enter a motion before coffee break.

GEOGRAPHIC TAX MODEL - COLLECTION OF ALL TAXES

Moved by: Jim Thomas  
Seconded by: Louise Thomas

That the Band membership directs the Chief and Council to pursue collecting all of the 90% of the tax pie that the federal and provincial governments currently collect (income tax, corporate tax, GST and PST) being collected on the Reserve including the geographic tax model, not just for sales of gas and tobacco. This wouldn't effect status Indian purchasing. That the membership be kept fully informed on all decisions.

MOTION CARRIED

Discussion on the Motion:

Gus Gottfriedson Sr. - is that also the Geographical Tax Model?

Chief Jules - that is right.

Guy Gottfriedson - is that from the direction of the membership, and, will we be kept fully informed?

Chief Jules - yes. Question. All those in favour, 32. Opposed, 1. Motion carried.

Chief Jules - I call this meeting back to order. The item on the Agenda is going to be dealing with the Constitution. Again as part of the Working Group III, the Rolling Draft. The second portion is a letter dated June 12, 1992 to all Chiefs' from Ovide Mercredi, Grand Chief of the Assembly of First Nations. We have included that as part of your package. What I will do is read Ovide's letter. There is going to be a meeting in Fredericton on June 23rd. This is the last opportunity to talk discuss this issue. I want to discuss the Constitution, there has been a resolution that was passed a while ago that we continue to maintain and be involved in the process. And also, that my intention is obviously to go the Assembly of First Nations Meeting in Fredericton, hopefully supporting the proposals that Ovide has been able to negotiate at the Constitutional table. As I mentioned at the Band meeting, I really feel that if it wasn't for Elijah Harper in June of 1990, when he stood up and said no in the Manitoba Legislative Assembly, that we would have been forever shut out of the Constitution of this Country. Because of Elijah we been given an opportunity to fundamentally change the very nature of



this Country so that we can get off our hands and knees and begin to deal with other levels of government as a government. I would ask that the membership adopt formally the recommendations contained in Ovide Mercredi's letter so that I can take with pride direction from this membership that supports the Assembly of First Nations position on the Constitution, and also, giving Ovide the mandate to continue to push all of the governments for the other outstanding issues that are still on the table that have to be resolved. I would certainly like to facilitate discussion, a mover and seconder to that resolution.

CONSTITUTION UPDATE

Moved by: Christine Casimir

Seconded by: William Camille

- 1) that the aboriginal inherent right to self-government will be recognized in the Constitution, and that this right will not be a delegated or contingent right;
- 2) that there will be a context clause to illustrate the nature and scope of the legislative authority of aboriginal governments;
- 3) that the inherent right to self government would not be justiciable for 3 years (subject to the conditions in my previous memo) and would provide a provision that would shield aboriginal governments, not make the right contingent and not affect existing treaties;
- 4) that federal, aboriginal and provincial governments will be committed to negotiate, in good faith, self-government agreements. These negotiations would focus on the implementation of the right including areas of jurisdiction, land and resources, and economic and fiscal arrangements but the inherent right is not contingent (dependent) on these negotiations;
- 5) that self government negotiations will begin when Aboriginal governments decide to initiate them;
- 6) that a political accord would be developed to guide the process of negotiation;
- 7) that all aboriginal peoples would have access to the process of negotiation and these negotiations would take into consideration the different circumstances of the various aboriginal peoples;
- 8) that self government agreements could be set out in future treaties, land claims agreements or amendments to existing treaties or land claims agreements, or other agreements that could recognize them as treaty rights;
- 9) that there be a legal transition clause enabling our aboriginal laws to displace existing laws;
- 10) that the Charter of Rights and Freedoms will apply to Aboriginal governments only if a number of significant protections are first provided to Aboriginal governments. One of these protections is access to the notwithstanding clause (Section 33), that will allow Aboriginal governments to override certain sections of the Charter; Aboriginal governments would also be able to establish affirmative action programs;
- 11) that there be a stronger non-derogation clause to protect against the charter and in particular rights related to aboriginal languages, culture or traditions;
- 12) that treaties must be interpreted in a "broad, just and liberal manner", taking into account their spirit and intent as understood by First Nations;
- 13) that a bilateral treaty implementation process will be put in place;
- 14) that matters relating to financing of aboriginal governments will be dealt with in a political accord which reflects the fiduciary responsibility of the federal government;
- 15) that there be future constitutional conferences on aboriginal matters every 2 years beginning no later than 1996;

MINUTES OF MEETING  
GENERAL BAND MEETING  
JUNE 15, 1992  
PAGE 35 OF 35

MOTION CARRIED

Discussion on the Motion:

Marie Baptiste - I just wanted to mention that in terms of getting return for our dollar, what we mentioned in the proposal was that while the RCMP are policing, is that we would look at getting dollars over and above what the City of Kamloops is presently getting. I believe we should negotiate for to have control. When we met with Ralph Falkingham they only have 4 RCMP that cover a large rural detachment area. They don't have the manpower to be able to service the needs in our community and any dollars go towards covering this need. We need to look at the working relationship with the RCMP because we are in close proximity. For us to just take it away from them would lessen their RCMP capabilities within the City so I suggested the over and above what they presently receive. We should negotiate to do that.

Chief Jules - Question. Those in favour, 32. Those opposed, 0. There was another item on housing. Fred Camille has suggested to me that we will have a workshop on June 18th starting at 10:00 a.m. All members are invited to try and work through it just like we did on the membership code, then it will be brought back to a Band meeting which I am hoping will be around September 16, 1992. We will also be dealing with Land Use at that meeting. Those of you who are on the Land Use Committee, we will be having a Land Use Meeting with Council on July 2, 1992. I urge all the LUC members to be there. There other thing, Nelson Riis is requesting that he attend a Band meeting. If there isn't any objections to that I will formally invite him. Is there any objections. None.

Meeting adjourned at 12:10 a.m.

---

Chief C.T. (Manny) Jules, Chairman



FILE: 97 - 074

KAMLOOPS INDIAN BAND COUNCIL RESOLUTION

DATE APPROVED AT COUNCIL MEETING: 27, June 1997

DISTRICT: North

PROVINCE: British Columbia

PLACE OF APPROVAL: Kamloops

QUORUM: Five (5)

The Kamloops Indian Band Council does hereby resolve that:

The membership of the Kamloops Indian Band resolves:

Whereas the Kamloops Indian Band has been collecting 3 cents on each litre of motor fuel and \$2.00 on each carton of cigarettes sold to status customers to support KIB land claims processes and the betterment of the Kamloops Indian Band community since 1990, and

Whereas the intent of the Kamloops Indian Band in 1990, and the continued intent of the Kamloops Indian Band is to extend its tax authority to non-status customer of motor fuel and tobacco, and

Whereas the Kamloops Indian Band intends to extend its tax authority over alcohol,

The membership of the Kamloops Indian Band resolves:

To request the Government of Canada to pass legislation which will enable the Kamloops Indian Band to impose a 7% value added tax on all tobacco, fuel and alcohol products sold to any person, on the understanding, where applicable, that the federal government will reduce the GST to the extent that the tax is imposed. The Kamloops Indian Band will use these tax revenues to support Kamloops Indian Band land claims processes, education economic and infrastructure development projects, and promote Shuswap culture and language.

The Kamloops Indian Band will only impose the tax where there is an agreement with the Government of Canada whereby Canada will act as agent of the Kamloops Indian Band in collecting the tax.

That the Council of the Kamloops Indian Band intends to amend the Special Projects by-law bringing the taxes referred to above into force as the federal legislation enables it to do so.

CHIEF: Cherene Tibb

COUNCILLOR: Caruso Jules

COUNCILLOR: Frank Samille

COUNCILLOR: James Esimir

COUNCILLOR: John D. D. D.

COUNCILLOR: Jeff Thompson

COUNCILLOR: Russell Casimir

COUNCILLOR: James Thomas

COUNCILLOR: David G. G.

Comments:

GENERAL BAND MEETING  
KAMLOOPS INDIAN BAND  
JUNE 24, 1997  
DRAFT MINUTES

**PRESENT:**

**Chairman:**  
Chief Manny Jules

**Council:**  
Councillor Richard Jules  
Councillor Russell Casimir  
Councillor Hank Gott  
Councillor Jeff Seymour  
Councillor Fred Camille  
Councillor James Thomas  
Councillor James Casimir  
Councillor Clarence Jules - absent due to family illness

**Band Members:**

Laurie Allison Ahdemar  
Becky Arnouse  
Frederick Baptiste  
Carol Delinda Camille  
Jennifer Lee Camille  
Terrance Joseph William Camille  
Christina Rose Casimir  
Patricia Monica Elaine Casimir  
Ivan Edward Hazelwood  
Kandy Hogarth  
Charlotte Ann Jensen  
Lynnette Rae Johnston  
Darryl Joseph Jules  
Richard Ian Sisiaskit Jules  
Sisiaskit Star Dreaming Man Jules  
Bernice Christine Thomas  
Margaret Rose Larue  
Robert Bruce Thomas  
Velma Colleen Leonard  
Genier Edwin Roger McCallum  
Colleen Ann Mosterd-McLean  
Marie Louise Thomas  
Gerald Raymond Peters  
Rose Lila Peters  
Michael Gordon Rodgers  
Frederick August Seymour  
Rebecca Rose Seymour  
Harmony Dawn Seymour  
Darlene Yvonne Thomas  
Natasha Lynn Shore

**Staff - Band Members:**

Allan Casimir  
Mildred Matilda Dillabough  
John Wayne Frederick Jules  
Tracy Lynn Leonard  
John Matthew Christopher Seymour  
Sandra Lynn Seymour  
Mary Inez Young  
Priscilla Diane Rosalee Lamarche

**Staff - Non-Band members:**

Heather Williams  
Arnold John

**Delegations:**

Doug Brown, SNTC Tribal Director  
Chief Arthur Manual, SNTC Chair

**Band Members:**

Cora Anthony  
Marjorie Asel  
Angeline Monica Camille  
Evelyn Camille  
Joseph Camille  
William Frank Camille  
Larry Erwin Casimir  
Russell Gray Eagle Casimir  
Caralee Nadine Gillespie  
Donald Charles Isadore  
Gene Leo Johnston  
Brenda Anne Jules  
Elijah John Leslie Jules  
Kevin James Jules  
Timothy Point Jules  
Antoine Edward Larue  
Bonnie Marie Leonard  
Ricky Lewis Leonard  
Margaret Arne Louie  
Annie Parker  
Darlene Louise Paul  
George Michael Peters  
Johnny Peter Ranger Peters  
Stanley Jackie Peters  
David August Seymour  
Gary Arthur Seymour  
Shirley Rose Louise Seymour  
William Seymour  
Joseph Camille

Victoria Levina Rose Casimir  
Janet Jules  
Judy Carol Jules  
Grant William Seymour  
Lorna Karen Seymour  
Barbara Rae Stewart  
Carolyn Lee Leonard  
Joan Karen Paul

9461

#### Land Claims

The other part of the land claims that I had neglected to mention the Delgamuukw court case was argued last week at the Supreme Court of Canada, and that involves the Gitskan and Wetsuweit Hereditary Chief Herb George and Don Ryan, took this particular case to Supreme Court and it will have far reaching effects on all of us as Aboriginal people here in this province and right across the country. And it goes right to the heart of the matter of what Chief Art Manuel was talking about.

#### Gaming

We've recently had a workshop here about gaming, and we've also had the opportunity to co-host a gaming workshop with the Chamber of Commerce in the city of Kamloops. As you know the Provincial Government made a policy announcement regarding gaming here provincially, and its going to be very important that we deal with this particular issue in relatively short period of time. The two items that are outstanding right now is the expectation of the part of the Provincial Government as to what their take is going to be and the second point is what influence the Municipalities and Regional Districts would have of an independent vote to have independent gaming and casinos located on-reserve.

Tape Two -Side A concluded. Insert Tape Two-Side A.

#### Health Transfer

...have only one, so all of us would have to go to one clinic visiting our own Doctor's. We would have to come to one Dentist, uh, here, and our own pharmacy, because if we don't take that step the health transfer discussions we are having at the Tribal Council level isn't gonna matter. You may as well carry on with the same system. But if we truly want our own institutions, our own methods of looking after our health, it's gonna have to be done right according to what I've laid out.

#### Special Projects Bylaw

The other item I wanted to raise is our Special Projects Bylaw. We've...its been discussed a number of times. There was a resolution passed by Referendum that we not borrow money from the Federal or Provincial Governments to deal with the land claims matters and the monies that we have been generating so far, which is just barely enough to cover our expenditures in the Scheidam Flats court case, we're still gonna need the additional resources to carry our the struggle to deal with the Douglas Reserves Trutch Cut-offs, and I would be proposing an amendment to include liquor sales on the reserves and the like, so I wanna have a bit of discussion about that at this meeting. And if necessary have, I do have a resolution for us to discuss on that matter.

So as you know we've got, I think that would cover it. I guess the final item I forgotten is, we have been working for some time now on the Land Registry Proposal and I'll just leave it at that. I want to quickly get into an abbreviated question period and deal with a couple of the resolutions regarding the projects bylaw, and I just...I better talk about CNR.

#### CNR

I have been having several discussions with CNR over the last...since about last fall. One of the things that we have been doing is trying to finalize the 1984 agreement with CNR. All of the access issues that we have with CNR, a lot of the outstanding land matters that we have with them. They have various spur lines that should be returned to us that haven't been. They have ten feet too much of their right of way that should be dealt within some matter, Sonny and I guess Rick's, Rick's property is, has been isolated in particularity with Sonny's home there. we've determined that that has to be a priority to deal with and...that has been agreed to by the CN representatives and because of the un-timely death of my cousin Doug, I made sure that safety was an issue that has to be dealt with CN. We are talking about the possibility of building. I guess a pathway that would go over to the steel bridge and a possibility of a walk way that would go underneath the steel bridge, not on top but underneath to give better safe passage of our members going across that right of way. I told them that as far as I am concerned, no Band member should be charged with trespass over our own lands, that a lot of our members are using that right of way to...to make it into the city of Kamloops. so what we have to do is try to find ways to make sure that there is a safe passage. As far as the 1984 agreement they're looking at probably about an additional three years to...to build up enough funds to provide us with good access to the Band Farm.

#### Band Farm Discussion

And later on this evening we will be having a discussion about the future use of the Band Farm, the former Band Farm. We've got three various proposals for that use and one of the things and this, and this ties into the Land Registry.

Joseph Camille:

Manny, on previous meetings we had this discussion, and it was passed by band membership that that Bylaw be incorporated. To date a lot of the lessees have not been pressured that way.

Chief Manny Jules:

As I said we're starting that process, we're going out...what we're... the first step is to isolate the kind of skills we need in the subdivision, and get people to apply for jobs, a lot of the people that we have been talking to say that a lot of the members, and a lot of its, probably because we have given up, looking on the subdivision. We had a survey of the sub-division quite some time ago. The hiring levels are atrocious. So a lot of that we know about, so we're trying to develop programs to deal with that.

Brian Camille:

Okay, have you got a list of the people that are qualified, instead of, what they are looking for and what we have right now?

Chief Manny Jules:

Yeah, we did do...there's been a couple of surveys of not only the Kamloops reserve, but a number of the southern Shuswap Reserves about the kind of skills that we've got. And we're still compiling them, making sure that, all, that the various tenants that we got, know that we've got a bank of people that are available to, to contract and act as employees.

Joseph Camille:

All right, all we're saying is that we're seeing a lot of projects that go out, and we look across at them projects and there's nobody there working. No Band members, and if they are, even if they are qualified, they got a shovel in the hand...they're not paid or, they're not recognized for want they are qualified to do.

Chief Manny Jules:

Yeah..no, just to respond, we are trying to as much as we can to get that happening.

Joseph Camille:

Okay.

Chief Manny Jules:

So that wraps it up, I want to get on with a couple of the other items, its getting a little late.

#### Special Projects Bylaw

The first item is, as I mentioned deals with the Special Projects Bylaw. I've got a draft resolution. this is open for discussion. (Chief Manny Jules read Resolution Option 2 - verbatim)

#### MOTION #1

MOVED BY: CHRISTINE CASIMIR  
SECONDED BY: BRIAN CAMILLE

The membership of the Kamloops Indian Band resolves:

Whereas the Kamloops Indian Band has been collecting 3 cents on each liter of motor fuel and \$2.00 on each carton of cigarettes sold to status customers to support KIB land claims processes and the betterment of the Kamloops Indian Band community since 1990, and

Whereas, the intent of the Kamloops Indian Band in 1990, and the continued intent of the Kamloops Indian Band is to extend its tax authority to non-status customer of motor fuel and tobacco, and

Whereas, the Kamloops Indian Band intends to extend its tax authority over alcohol,

The membership of the Kamloops Indian Band Resolves:

To request the Government of Canada to pass legislation which will enable the Kamloops Indian Band to impose a 7% value added-tax on all tobacco, fuel and alcohol products sold to any person, on the understanding, where applicable, that the Federal Government will reduce the GST to the extent that the tax is imposed. The Kamloops Indian Band will use these tax revenues to support Kamloops Indian

Band land claims processes, education, economic and infrastructure development projects, and promote Shuswap culture and language,

The Kamloops Indian Band will only impose the tax where there is an agreement with the Government of Canada whereby Canada will act as an agent of the Kamloops Indian Band in collecting the tax,

That, the Council of the Kamloops Indian Band intends to amend the Special Projects Bylaw bringing the taxes referred to above into force as the federal legislation enables it to do so.

Discussion on MOTION #1

Chief Manny Jules:

Is there discussion on the motion...is there discussion on the motion?

Question being called...oh, one...

Charlotte Ann Jensen:

My question is in term of, I want to know where alcohol fits into this motion, and what this Band is gonna do, like...what...how does alcohol fit into this cause I don't agree with, uh, selling alcohol, making money off alcohol. I don't understand where that fits into our Band.

Chief Manny Jules:

The...

Charlotte Ann Jensen:

I, I don't understand where that motion fits in with the alcohol and gas. I mean gas, and cigarettes and alcohol.

Chief Manny Jules:

Yes, I'll explain.

Charlotte Ann Jensen:

Okay.

Chief Manny Jules:

The reason that we're bringing this forward now is that there is a... there's a neighborhood pub established on the reserve, there are going to be other outlets, on the Shuswap Landing properties that are going to have alcohol sales and what we're trying to do is make sure that we, uh, get 7% of that so that we can provide our own...generate some money so that we can deal with land claims, so that we can deal with education and economic and infrastructure issues, as well as to promote Shuswap Language and culture. And its a fact of life that our members are going to be purchasing alcohol, non-natives are coming onto the reserve purchasing as well. And the only way to deal with that is to make sure that, we have resources in place to be able to deal with the issues that it creates. I know that there are members in the community that don't agree with alcohol sales on the reserve, but its a fact of the matter that it is taking place.

Charlotte Ann Jensen:

Well, I don't agree with it whether it's a fact of life or not.

Chief Manny Jules:

Okay.

Brian Camille:

Manny on that Referendum, or lack of Referendum, I think...what it is, how come there was no Referendum put to that Pub Bylaw? Like, in order to gain it, like those guys are gonna make enough money to lease land, uh pay there workers, pay whatever, pay, pay, pay, and still come out of there making a profit. Shouldn't a liquor license have went before the Band and, in case one of the Band members would have wanted it, in order to create...Cause why I'm asking is that, if, if a Native were to own that Pub, you would not have to pay the liquor

tax that comes into the Pub, and know as Natives as being customers, you can raise that little..I think its, whatever three percent or something, it's very small. But if you were to test the

liquor tax on the incoming liquor that comes across, that get delivered, and you just pay whatever, an eighty buck charge in getting it delivered, its totally racist, the Federal liquor tax on it, it's like, it's like 57%. So if it were to have gone to a Referendum, I'm sure there were, I know four people right now, would have stood up and said why couldn't we of gotten that liquor license then. Its a major thing, they got, it got passed. It's the only pub in Kamloops that ever got passed without a Referendum.

Chief Manny Jules:

There...the discussion that, at Council, there were, there are going to be others, facilities like the Livestock or whatever its called, that will be opened on the reserve within the Shuswap Landing Development...Stockyards, er...I don't know what it's called...

Joseph Camille:

Okay...what I'm saying, is that, if you pass out a liquor license it only involves so many people here. Okay on the reserve, I think it's per capita, your allowed one liquor license or how, man hundreds of ...

Chief Manny Jules:

Bonnie, who left, is drafting a...Liquor Bylaw for us that will accommodate a lot of the concerns that you are raising. Part of the problem is, is gonna be that it is inevitable that there are going to be facilities that sell liquor on the reserve, there has to be regulatory methods to enforce.

Joseph Camille:

Well, okay...well, well.

Chief Manny Jules:

And if you...

Joseph Camille:

What...what I am saying is if you give out that license, with the lack of a Referendum, then, you give out a license that is, that is only one allowed in so many per capita membership. And, general consensus with BC Government is that you got to vote on it if you need it or want it in your community. Now if it's needed and wanted in the community, surely, a Band member would be more profitable, and the Kamloops Indian Band would be better off dealing with a private Band member.

Chief Manny Jules:

Within the...that is anticipated within the proposed Bylaw. That uh, we take over the regulatory aspects of liquor sales...

Tape #2-Side B concluded. Insert Tape #3, Side A.

Joseph Camille:

...the meetings we've had with say Wilder Ventures, and we say, beans with you, we'll go over there and we will take over our liquor license and they say, well, you gotta buy in, do this and do that. And still they're...they're conscious, is that if you come into our project and being because it is designated land, is that they dictate what goes in there and what comes out of it. This, Stockyard is out of that development, it is on leased land already, so in order to set precedence like that, this guy here is laughing his head off and, and it don't matter, like, but in order for a Band member to go in there and try and get that same liquor license, its already gone..because all of the per capita, quota that the Government has set aside for that.

Chief Manny Jules:

As I was saying, I think that with the passage of our own Bylaw, we're gonna be able to influence, within our own community, all of those issues.

Joseph Camille:

So if needed, that you will be able to withdraw that liquor license in favor of a Band member.

Chief Manny Jules:

No I don't think that we'd be able to withdraw, but we'd definitely be able to be in a position to issues other liquor licenses to Band members who wish to get into the business.



Joseph Camille:

That's right, so that what I'm getting at. So in order for you...

Chief Manny Jules:

Yeah, and that's...and that's...

Joseph Camille:

So in order for you, in order for you to, issue out a license, that cuts off a lot of other people even chances of getting it.

Chief Manny Jules:

Yeah, and that's one of the reasons we want to have a Bylaw in place.

Joseph Camille:

So before this Bylaw got in place, we already issued out these guys a liquor license to go ahead.

Chief Manny Jules:

Yes.

Joseph Camille:

So, in order for them to go ahead it will be harder to stop them now eh?

Chief Manny Jules:

They're already in operation. What the proposed Bylaw will do is accommodate other Band members who may wish to get into the business themselves. And we would be able to regulate them.

Joseph Camille:

Do you think there will be provisions in there in accordance with that, uh, per capita membership, as for how many pub licenses or how many liquor licenses you're allowed to have?

Chief Manny Jules:

Well, I think we will be able to deal with those kind of issues. There may be, you know, some problems but we'll try to work through them to ensure that if there are members that want to get into that particular line of business, that there be every opportunity to do that.

Joseph Camille:

All right.

Chief Manny Jules:

Are there any other questions? One, Dolly.

Darlene Yvonne Thomas:

Manny, um, before you do this...bylaw, right, don't you have to rescind or amend the original, that was first brought about when we did the xxx on the tax on the gas.

*(could not transcribe xxx, Chief Manny Jules and Darlene spoke simultaneously)*

Chief Manny Jules:

Yeah, no what...the resolution is addressing that...the Bylaw regarding liquor is going to be a separate Bylaw. what I'm suggesting is that we amend the Special Projects Bylaw through the resolution I am proposing.

Darlene Yvonne Thomas:

Okay.

Chief Manny Jules:

Okay.

Kandy Hogarth:

Hi Manny, my name is Kandy Hogarth. Um, this, like Charlotte Jensen before me, I would just want to quickly um, defend her comment that I really don't think that...um, our community should involve, I think, anything with liquor, in our community. I mean, you say this as a business and economically, do you really think we need to go that direction. Do you think its really necessary? And again, I mean, with the money that's made from this venture, I mean, taxes...um, just on the humorous side..I mean realistic side too, I mean to do with our culture and our people and how history has shown that we really, bottom line, do not react well with this in our culture and that with some of these profits going towards, perhaps a treatment center beside it. Anyways, that's my comment, and I just want to, um, um, add that...I, I, disagree with the motion. Thank you. I mean I do agree with sure, lot..lottery monies, stuff like that, I think that's great, but um, anything to do with the liquor part, I disagree with it. Thank you.

Chief Manny Jules:

Thank you. It's a tough issue, you know, it's, we all know the.. the problems that alcohol has created within the community over many generations, but it's also, you know...true that people are going to be, you know...it up to the individual to make their own decisions. What, what we've got to do as a community, is to be able to try and get the resources to be able to deal with those issues our selves, and we're making efforts to do that through our own health approach etc. If we don't deal with it, there are going to be others in the community that, you know, in the developments that are gonna be doing, the same. Charlotte.

Charlotte Ann Jensen:

Yeah, I assume there was a BCR passed on this?

Chief Manny Jules:

Yes, there was.

Charlotte Ann Jensen:

Is that true? Can you tell me when that was, so I can, I'd like to be able to research this a little better for myself?

Chief Manny Jules:

Okay, we get...we'll send that to you. Is there any other discussion on the resolution? I see none.

Is there question called.

QUESTION HAS BEEN CALLED

ALL THOSE IN FAVOR OF THE MOTION. (Unanimous show of hands).

OPPOSED.

**MOTION #1 HAS BEEN CARRIED.**

(Applause).

Chief Manny Jules:

~~So, so, with the next, with the land acquisitions, I don't know, Marge or Rick, or T.J., uh, who wants to go first? Okay, could you speak, yeah. Thank you for your patience Marge.~~

Margorie Asel:

~~Yes, I want to ask if you have set up any guidelines since we had the meeting about me repurchasing the land?~~

Chief Manny Jules:

~~The, the only guidelines, is, that have been discussed is that, uh, this cannot effect another...because there were fears that this would open the doors to effect those that have already been issued a Certificate of Possession, that have acquired land from those that may have loss..like in your particular situation,, uh, what we've said is that, we will not expropriation to get those lands back from an individual. That we're also proposing that we develop a system that, as I mentioned, that would possibly give a first right of refusal to an individual in your case. And the other possibility is, is opening up other areas of land within the Reserve where all other efforts to purchase property back have failed. Those are the kinds~~

Chief Manny Jules:

Okay, is there somebody's hat that we could use? Calf Eye's? Heather could you just come up and everybody will...on the ballot, it's gonna be, you're either gonna write Rick, T.J. or Ginseng. Ginseng is G-I-N-S-E-N-G. We'll count them up. Everybody just put in one ballot. Everyone is required to come up and put in their own ballot, nobody else comes in and puts theirs in.

Timothy Point Jules (Calf Eye):

I thought there was a land freeze myself, I thought it was still froze out there.

Chief Manny Jules:

Is there any body else, just wait Heather there are some more, some more coming up...Is there anybody else. Any others?...One more. These are the results of the tally. General Band Farm, four votes, or Ginseng I should say, four votes. Rick, eight; and T.J. thirty-two.

Band Farm Vote Tally:

Ginseng Farm	= 4
Ricky	= 8
T.J. Camille	= 32

Chief Manny Jules:

Okay, Rick wants to say a couple of words.

Ricky Lewis Leonard:

I guess that was for the upper bench on the field of the Farm. No, not Band Farm, field, ranching, haying, its in the words, it's in the minutes, the motion...the motion was in place, 1992. No, the motion of the haying, he was requesting, was in place. You read it out tonight, I have a motion on it from 1992, it is in place. Manny, you directed as a Chair, right from day one (muffled voices).

Chief Manny Jules:

I think that there is...just wait, let...me say a couple of words here, there has been some discussion about quorum. As I mentioned earlier, quorum is fifty band members. And that happened at about eight o'clock this evening. There's nothing in the minutes or regulations that say, that once, it goes lower or fluctuates, that we don't have a quorum. If that's an issue with Band members then we are going to have to discuss it specifically. As far as the vote this evening, it was very clear from the other General Band Meetings that there would be resolutions to the situation involving Marjorie and including the Band Farm. So that concludes this evenings General Band Meeting. And I would like to thank you all for your attendance. Can I get someone to say the closing prayer. Evelyn can you say the closing prayer for us.

**Closing Prayer:**

Evelyn Camille

Meeting Adjourned at 12:30 am.

# SALES TAX COLLECTION AGREEMENT

**BETWEEN:**

**The Government of Canada,  
as represented by the  
Minister of Finance ("Canada")**

**and**

**The Kamloops Indian Band,  
as represented by the  
Council of the Kamloops Indian Band ("the Band")**

**Whereas:**

The Band wishes to levy a tax on the sale of tobacco products, motive fuels and alcohol sold on the reserve, called the Kamloops Indian Band Sales Tax, in accordance with the authority granted to the council in section 59 of *the Budget Implementation Act 1998*, S.C., 1998, c. 21;

The Band desires that, subject to the terms and conditions set out in this agreement, Canada shall collect, administer and enforce the tax on behalf of the Band; and

Section 7 of the *Federal-Provincial Fiscal Arrangements Act*, R.S., c. F-8 authorizes the Minister of Finance, with the approval of the Governor in Council, to enter into an agreement for the collection and administration of the Kamloops Indian Band Sales Tax;

**NOW THEREFORE,**

In consideration of the terms, exchange of promises, covenants and conditions contained in this agreement, the parties to this agreement agree as follows:

**Interpretation**

1. For the purposes of this agreement:

«Act» means the *Budget Implementation Act, 1998*, S.C., 1998, c. 21;

«Auditor General of Canada» means the Auditor General of Canada and includes, where circumstances require, the Deputy Auditor General or any officer or class of officer authorized by the Auditor General of Canada;

«by-law» means a by-law made by the Kamloops Indian Band Council under the authority of section 59 of the Act;

«consumer» has the meaning assigned by section 123 of the *Excise Tax Act*;

«designated products» means alcoholic beverages, fuel and tobacco products;

«Gross KIBST Revenues» means the aggregate of all KIBST reported as collected or collectible on the schedules received by the Minister prior to March 1<sup>st</sup> which relate to reporting periods ending between January 1<sup>st</sup> and December 31<sup>st</sup> of the previous year and from earlier reporting periods that had not been taken into account in determining Gross KIBST Revenues for prior years;

«interim payments» means payments made to the Band during the year based on an estimate of Net KIBST Revenues for that year;

«Minister» means the Minister of National Revenue and includes, where circumstances require, the Deputy Minister of National Revenue or any officer or class of officers authorized by the Minister of National Revenue;

«Minister of Finance» means the Minister of Finance and includes, where circumstances require, the Deputy Minister of Finance or any officer or class of officers authorized by the Minister of Finance;

«month» means, unless the context otherwise requires, a calendar month;

«Pre-Adjusted KIBST Revenues» for a year means Gross KIBST Revenues for that year multiplied by the weighted final sales factor for the year to which the Gross KIBST Revenues relate (and in the event that the Gross KIBST Revenues include amounts relating to reporting periods ending in prior years, these amounts should be multiplied, where possible, by the weighted final sales factor applicable for the year in which the relevant reporting period ended);

«reconciliation period» means the calendar year prior to the year in which the reconciliation is performed;

«registrant» has the meaning assigned by section 123 of the *Excise Tax Act*;

«schedule» means the Kamloops Indian Band Sales Tax (FNT) Schedule to a GST/HST return;

«KIBST» means the Kamloops Indian Band Sales Tax levied pursuant to a by-law;

«weighted final sales factor» means, in respect of a year, the proportion that collected or collectible KIBST on sales to consumers from a location on reserve is of the aggregate of all KIBST reported as collected or collectible on schedules;

«year» means, unless the context otherwise requires, a calendar year during the term of this agreement.

2. Any term not defined in section 1 has the meaning assigned to it in the Act.

#### **First Nation Covenants**

3. During the term of this Agreement, the Band shall enact and keep in force a by-law which:
  - (a) conforms to the requirements of section 59 of the Act; and
  - (b) is consistent with subsection 60(2) of the Act with respect to the application of Part IX of the *Excise Tax Act* and proceedings that could be taken under any other Act of Parliament in respect of the tax imposed under subsection 165(1) of the *Excise Tax Act*.

#### **Covenants by Canada**

4. Canada agrees to collect for and on behalf of the Band, the KIBST for the term of this agreement and to remit amounts in respect thereof to the Band in accordance with this agreement.
5. Canada agrees that, in accordance with section 61 of the Act, no tax under subsection 165(1) of the *Excise Tax Act* will be levied on the sale of designated products on reserve that are subject to the KIBST while this agreement is in effect.

#### **Costs of Administration**

6. Any costs, charges or expenses, including amounts required to be paid in respect of prosecutions or other legal proceedings, incurred by Canada in the collection, enforcement and administration of the KIBST for any year during the term of the agreement will be paid by Canada.
7. Unless otherwise agreed to by the parties, the Band will pay its own costs, charges and expenses, should it become party to litigation, either voluntarily or because a party other than Canada requires it, relating to the validity of the Act, a by-law or the KIBST.

### Payments to the Band

8. It is agreed by the parties that the interim payments will be an estimate of Net KIBST Revenues for that year divided into twelve instalments. This estimate will be based on the best data available and acceptable to the parties and may, where appropriate, take into account any factor (e.g., growth of tax revenues over the estimate period) agreed to by the parties. Canada and the Band may agree, at any time, to change the amount of interim payments to more accurately reflect Net KIBST Revenues should new or better data indicate that the estimate on which interim payments are based is significantly inaccurate.
9. Canada will calculate the estimate of Net KIBST Revenues, on which interim payments will be based, in consultation with the Band. The estimate for the first sixteen month period will be agreed to by the parties prior to the implementation of the KIBST. The estimate for subsequent periods will take place within sixty days of the receipt, by the Band, of the Auditor General's report referred to in article 41.
10. Interim payments will be paid to the Band on a monthly basis. The first interim payment will be made on or before the last working day in the month after the coming into force of the KIBST and subsequent payments will be made on or before the last working day of each month thereafter until the agreement is terminated.

### Annual Determination of KIBST Revenues

11. An annual estimate of Gross KIBST will be made for each product or group of products subject to KIBST.
12. In recognition of the fact that only KIBST collected or collectible on sales made to final consumers from a location on reserve should be taken into account when determining KIBST revenues, an annual estimate of Pre-Adjusted KIBST Revenues will be made.
13. Pre-Adjusted KIBST revenues for a year will be determined as follows:

$$\text{KIBST}_t = \text{GKIBP}_t * \text{WFSF}_t$$

where

KIBST represents total KIBST Revenues in period t;

GKIBP represents KIBST collected or collectible as per the schedule in

period t;

WFSF represents the weighted final sales factor, in period t, indicating the amount of GKIBP collected related to final sales, based upon estimates acceptable to the parties; and,

t represents a specific time period.

14. The weighted final sales factor which is equivalent to an estimate of the proportion of KIBST taxable sales which are made to final consumers excluding the proportion of sales made to businesses which are eligible to an input tax credit, will be determined in the following manner:

$$WFSF_t = \frac{((FSFA_t * AS_t) + (FSFTP_t * TPS_t) + (FSFG_t * GS_t) + (FSFD_t * DS_t) + (FSFP_t * PS_t))}{(AS_t + TPS_t + GS_t + DS_t + PS_t)}$$

where

FSFA represents the estimated final sales factor, in period t, established by the parties for alcoholic beverages subject to the KIBST;

AS represents the estimated sales of alcoholic beverages in dollars, in period t, sold on the reserve and subject to the KIBST;

FSFTP represents the estimated final sales factor, in period t, established by the parties for tobacco products subject to the KIBST;

TPS represents the estimated sales of tobacco products in dollars, in period t, sold on the reserve and subject to the KIBST;

FSFG represents the estimated final sales factor, in period t, established by the parties for gasoline subject to the KIBST;

GS represents the estimated sales of gasoline in dollars, in period t, sold on the reserve and subject to the KIBST;

FSFD represents the estimated final sales factor, in period t, established by the parties for diesel fuel subject to the KIBST;

DS represents the estimated sales of diesel fuel in dollars, in period t, sold on the reserve and subject to the KIBST;

FSFP represents the estimated final sales factor, in period t, established by the parties for propane subject to the KIBST;



PS

represents the estimated sales of propane in dollars, in period t, sold on the reserve and subject to the KIBST;

15. A survey of final vs. business sales of products subject to KIBST on-reserve will be carried out pursuant to article 16 and surveys may be carried out pursuant to article 17. Once a survey pursuant to articles 16 or 17 has been completed and the data analysed, the parties will meet and attempt to reach agreement on the following:
  - (a) a new weighted final sales factor;
  - (b) the date that the new weighted final sales factor will take effect; and
  - (c) in the event that the new weighted final sales factor takes effect on a date other than January 1<sup>st</sup>, a transitional weighted final sales factor representing an average of the old weighted final sales factor and the new weighted final sales factor, which will be applied in the year the amendment takes effect.
16. A survey of final vs. business sales of gasoline, diesel and propane will be conducted by Statistics Canada. This survey, to be conducted according to the specifications agreed to by the parties and Statistics Canada, is to be completed no later than December 31, 1999.
17. From time to time, the parties may agree to conduct or have conducted a survey of final vs. business sales of one or more products subject to KIBST.
18. The Band and Canada will each assume fifty (50) percent of the cost of surveys conducted pursuant to articles 16 or 17, the Band's share of the cost being calculated net of any federal transfer.
19. If either party becomes aware of any change in circumstances which could have an impact on the current final sales factor, it will provide notice to the other party. As soon as is possible after such notice is given, the parties will meet to discuss and attempt to reach agreement on the following:
  - (a) a new weighted final sales factor;
  - (b) the date that the new weighted final sales factor will take effect; and
  - (c) in the event that the new weighted final sales factor takes effect on a date other than January 1<sup>st</sup>, a transitional weighted final sales factor representing an average of the old weighted final sales factor and the new weighted final sales factor, which will be applied in the year the amendment takes effect.
20. Subject to article 21, the Pre-Adjusted KIBST Revenues will be adjusted to arrive at Net KIBST Revenues for the year:

- (a) KIBST amounts assessed or reassessed by the Minister during that year shall be added or deducted as the case requires; and
  - (b) KIBST amounts relating to the year in question, or to prior years, that have been successfully appealed or settled and repaid to a registrant or other person during the reconciliation period shall be deducted.
21. An adjustment will only be made if it relates to a change in a registrant's tax collected or collectible reported on a schedule. Where possible, such adjustment should be multiplied by the weighted final sales factor that applied for the year in which the relevant reporting period ended, or in a case where no schedule is filed, the weighted final sales factor that would have applied had the information been included in a schedule filed for the relevant reporting period.
22. The parties also agree to assume, for the purposes of determining annual Net KIBST Revenues, that the amount of GST on retail sales of designated products made on-reserve and delivered to a location off-reserve are equivalent to the amount of KIBST on retail sales of designated products made off-reserve and delivered to a location on-reserve. As a result, no adjustment, relating to this issue, is required for the purposes of determining Net KIBST Revenues. However, should either party become aware of a significant imbalance in the relationship between retail sales of designated products made on-reserve and delivered to a location off-reserve and retail sales of designated products made off-reserve and delivered to a location on-reserve, the parties agree to review this assumption with a view to ensuring that the calculation of Net KIBST Revenues is adjusted appropriately.

### **Reconciliation**

23. A reconciliation comparing the interim payments paid to the Band during the reconciliation period and Net KIBST Revenues for the reconciliation period will be made once a year. A copy of such reconciliation, together with any relevant information used in arriving at Net KIBST Revenues, except in cases where the provision of such information is prohibited by law, and the Auditor General's report, referred to in article 41, will be provided to the Band on or before May 31<sup>st</sup>.
24. The first reconciliation will be provided to the Band on or before May 31<sup>st</sup>, 2000.
25. If the reconciliation determines that Net KIBST Revenues for the reconciliation period exceeded interim payments made to the Band in the reconciliation period, so that an amount remains payable to the Band, such amount will be paid to the Band in the following manner, unless Canada and the Band agree otherwise:
- (a) in any case where the agreement is in effect, the amount will be paid to the Band in twelve equal monthly instalments beginning in the month after the Auditor General's report, referred to in article 41, is provided to the Band; or

- (b) in any case where the term of the agreement has ended, the amount will be paid to the Band within sixty days from the date that the Auditor General's report, referred to in article 41, is provided to the band.
- 26. If the reconciliation determines that the interim payments made to the Band in the reconciliation period exceeded Net KIBST Revenues for that reconciliation period, such overpayment will be recovered in the following manner, unless Canada and the Band agree otherwise:
  - (a) in any case where the agreement is in effect, the amount will be recovered as a set-off against future interim payments from Canada to the Band in twelve equal monthly instalments beginning in the month after the Auditor General's report, referred to in article 40, is provided to the Band; or
  - (b) in any case where the term of the agreement has ended, the amount will be paid to Canada by the Band within sixty days from the date that the Auditor General's report, referred to in article 40, is provided to the Band.
- 27. Where, at any time within four years after the report of the Auditor General, referred to in article 41, for a reconciliation period has been delivered to the Band, either Canada or the Band discovers information indicating that the weighted final sales factor for that reconciliation period was inaccurate, it will give notice to the other party. As soon as possible after such notice is given, the parties will discuss and attempt to reach agreement on what the weighted final sales factor should have been in the prior year or years.
- 28. Where an agreement on a new weighted final sales factor for a given reconciliation period is reached, Net KIBST Revenues for that period will be re-calculated by taking the Gross KIBST Revenue figure from that reconciliation period multiplying it by the new weighted final sales factor to arrive at a new Pre-Adjusted KIBST Revenue figure. This new Pre-Adjusted KIBST Revenue figure will then be adjusted by repeating the procedure outlined in article 20 for the relevant year.
- 29. If the re-calculation indicates an underpayment to the Band, such amount will be paid to the Band in the following manner, unless Canada and the Band agree otherwise:
  - (a) in any case where the agreement is in effect, the amount will be paid to the Band in twelve equal monthly instalments beginning in the month after the re-calculation has been completed; or
  - (b) in any case where the term of the agreement has ended, the amount will be paid to the Band within sixty days from the date that the recalculation has been completed.
- 30. If the re-calculation indicates an overpayment to the Band, such amount will be recovered from the Band in the following manner, unless Canada and the Band agree otherwise:

- (a) in any case where the agreement is in effect, the amount will be recovered as a set-off against future interim payments from Canada to the Band in twelve equal monthly instalments beginning in the month after the Band has received written notification of the results of the re-calculation; or
- (b) in any case where the term of the agreement has ended, the amount will be paid to Canada by the Band within sixty days from the date that the Band receives written notification of the results of the re-calculation.

### **Administration**

- 31. The Minister will administer the KIBST on behalf of the Band.
- 32. The Band agrees that, in addition to any other forms vendors may be required to file, vendors selling designated products from a location on reserve are required to file a separate schedule with the Minister.
- 33. In order to assist the Minister in matters relating to the collection, administration and enforcement of the KIBST, the Band agrees to provide such information or other assistance that is reasonably in its power to provide, when such assistance is requested by the Minister. In particular, the Band agrees to assist in the following manner:
  - (a) to provide information in its possession relating to any person liable to pay tax, or relating to any vendor under the KIBST;
  - (b) to provide information in its possession relating to transactions subject to the KIBST;
  - (c) to take whatever steps are in its power to grant access to the Minister for the purposes of the administration of the KIBST; and
  - (d) to take whatever steps are in its power to assist in the enforcement of the KIBST.
- 34. In order to facilitate the Minister's administration of the KIBST, the Band will accept as final and binding all interpretations, assessments, reassessments, decisions and other steps made or taken by the Minister under the KIBST in accordance with this agreement. Nothing in this article is intended to restrict the Band from using any remedy or procedure that may be available to it in its capacity as a registrant under the KIBST.
- 35. The Band agrees that Canada will retain interest and penalties collected by the Minister in respect of the KIBST.
- 36. Where, in the opinion of the Minister of Finance, the Minister or the Band, an amendment to the Act, a by-law, this agreement or the schedule would improve the effective administration, collection or enforcement of the KIBST, the Minister of

Finance and the Band agree to meet and discuss the issue. On reaching a potential solution Canada and the Band agree to take whatever steps are in their respective powers, subject to any necessary approvals, authorizations or legislative requirements, to effect the solution. However, it is understood that this provision in no way creates any obligation on Canada to consult or advise the Band of any amendments or contemplated amendments to the *Excise Tax Act*.

37. Notwithstanding that the term of this agreement has ended the Minister will continue to collect and assess and take steps to ensure the administration of the KIBST in respect of any period during which the agreement was in effect.
38. The Band agrees to ensure that the Minister will have the authority, after the term of the agreement has ended, to carry out the functions contemplated in article 37.
39. Actions, suits, prosecutions or other legal proceedings required to be brought or taken in the administration or enforcement of the KIBST will be brought or taken by Canada. At the request of the Minister, and subject to article 6:
  - (a) The Band will assist Canada with respect to the conduct of any such action, suit, or proceeding or any matter related thereto; and
  - (b) The Band will forward to the Minister any document that may be received by it relating to any assessment under the KIBST or relating to any action, suit or other legal proceeding brought or taken under the KIBST.

#### **Enforcement**

40. For greater certainty, for the purposes of section 89 of the *Indian Act*, the Band acknowledges that enforcement measures undertaken by the Minister with respect to the KIBST are undertaken at the instance of the Band.

#### **Inspection**

41. The Minister of Finance will annually provide to the Band a report, signed by the Auditor General of Canada, on the results of applying specified auditing procedures to the reconciliation described in article 23 and in a format agreed to between the Band, the Minister of Finance and the Auditor General of Canada.
42. The Auditor General's report will constitute the only auditing procedures conducted with respect to Canada's obligations under this agreement.

#### **Dispute Settlement**

43. In the event of a dispute between the Band and Canada arising out of the interpretation of this agreement, the parties agree to use the procedure set out in articles 44 to 47 prior to pursuing any other legal remedy.

44. Within thirty days of either party receiving written notice from the other of a dispute under this agreement, a meeting will be held between the parties to attempt in good faith to settle the dispute.
45. If, within sixty days after this meeting, the parties have failed to resolve the dispute, they agree to submit the dispute to mediation and to equally bear the costs of that mediation.
46. The parties will jointly select a mediator. If after thirty days the parties are unable to agree upon the choice of a mediator, the matter will be referred to a judge of the Supreme Court of British Columbia who will be asked to choose a mediator.
47. The parties agree to participate in good faith in the mediation process for a period of sixty days.
48. The parties may mutually determine time periods other than those referred to in articles 44 to 47.

#### **Amendment and Termination**

49. Subject to article 50, this agreement may only be amended by agreement, in writing, of both Canada and the Band, subject to any necessary approvals, authorizations or legislative requirements.
50. Changes to the amount of interim payments under article 8, the estimate for the first sixteen month period pursuant to article 9, changes to the weighted final sales factor under articles 15 or 19, and surveys under articles 16 and 17, are to be agreed upon and implemented by an exchange of letters between the Chief of the Kamloops Indian Band and the Assistant Deputy Minister, Tax Policy Branch, Department of Finance.
51. Any amending document will form part of this agreement and will be effective as of the date specified in such amending document.
52. The parties may mutually agree to terminate the agreement at any time on such terms as they may agree.
53. The Band may terminate, at its discretion, this agreement giving at least six months notice, in writing to the Minister of Finance, of the Band's desire to terminate this agreement together with a council by-law that repeals the by-law imposing the tax on the date specified in the notice.
54. Canada may terminate, at its discretion, this agreement by giving at least six months notice, in writing to the Band's council, of Canada's desire to terminate this agreement on the date specified in the notice.

55. Where Canada has given the Band notice in accordance with article 54, the Band will have thirty days from the day it receives the notice to notify Canada if it desires to negotiate a new taxation agreement with Canada. In this case, Canada agrees to make reasonable efforts to negotiate and attempt to reach an agreement, subject to any necessary approvals, authorizations or legislative requirements, on an alternative taxation arrangement with the Band.

#### **Effects of Termination**

56. The effects of termination will be as follows:

- (a) subject to article 37, the Minister's obligations to collect the KIBST on behalf of the Band will end after the termination date; and
- (b) after the termination date and subject to section 87 of the *Indian Act*, tax on designated products will be payable under subsection 165(1) of the *Excise Tax Act*.

#### **Term**

57. The term of this agreement, except as otherwise specified in this agreement, will commence when duly executed by both parties and will end on:

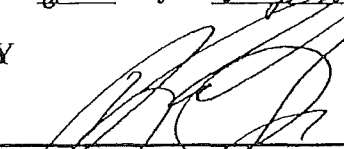
- (a) in the case of termination in accordance with article 52, the date agreed to by the parties;
- (b) in the case of termination by the Band in accordance with article 53, the date specified in the notice; and
- (c) in the case of termination by Canada in accordance with article 54, the date specified in the notice.

THE GOVERNMENT OF CANADA

AT Montreal, Quebec

This 6<sup>th</sup> day of August, 1998

BY

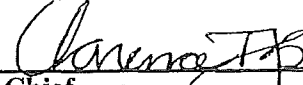
  
\_\_\_\_\_  
Minister of Finance for the Government  
of Canada


KAMLOOPS INDIAN BAND


AT Kamloops, BRITISH COLUMBIA


This 24 day of July, 1998

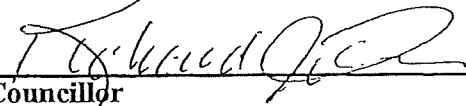
BY


  
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Chief

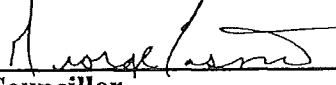
  
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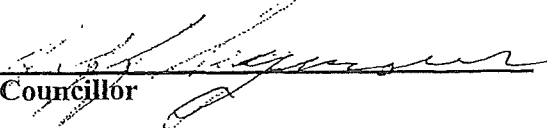
  
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# KAMLOOPS INDIAN BAND

## GENERAL BAND MEETING

### MINUTES

DATE

February 25<sup>th</sup> /2004.

TIME

@ 6:00 P.M.

PLACE

Ske'Lep School Gymnasium

CHIEF

Shane Gottfriedson      PRESENT

COUNCILLORS

Evelyn Camille                      PRESENT  
George Casimir                      PRESENT  
Gayle Gottfriedson                  PRESENT  
Richard Jules                      PRESENT  
Connie Leonard                      PRESENT  
Vicki Manuel                      PRESENT  
Harry Paul Jr.                      PRESENT  
Bill Paul                      PRESENT  
Fred Seymour                      PRESENT  
Jesse Seymour                      PRESENT

CHAIRPERSON

Chief Shane Gottfriedson

DIRECTOR OF OPERATIONS

*Position vacant*

Recording secretary

Darlean Paul

got up and spoke in our question and answer period. I hope we answered your questions to the best of our ability. And I thank each and every one of you for participating. The next item on the agenda is a taxation report, and former Chief Manny Jules and Councillor Richard Jules will make the presentation.

Feb 25 2004 GBM

◆ Taxation Report.

※ **Councillor Richard Jules** – Well back in 1992 there was a motion made by Jim Thomas and his mother, for the Kamloops Indian Band to occupy the tax field, the faux tax field. And as a result of that, a few years back in 1998, we started collecting taxes, the GST that is, on cigarettes, gas and alcohol. Well alcohol came later, at the Esso Gas Station. And since then we ... of course we're always looking for more monies, because we're a growing Band. And DIA and all other funding agencies seemed to be closing down, cutting off people. So in looking around at what can we do as a government. We were looking at that and we also looked at the GST. And of course we collect some GST, about \$800,000.00 a year. But we took a look at the Industrial Subdivision. And in the Industrial Subdivision there's between four (4) and five (5) million dollars a year that goes to the Federal Government. Now those monies should be coming here to our Band for our government to do the things we want in our land. Because that is our land that those GST dollars are coming from. And we also have a government that we have to look after. We also have to repatriate our reserve. I mean, we got started with the Harper Ranch, but Harper Ranch we owe 4.7 million dollars on it yet, and a twenty-four (24) year mortgage. Twenty four years is an awful long time to pay on land. And we can't build houses on land that we don't own, we have to pay them off first. And I know that there are a lot of people here who are landless. We also know that the Government will not be buying those lands and giving it to you. So we have to figure out some other way to do it amongst ourselves. And the only thing I can think of right now is to go back to the GST. And well ... I wanted to get the best man I knew in the GST, on reserve stuff ... and that's former Chief Manny Jules. And with that I'd like to ... he could do a presentation on taxes, because he knows a heck of a lot more about it than I do. But, like I say I'm here to try to resolve some of the money problems that we have today. And hopefully that at the end of the night or somewhere down the road, that we can start working towards being self-sufficient. And with that I'll turn I'd turn that over to Manny.

※ **Manny Jules (Former Chief)** – Thank you Richard. Can you people hear? Jules can you bring up the other mic? ... Thank you Jules. I know that the issue of taxation is controversial. I know that people have all kinds of different opinions about taxation and jurisdiction over this very important governmental power. And the reason I'm here is, I'm here at the request of Chief and Council to make this presentation. Regarding a Broad

Based First Nations Sales Tax for Kamloops. You all know that we've been involved in taxation going back many many years now. As a matter of fact to the 1960's. So we're no real stranger to the concept of taxation and the debates surrounding it. As a matter of fact this struggle and this debate has been carried on by practically every Chief and Council since the early 1960's. And it's resulted in an amendment to the Indian Act that allowed First Nations right across the country to begin to collect real property tax. I believe that it's generated probably in the range of at least ten (10) million dollars for this particular community. It's allowed Kamloops to be able to have the flexibility to contribute to facilities like this for employment opportunities and other opportunities that occupying an important jurisdictional field of means. The other thing that was apparent during the 1960's and 70's and 80's and the 90's and as we move into this new millennium. The fact that there are dwindling resources federally, that there's a lot of pressures from First Nations right across the country to have more transfers made to First Nations for a whole range of services. Whether it be in education, health, the settlement of land claims, a whole range of issues. And that's compounded by the fact that we have a very young dynamic population in First Nations right across the country. It's also compounded by the fact that we have a very rapidly growing population. As a matter of fact, within the next twenty (20) years, First Nations in the province of Saskatchewan will be practically the majority. So those kinds of realities mean that as we compete more and more for other First Nations and other Government for transfers to our community. That means that there's going to be less resources being made available. And the other thing is that ... you know, most importantly is this whole question of settling the Douglas Reserves truck cut offs. And that's the whole reason the Kamloops Indian Band first pursued taxation outside of real property tax. And the reason for that was very clear. When we went to the Federal Government asking for monies to help us pay for the court case that resulted from Mr. Bilton wanting to build at Schiedam Flats. They said, well your not eligible for funds until you reach the Supreme Court of Canada, and when you reach the Supreme Court of Canada, we'll give you twenty-five-thousand dollars (\$25,000.00). And that meant that we had to be able to generate revenue on our own to fight for the land question, while at the same time preserving the programs that you as Band members, and I as a Band member need regarding employment opportunities, education, and the light. There's way that we could have carried on with the status quo, unless we contributed ourselves. And so in the early 1990's there were successive resolutions passed by the general band membership at meetings just like this. Giving direction to Chief and Council to begin to (1.) collect ... I think that first one was \$2.00 a carton of cigarettes and I think about 2 cents a litre of gasoline. And that was followed ultimately by a resolution passed in 1992 to occupy the whole taxation room. Not just real property tax, but also looking at the whole gamut. And that was again to carry on the land struggle. Because when we went to the Federal and Provincial Governments, there was no way and there'll be no way in the future where there Federal and Provincial Governments are just

going to give us what we demand, which is our right to be able to live in this country. We have to be able to demonstrate for ourselves that we're prepared to stand up as we did in Scheidam Flats, as we did in the Harper Ranch purchase. To be able to demonstrate to everyone that we can do this on our own. And this is something that I believe that Kamloops has always done. Kamloops has always been in what I call the bleeding edge. Meaning that we're always among the first communities in this country to be able to deal with the challenging issues. Issues that are not easily dealt with but that we rise to the challenge as a community, and that means that there will be debate. And that's why this ... even in this is very important ... as this Council ... our elected Council, our government is beginning their new mandate. They're looking at all of the issues that they need to deal with over the next three years. One of them includes dealing with the lands that we purchased. How are we going to finish paying for that? How are ... you know, the debate earlier on this evening about the Elders wanting honorarium for attending meetings. All of these issues require additional resources where there isn't any. Where do we get that? Well we go cap in hand to the Federal Government. We ask the federal Government ... give us some resources for education, for health, for all of these services that everybody else takes for granted. Give us this ... based on what? From the Federal Governments perspective, they view us as simply a social policy issue. Because they have to deal with our poverty. They haven't come to grips with dealing with our rights, dealing with our title to the land and all of those issues that come with that. So ... what has been proposed in discussions with the Council members who are responsible is a Band member resolution on the Kamloops Indian Band Broad Based Sales Tax. And I'll read it out to you, and that will help facilitate discussion here this evening. And again, as I go through it I'll be able to give more background information.

**Whereas** the Kamloops Indian Band sales tax on tobacco, fuel and alcohol has been in existence since 1998.

**Whereas** revenues from the Kamloops Indian Band sales tax on the selected produces have been used to help purchase Harper Ranch and improve services to the Band members.

**Whereas** the Federal Government continues to collect millions of dollars in GST each from goods and services consumed on KIB lands.

**Whereas** the KIB members have instructed Chief and Council in the past to assert full tax jurisdiction over KIB lands.

**Whereas** greater tax revenues could be used to improve housing, education and health services to KIB and Secwepemc members.

**Whereas** greater tax revenues could be used to improve infrastructure and economic

opportunities for KIB and Secwepemc members.

**Whereas** greater tax revenues could be used to implement Secwepemc title and resolve the Douglas trutch cut offs, and

**Whereas** the KIB Sales Tax is not a tax on the real property of Band members.

**Be it therefore resolved that** the Band members of KIB and instruct Chief and Council to proceed with the negotiation and implementation of Broad Based KIB Sales Tax on all GST eligible products and services.

**Be it further resolved that** the Chief and Council present policies to the members within ten (10) months. To ensure that the Broad Based KIB Sales Tax is applied fairly and equitably to the KIB and Secwepemc members.

So I'll just back up and go through this important document. And we also have to be recognisant of the fact that Kamloops, this is the first and nor will we be the last community to occupy this very important jurisdiction. Right now Westbank has been involved in this from the Okanagan, Kelowna, Adams Lake. Adams Lake is presently considering expanding its GST include the very notion that we're going to be talking about this very evening. The Shuswap in Invermere, Osooyoos, Teactin, and Cowichan. And so the resolution basically says that we've been doing this since 1998. The Federal Government continues to collect millions of dollars a year off of our lands. Over the last three (3) years we've estimate that we probably lost in the range of sixteen (16) million dollars. And you can image what our community would be able to do with that kind of revenue. The other thing that we have to be able to do is ... I'll get into a couple of these areas ... and I know that I haven't really ... you know ... talked to a lot you over the last three (3) years, and maybe even a little bit longer. But in any event, I do have a number of things that I'm involved in, nationally and internationally. I sit a Board member on the Forum of Federations, that is an international board that promotes Federalism on an international basis. I do work in Mexico with the Indigenous tribes of Mexico. I'm working with the Mexican Government to have a protocol agreement between Mexico, Canada and the United States. That would ultimately include the country of Brazil. I will be working in Brazil as well. I will be meeting with the United States Government, talking about a whole range of issues. And the reasons that these things are important is because it's all linked. Because one of the most important issues that Canada is going to be facing is how First Nations fit in the Canadian Federation. And during the question and answer period we heard Allen Manuel talk about how he went to fight for what he called his country. And we all recognize that we are not only Kamloops Indian Band members, but we're also members of the Shuswap Nation. But we're also Canadian citizens. What we have to do is struggle to make sure that Canada recognizes our proper place in this Federation.

The other thing that I do is that I am on an advisory panel, or an advisory ... I guess It's a panel, for the Auditor General. And recently over the last two (2) weeks you've heard a lot of controversy as a result of the Auditor General's report regarding the so called "slush-fund" or the fund that was put aside to deal with the Quebec issue. And I have been involved in giving advice to the Auditor General over a number of things, and one of them is exactly what this resolution goes to the heart of. Housing is an example. Housing is an issue that over the last decade we haven't seen one increase of housing allocations nationally. Not one increase, not even a percentage over the last decade. In education, and one of the things we are going to start doing is working with the Council members that are responsible for housing here, as well the Shuswap Nation Tribal Council, is developing a marketable based approach within our communities. So that Band members will be able to have equity in their home. The other thing that we've given advice on to the Auditor General, and we delayed the report. Because we didn't want it to come at the same time as this last report. We knew that there would be a lot of controversy surrounding the tabling of the report, is the education component. The education component of how the Department of Indian Affairs and a number of the other Federal Departments allocated education is not equitable to a community like Kamloops, or to a lot of ... you know we think of ourselves as being a fairly large community, you know, being a thousand (1000) or a little bit over a thousand people. But in essence we're a very small community in the Canadian scheme of things. So education dollars are allocated on a per capita basis. So we miss out on the kind of education dollars that should be made available for our community. Because it's allocated on a per capita, not based on need. So operations like this we're going to have to subsidize until that situation corrects itself. Health Services is another area where we need to subsidize in essence the Federal Government for looking after us. And so that means that we have to be able to contribute to health. And I remember when we were negotiating the Health Transfer to the Tribal Council. We were something like \$100,000.00 shy of our objective. And again, health care and responsibilities are not in our hands. They're in the hands of the Federal and Provincial Government, and that ultimately has to change. But that isn't going to change on its own. We have to be actively participating in that change, and the only way we can do that is by contributing and making sure that we're there at the table. The other thing that this resolution talks about is ... the members of Kamloops Indian Band, as well as the Shuswap members, not only residing within our community. But if we're going to occupy the area of GST, this is ultimately going to have to apply not only on the reserve but goods and services purchased off reserve. As an example at Wal-Mart in Kamloops, or ... and any number of these facilities that we go and spend our money at. Because we have to be able to make sure we choose as a community to do this, to look at all of those issues. One of the other important areas is of course is the continued pursuit of Secwepemc Title, and the ultimately resolving the Douglas Reserve's trutch

cut-off. As you know, with the GST, we were able to go out and purchase some land. There are a number of other ranches that I know ... Lloyd Creek, urchards, deerinheart, Seven O's that are directly adjacent to our lands, that I know that they would be interested in selling of those lands to us. And right now, we're in a position to be able to take advantage of that even if we wanted to. So how again do we do that? Do we go cap in hand to the Federal Government and the Provincial Government, and have them repeat their story to us. That well, you have to submit a land claim. And under Bill C-6, that is just being discussed and debated by Parliament. You don't really fit the criteria because your land claim is too big. There's a cap on the expenditures ... seven (7) million dollars. So to settle our land claim, we're not going to be able to turn to an independent claim spotter to be able to have that settled. And again, this doesn't mean that when we, as we did in the purchase of Harper Ranch, mean that we let the Federal and Provincial Governments off the hook. It means that they're still liable for compensation to our community. But it means as of the Chinese Proverb goes, a bird in the hand is worth three in the bush. Meaning that if we have that ownership of the land, nobody else is going to be able to take it away from us, because possession is nine tenths of the law. The other thing that we've got to work on, and work with is the Shuswap Nation. Because in order to deal with the underlying land title. We have to be able to work with the other Shuswap communities. And ... as a matter of fact, working with the other Shuswap communities to implement a number of institutions that are going to have to be required to better and make our lives better. This is not a tax on any individual's certificate of possession. This is not going to be in place to cease individual's properties. This is to occupy the jurisdictional area. So that we can do good things as a community for ourselves. And I'm speaking here as a Band member. These guys here (*referring to Chief and Council*) are the Government. And the other thing is that ... the resolution talks about proceeding immediately with negotiations and implementation of the resolution. Not with the Department of Indian Affairs (DIA), but with the Department of Finance. So that we can get direct transfers from finance to our community. The last point is that within ten (10) months after carrying on with the negotiations, there will be a report back to the members. Because there are issues I believe that the Council wants to talk to you about rebates, and those kinds of issues. And they have to be done based on the negotiations with the Department of Finance. And so ... like, the resolution talks about what has happened in the past. It talks about how the resources would be used. It talks about the fact that this is going to have to be done on a very quick basis. And also that this comes back to the members. And because it's a resolution, it protects individuals and their real property. Because I know a lot of you are concerned in particular about that. But I don't as a band member, I don't ... I can't see us giving up on a potential of four (4) to five (5) million dollars on an annual basis. All of us here could think of probably a million things that we could do with an additional four to five million dollars every year. And that means that we

accept that we have to contribute to our betterment. I think that's one of the most important things about my learning. I spent a lot of my informative years listening to Elders that are now gone. And I remember hearing lots of stories from them about a time when our community didn't depend on anyone. That is there was a house or a root cellar to be built ... we built it. We didn't go to the Department of Indian Affairs and say, well, you come over here and do this for us. If there was an irrigation system ... we built it. If there was gardens that needed to be tended to ... who put in those gardens? It certainly wasn't the Department of Indian Affairs. As a matter of fact, they put in laws preventing us to be able to sell a lot of our market produce. I spent a little ... me and my dad drove to Vernon. He was ... we had one of his old hats that he bought quite a while ago, being fixed for Clarence Jr. junior. And he was talking about the time when the Agricultural Marketing Board imposed their will on us. That meant we couldn't have any canneries in Kamloops. Kamloops at one time had three (3) canneries for tomato. That doesn't happen anymore. So this resolution, and I'm moving it, is all about making sure ... that we don't depend on anyone, and that we don't need to be depend on anyone. And that we can do this as the little train said, "Yes we can, yes we can" as we're moving up to the hill. Because the struggles that are ahead of us as First Nations are not insurmountable. The ones that if we worked together as that little train did. We can over come any obstacle ... any obstacle in our path. And if there's a community across this country that can do that, that's this community, and that's this Council. And when you think about the responsibility that you've placed in your Council. You have to be able to prepare to let them govern. To let them be able to think as government. Not just as individuals up here thinking about what needs to be done, but as a government that needs to take care of all of us. So we need to give them the tools and have them be able to have that tool of jurisdiction at their disposal. And that means dealing with tough questions. That means having good debates so that we know that were moving forward. And this also means that we're going to have to ... as I mentioned earlier, Adams Lake is looking at doing this. We were involved just a couple of weeks ago, working with Adams Lake in their discussions with the Salmon Arm District Council. And we helped facilitate a local Service Agreement with Adams Lake and the Salmon Arm District Council over ... just like what Kamloops has. Service Agreement for sewage, water, etc. It means for them a Wal-Mart being developed in Salmon Arm, on an individual's property. It means that this community is going to be able to generate an excess of a million dollars a year for Salmon Arm. Skeetchestn's looking at this, because they just had to borrow, two (2) nights ago, at the request of the members, and it was adopted by the members a loan of three (3) million dollars to cover the shortfall of their construction of their school. As well as their new Administration Office. And so all of these issues mean that we're going to take the lead. I don't believe that we should be waiting with cap in hand for resources that are going to never be enough to look after us. That means that at the



same time having said that. That they cannot penalize ... those who cannot afford to make those kinds of contributions. And this resolution talks about that. How can we treat our members fairly, and equitably? So that there can be resources. So that when an Elder come to a meeting, this Council can say well, this is what you're going to get. If there's a youth program that Sandra comes forward with, and needs. We're going to be able to have the resources to be able to do that. If we have a struggle with the Federal and Provincial Governments over our lands, over our resources, we don't need to go and ask anyone to be able to stand up and defend our rights. Our Chief and Council will have those resources at its disposal. And so ... I obviously and whole heartedly support the Chief and Council's move to have this brought forward and hopefully pass. So that we can get on with reconstituting a number of other ranches that are neighbouring us. So that one day our land base won't be thirty-three thousand (33,000) or seventy-eight thousand (78,000) acres. We'll have two-hundred thousand (200,000), three-hundred thousand (300,000) acres. With that control over watersheds, influence over mining activities, influence over forestry practices ... all of those issues. There's no way we can there by being anybodies beggar in our lands. We have to be able to stand up on our own two feet. And that's what I see in this community. Thank you. [applause]

✳ **Chief Shane Gottfriedson** – We do have a motion on the floor. You moved that? Moved by Manny. Do we have a seconder? Hank Gott ... seconds. So if you can read the motion over again, and we'll open up for discussion.

✳ **Manny Jules (Former Chief)** – Band member resolution on the Broad Base Sales Tax.

**Whereas** the Kamloops Indian Band sales tax on tobacco, fuel and alcohol has been in existence since 1998.

**Whereas** revenues from the Kamloops Indian Band sales tax on the selected produces have been used to help purchase Harper Ranch and improve services to the Band members.

**Whereas** the Federal Government continues to collect millions of dollars in GST each from goods and services consumed on KIB lands.

**Whereas** the KIB members have instructed Chief and Council in the past to assert full tax jurisdiction over KIB lands.

**Whereas** greater tax revenues could be used to improve housing, education and health services to KIB and Secwepemc members.

**Whereas** greater tax revenues could be used to improve infrastructure and economic opportunities for KIB and Secwepemc members.

**Whereas** greater tax revenues could be used to implement Secwepemc title and resolve the Douglas trutch cut offs, and

**Whereas** the KIB Sales Tax is not a tax on the real property of Band members.

**Be it therefore resolved that** the Band members of KIB and instruct Chief and Council to proceed with the negotiation and implementation of Broad Based KIB Sales Tax on all GST eligible products and services.

**Be it further resolved that** the Chief and Council present policies to the members within ten (10) months. To ensure that the Broad Based KIB Sales Tax is applied fairly and equitably to the KIB and Secwepemc members.

✳ **Chief Shane Gottfriedson** – Alice? ... I guess what I want to remind, while I got a minute here. Under our debate, under our rules governing General Band Meetings. I want to remind membership that under 11.3, that each Band member or other person entitled to speak at the Band meeting, pursuant to **section 7.3**, this bylaw may speak twice to the motion or the matter than being considered by the Band meeting, and no speech shall be longer than ten (10) minutes. I think in the past, Bonnie was a lot more freer than me as the Chairman, in having some leniency towards our membership. I think tonight is a prime example. We're already halfway through our agenda. And in the past we never ... our turn out wasn't as good as it is tonight. And I know this is an important issue. So I'd like to recommend that you make the most out of your time at the mic. And ... I know we have other items on the agenda that ... you know, that are of great importance to us. And ... just to let you know too. Under 7 .... anyway, carry on Alice.

✳ **Alice McCaleb** – Alice McCaleb 523. I just wanted to state that first of all, I would like this motion tabled. Simply because this is the first time any of us has seen it. And I don't think, and when we get down to taxation and taking on that jurisdiction, imposing taxes on us. I think in true fairness, other Band members have a right to actually take a vote in this. And the days of General Band Meetings, when a handful of people actually riffle through things like this, should be finished. I think it's only ... I asked Richard, on more than one occasion, for the administration agreement, or the information agreement on this collection of the GST. To this day ... he told me the last I spoke to him, the forth time I asked for it. He was still looking for it, and as soon as he finds it for sure, he'd give me a call. Now, I'm just going to state that when I go to buy my vehicle and I find out that I have no GST exemption. Is this Band going to give me a rebate of that kind of money? And I think that the Chief and Council in true fairness to its membership. What

you guys need to do. I think you need to take a look at the people in this community. And I think you should actually take a study to find out the percentage of our people ... where they sit income-wise. Are they above the poverty level, or are they below the poverty level? How many people do we have in our community that are on a fixed income such as pensioners and like? See for some people it doesn't sound like a lot of money. But I said to a lot of people, I think there should be workshops to educate Indian people on exactly when they start giving up their tax exemption rights ... what the costs are. Now I'm sure when we ... that when the day does come, that property tax can be assessed. Then you certainly can have more millions of dollars, and you certainly can find means and ways to spend that millions of dollars. But I think there is a matter of consent. And I think it's a matter of informed consent. Not just asking a few people here to actually pass something like this, and to text **section 87** of the Indian Act, to implement it. I think all Indian people have to understand that their tax exemption rights are absolutely priceless. And there other than government people, but one of the few people left on the planet that are tax exempt. Why do you think everybody across the river wants to be an Indian? That's all they speak about. And I think the people have a right to be treated properly and fairly. I think people have a right to be educated. This motion shouldn't pass ... before people fully understand the cost. And I think when we get into language such as Manny's speaking. Taking full powers of all the taxation arena. We may start with the GST. But we all know ... that it's certainly is going to move, and has been moving in a direction, that is going to take care of all the tax bases. So when we start moving in this direction. I think everybody should understand. And I also feel that ... when it comes to asking us to give up our tax exemption rights. It should be first of all by workshops to educate the people, and there should be guidelines set down for those. And then I think in true fairness to all the other Band members, it should be by way of referendum. Because actually I am not prepared to give up my tax exemption rights ... not at all. I thought we were going to discuss it. I had no idea that there was going to be a motion. So I would like to have this tabled, and I would like to the Chief and Council to look at the recommendations for workshops, to inform the people, to educate them, and this matter should be brought to a referendum ... of a majority of the Band members on the voting list. And those are my recommendations. [applause].

✳ **Dave Manuel** – Good evening everyone, my name is Dave Manuel. I'm a little bit, I take the other stand. First of all I am very honoured that Manny has taken the time to come back into our community as a leader to help us, and work on this taxation stuff. I think it's really good to see you again at the table and helping our leadership. Thank you Manny for doing that. I'd like to ... [applause] thank you. I take the opposite stand of Alice. I think it's a time when you have a great opportunity as a community to be able to once again be leaders in this country. To be able to provide for our own membership, take the opportunity to capitalize on the money that will come into our community.

When I think about four (4) or five (5) million dollars. I think that's a lot of money, and I think that it'll really help us. We could start building houses and ... you know, expand on this school. And also look after our Elders and Health Care. Manny made some really good points there. I thought of it for a long time. You know, I remember when Manny was in leadership and people were talking about taxes before. One of the things I thought about was actually using my status card as a ... like a ... debit card almost. Every time I'd buy something in town. I'd like to be able to somehow get that money that I do pay taxes in town, to come back into my own community. I find sometimes it's very frustrating as a Band member. I work over in town. I make good money, but I pay taxes and all that money goes to Ottawa. I don't see any of the money in my own community, and I don't like that. This lady was, we have a little bit of a say in some of the money coming back into the community. We have an opportunity to improve this community. And if we work together and support the Council here, I think it'll be a wonderful time for us, and especially for the youth. I also like to just like to mention how ... uh, you know, it's kind of hard to talk right now, but because I just think of about ... you know I was kind of surprised to hear that my late mom was one of the people that supported it right away. I know her and me talked a few times about different things and I never realized that she was supporting it ... so. I'm pretty happy to hear that she did that. The only thing I'd like to really make sure is that people are really aware. You know, if we have an opportunity to vote on it tonight ... you know, let's do it. Let's ... you know, let's be able to make a good decision for our future generation. Thank you Manny again for being here for us, again, thank you. [applause]

✳ **Sandra Seymour** – I want to reitify and ... everything that Dave has said, I totally agree with that. I would like to propose a small amendment to this. And where it, whereas greater tax revenues could be used to improve housing, education. I'd like to insert Social Programs along with Health Services. And I believe to move on this, and we need to move real fast. “Carpe Diem”, cease the day.

✳ **Wiley “Coyote” Gottfriedson** – Hello. Having heard both Manny and Alice speak. You know, I'm pretty ignorant on this issue. I'd love to be informed before we move forward with this. I'd really like to see the workshops take place. Because I don't know anything about this taxation stuff, or whatever. And ... you know, as a people, how could we move forward with something we don't even know anything about? I'd prefer the workshops before I make a vote.

✳ **Christina Casimir** – Hi, you all know I'm Christina Casimir, and I'm in support of this resolution. I was planning on seconding it. However, the very important fact to me in supporting this GST, and in supporting this type of taxation, is the fact it would benefit all of the community. It won't just benefit one family, or the other side, or the one across

the tracks or whatever. It'll benefit all of us in all aspects presently, with us, with the younger generation and the generations to come. And the other aspect that we're looking at is the fact that people who work off the reserve, and they want their money not to go to the Government. They want it to go to ... back to our community, which isn't a new idea. It's an idea that a lot of other reserves have dealt with for over fifty (50), sixty (60) years. And as far as the GST goes. This has been around in our community. And we have been independent, because of the fact that we could tax the Industrial Park. We could tax the gas and the cigarettes. And I want you to know that no where in here does it say that we're taxing ourselves. Yes; the luxuries that people benefit from are being taxed just the same as anywhere in America, or even in China. The luxuries are taxed. Now to have things benefiting our communities for the Elders. Of course I talked about that previously. We are all going to grow old. And we would like to have people think of us, and look after us too in our old age. And the young people to have them not ... go down and live in Vancouver on the skid rows or lose their dreams because there isn't any money here for our Band members. To go to get to the triple "A" level in baseball, hockey, rugby, volleyball, swimming, ballet. We got to think seriously. That it'd have to benefit everybody in the community. And that's how I see the GST, benefiting all of us. Kukwstsemc.

\* **John Leonard** – Hi, John Leonard, Elder 124. I want to talk about the very very seriousness of what is happening here tonight. Because once we enter into this whole new era of taxation. We can't just walk away from it. I really appreciated the young fella that was standing here. And I can understand his anxiety. When you really don't understand something and it's too complex. And I'll bet you the majority of our members do not understand, you know, this caps thing. And I agree that in principal, it's a great idea. We could end up with "x" member of millions of dollars. Of course this would assist you know, our medicare, housing, education, whatever. And of course I'm 100% for that. But it's how this thing is implicated. It can cause us, if we don't know what we're doing. And I appreciate Manny. He's up there and he's had a lot of experience. But there's a lot more to it than that. We members of the Kamloops Indian Band must feel safe. If you don't feel safe within your own environment as far as taxes, finances, or Council, or Chief. We have to develop a system where we can feel safe with this taxation. And I want to ask the Council and the Chief, how can they assure us members that were not going to get cheated. That they can put into some type of documentation system where they can show us where we as member are protected. And it's true what Alice says. You buy a brand new vehicle, you can get ten-thousand (\$10,000) dollars, twelve-thousand (\$12,000) ... depends, eh. Does that mean Manny, that if this thing is implemented, that won't happen? Is that what you're saying? Can you answer that?

\* **Manny Jules (Former Chief)** – Do you want me to ... there are a number of

questions that have been raised. I was going to ... I didn't know, you know, if I should respond and when I should respond.

✳ **Chief Shane Gottfriedson** – Actually, under the rules governing the motion. It's ... the conclusion of the debate and before the vote is taken. The mover of the motion under consideration has the right to rebuttal. So I think what you have a time line. Manny's probably taking notes on some of the questions. So he'll rebuttal at the end, just to keep things moving.

✳ **John Leonard** – Okay, what I really want to know is. What protection do we member of the Kamloops Indian Band have against this whole new tax system? Do we have any recourse?

✳ **Manny Jules (Former Chief)** – Okay, you've got two (2) ... well three (3) very important sections here. One is the KIB Sales Tax is not a tax on real property. And when you talk about real property, that means that somebody who ... if somebody has a certificate of possession or owns. You know, has an interest in land, whether it be on the subdivision or elsewhere. That is not going to be subject to this tax. And then it also instructs the Council to begin to negotiate with the Department of Finance. And it talks about the Broad Base approach, looking at the GST and all of what that means. As an example, if you're buying a pair of shoes downtown or up at Aberdeen Mall. Does that pair of shoes mean that it's going to be consumed on reserve. Of course we want it to say that it is. With regard to a vehicle, it would apply. But, the Caveat or what is important also is, the last further be it resolved. Be it further resolved that the Chief and Council present policies to the members, and that's the Band members, within ten (10) months to ensure that the Broad Base KIB Sales Tax is applied fairly and equitably to the Kamloops Indian Band and Secwepemc members. So that means that all of the policies surrounding rebates, and this Council has talked about rebates to the Band members. Because one of the criteria to occupy the whole GST room, is you have to occupy all of the room. Administratively what the Chief and Council then has the power to do is to be able to determine rebate structures and other structures. That will be tabled to the members for your consideration. So that on one hand you're telling the Chief and Council to get on with the negotiations with the Department of Finance. On the other hand you're saying this has ... those policies have to come back to the members. So there are two (2) separate issues here. One is clearly giving direction to the Chief and Council to pursue the jurisdiction. The second is how that jurisdiction will be applied. And ... you know, I don't forget ... and none of you here should forget that I'm a Band member here too. And the reason, and I could be doing a hundred of other things, and ... but I was asked to come back and provide some advice in this area. And I'm prepared to do that. But ... this, I'm not, you know, I'm like you guys. I'm a Band member who wants better services. I want to

see more development on Peewee's place, so that we can collect more GST over there. I want to see greater and greater development on the reserve. I want to be able to see Ricky Leonard one time, be the entrepreneur that he is. So that we don't need to depend on Government. That's what this resolution is about. It's not about dependence. And so when you look at **section 87, section 89** of the Indian Act. That doesn't talk about our rights. That's something that the Federal Government has said, I'll give to you on the bases of this legislation. Legislation that they could introduce and amend in the house of Parliament without your consent. What this means is that you occupy the jurisdiction and exclude all others. And if you don't do it, somebody else is going to do it. Right now the Federal Government can tax you any which way they want. And David brought up a good point. How many of our people are paying tax? We all are. Every time we gas up at the Esso stations, I pay an excise tax. That goes to the Federal Government. If we go into town and a lot of people say, well that isn't going to be delivered to the reserve. You pay the 7% GST and the PST. If you're visiting skidrow in Vancouver, and you're going to the smiling Buddha. You're going to be paying GST and PST. What this means is that you're government, our government can provide for us. And the only way that it can do that is by having the jurisdiction. And once you have the jurisdiction, you administratively decide how it's going to be applied. And that administration, ladies and gentlemen and Band members, comes back to this room for your direction, to our Chief and Council.

✳ **John Leonard** – Okay, I'm not disputing any of that Manny. I want to know ...

✳ **Chief Shane Gottfriedson** – Excuse me, excuse me John. You got one final comment, and then I'm going to have to take the mic away from you.

✳ **John Leonard** – Okay. Can the Band, the Councillor and Chief, before we pass the resolution. Can you give us a formula so us ordinary people can understand this whole system and feel safe and secure. Kukwstsemc.

✳ **Manny Jules (Former Chief)** - The formula ... right now is that, it'd be very similar to the gasoline, tobacco and alcohol sales on reserve. I think we pay less than 5% of the total tax room. So 95% of the monies, and we collect anywhere from eight-hundred-thousand dollars (\$800,000) to a million dollars a year. So that means you're paying out a very small percentage for a huge return on your investment. So in this particular taste, we're going to be paying out "x" amount of money, which will be less than 5%, which again administratively comes back to the members to determine how a rebate system would happen. And we get the benefit of having every other purchase, whether it be a tractor or a car has been raised as an example. That revenue comes to us, come to our community. So that we can figure out, and these guys who are our government can figure out on our behalf, how those expenditures can be made. It's no ... it's pretty simple as far

as I'm concerned. The governments collect tens of millions of dollars. We occupy the jurisdiction, we collect those tens of millions of dollars. Over the last three (3) years we've lost sixteen million (\$16,000,000.00). If we don't do this tonight, and the reason that it's important is that these guys have got lots of pressures already, and you've just raised the tip of the iceberg, in terms of what kind of services you want delivered.

✧ **Chief Shane Gottfriedson** – Clarence?

✧ **Clarence Jules Sr.** – I would like to say this. ... You know, it came up in 1992. This is the year 2004. That's twelve (12) years ago that this was discussed. I don't think we should wait anymore. I know Alice brought this up that we should have a referendum. Anybody that wanted to come to the meeting could be here. And I think there's a quorum here representing the Band. The Full Council is here, and I think we should go on with the meeting, as described.

✧ **Violet Gottfriedson** – I just want to ask if I was to go down to leading edge and buy a new snowmobile. Would I be taxed on that? Is that ... this is the drift I'm getting.

✧ **Manny Jules (Former Chief)** – To be as clear as possible. The last part of the resolution says, be it further resolved that the Chief and Council present policies to the members within ten (10) months. So that probably March, April, May, June, July, August, September, October, November, December, by Christmas ... and remember, when you're starting to negotiating with government, it doesn't all happen over night. We have to look at a whole bunch of little things, like I used the example of the shoes. There are a whole bunch of other examples like that, that we have to look at. All of those issues are going to be ... the first item is to move forward with it. The second item is how we administratively deal with it, and those issues are going to be placed before the members. What this Council is saying, is that there will be a rebate system. It's just how do you make that administratively work? And so when you go and buy your snowmobile ... it's going to be based on the principals that you as a Band member discuss and debate right here, ten (10) months from now. So all of these ... a lot of these questions are going to have to be settled, you know, like, ten months from now. What is sought in the resolution is to go after the jurisdiction, and then figure out how to do it. And without question it's going to have to be a rebate system. When you ...

✧ **Violet Gottfriedson** – Okay. And I also worked for the School District 73 for thirty (30) years, and I paid taxes every year. And I looked at it this way. It helped my people that were on Social Assistance in town. It helped people that were in the hospital. So I don't think my tax dollars went to waste. And it's the same with buying a car ... you know. You help the services out there. Thank you.



✳ **Denny Thomas** – Hello. I have just a couple of questions. Okay, I brought this up ... like ... I bring this up every Band meeting. Because it's never directly answered. We get so much dollars from Mount Paul Industrial Park. We get so many dollars that's not talked about yet, from Sun Rivers. And we're still struggling on how to spend that money. And this isn't including the money that we get, the handout from the government. And if we can't control the dollars that are coming in. how are we going to be able to facilitate the money that you're talking about with this taxation?

✳ **Chief Shane Gottfriedson** – I guess, I mean, that's a direct question, not towards Manny, but to ourselves as a Chief and Council. When we talk about the dollars that come in from Mount Paul, and the dollars that come in from Sun Rivers. When we talk about not being able to control them. I think we control them very well. We have probably a hundred and twenty (120) staff that work for us. Probably seventy (70) of those people are Band members. We proved a level of service to the Band through different departments. And ... it doesn't matter on what we talk about controlling stuff. I think we have a Band member a Band member who is our Director of Finance. When we talk about controlling our budgets. I mean, I feel very comfortable that Howard (Campbell) can administer our finances. So we can look at, you know, future developments. So we can pay off our ranch, and so we can operate without a deficit. I think now we operate without a deficit. And when we talk about controlling our affairs, I mean, Howard can give an overview on our financial position, and how our controls and our balances are in place. We have department heads that are all here tonight, that can account for the different departments, and the needs in the departments. I think there's a very good control system in place. And it's just the need of our community that's growing. You know, we started ... in the last year, few years, when we talk about growing, a growing community. You know we have ten (10) Council members now. That's because our community is growing. We have needs. And we're always going to grow. I mean, I hope that me being a Chief that I can have some more Band members. Because you know, it's always good to have that support in the family. I think when we look in the past about different families and how big they are. You look at the old days, everybody had ten (10), twelve (12) siblings. You know now days, I have four (4) and I'd like to be able to have more. But if you want to specifically talk about where our dollars go, I think that's a question for Howard before he runs away. I see him making an exit for the door.  
(Laughter).

✳ **Denny Thomas** – The other part is that ... if you take the GST out of our pockets. How is that going to be reassessed to the people, considering the fact that ... I don't know about you, but I myself and a lot of other people who are under the poverty line, really look forward to that GST cheque. And how is that going to be assessed? Does that get

taken away from us? Because we are paying into this now or how does that work with the GST?

✳ **Manny Jules (Former Chief)** – That is one of the issues that'd have to be dealt with. And that's an administrative matter. And I know that people depend on those GST cheques. Obviously that's going to continue. But when you get your cheque right now Denny, you get it from ... where? Where do you get it?

✳ **Denny Thomas** – Well ... from DIA.

✳ **Manny Jules (Former Chief)** – Well ... finance and somebody else writes you that cheque right? Well it's going to be Howard writing you that cheque. It'll be happening right here in our administration. So those kinds of things aren't going to change. What it means is that it isn't ... that this Council isn't going after Denny and others to make the millions of dollars. You're not going to be going out and spending millions of dollars. It's going to be the guys that are coming in and buying the big cat. The guys that are coming in and ... you know, building the big the homes up at Sun Rivers. Those kinds of individuals, or the individuals that we want to be able to take those revenues from. That's where the 95% of the revenues going to come up from. If ... you know, I'm going to be one of the guys that ... well I just think that we cannot afford not to do this. And the other thing is that ... you know, when we talk about personal property, and all of that is exempt under the existing legislation. And the Band is incorporated that into all of its real property taxation. It's going to be incorporated as a rule in this particular resolution as well.

✳ **Chief Shane Gottfriedson** – You got probably about two (2) minutes Denny, and then that's it.

✳ **Denny Thomas** – I just ... like, if you're telling me that a person like myself, let's say my dad here says, you know what, I got some land for you, here's thirty (30) acres. And if you're saying that I have the right with this tax, to say, I got to bring it up to Chief and Council, and say I want to put a casino there, pass it through for me. And Chief and Council say, okay, this looks good for our whole community. We'll throw a casino up on your land. If that's what you're saying, that this is what this is for. Then I'm all for it, without losing the right to my land.

✳ **Manny Jules (Former Chief)** – I like that. (*laughter*) Let's make more money, more casinos.

✳ **Chief Shane Gottfriedson** – Thank you Denny.

- ✳ **Evelyn Gottfriedson** – I got a couple of questions on off reserve purchases. If we were to go buy a vehicle in Vernon, and we (?) the tax free stuff. Is this going to be effected?
- ✳ **Manny Jules (Former Chief)** – It would be rebated.
- ✳ **Evelyn Gottfriedson** – So we'd pay the tax.
- ✳ **Manny Jules (Former Chief)** – Well ... that, you see that's why we have to sit down with finance to figure out how that would happen.
- ✳ **Evelyn Gottfriedson** – Okay. So how does ... would this effect the comprehensive funding in any way?
- ✳ **Manny Jules (Former Chief)** – Sorry ...
- ✳ **Evelyn Gottfriedson** – Comprehensive funding.
- ✳ **Manny Jules (Former Chief)** – No. The Comprehensive funding from the Federal Government would not be effected. The GST that the Band collects right now, it hasn't jeopardized their comprehensive funding levels. This is an issue that we've brought up continually to the Federal Government, saying that there isn't enough money right now to look after our needs. So why did you penalize us from occupying these areas. You should be helping us, as opposed to trying to ... you know, we move into this area and then you reduce our funds. That isn't how it could work. That isn't how it should work, I should say. And what has to happen ... you know, is ... those funds have to come up as well. And those are separate discussions from this issue.
- ✳ **Evelyn Gottfriedson** – Okay. I'm looking at your resolution. It's got ... we're going to instruct our Chief and Council to proceed with the negotiation and implementation of the Broad Based KIB Sales Tax on all the GST eligible produces and services. We're ... number one giving them the instruction to (?) the negotiation and to implement. And then on number two (#2) it says, that Chief and Council will then present policies to the members in ten (10) months to ensure ... etc. It says nothing here that they're going to present us the policies. It doesn't say anything that we're going to have to approve them. It just says that we're giving them full authority to negotiate and implement. Maybe this motion could be changed a little bit. But I guess my main concern is ... our people are really poor, they need money. We'll sell any dog gone thing just to get a few bucks. We sold Six Mile Ranch, or whatever it is, for two-hundred dollars (\$200.00) a piece. That's

how poor our people are. You know, we do need the money. We could use it. But the thing is ... I think number one, we need some workshops. I know it's going to take a bit of time. But we've been here for thousands of years, surely a few more months isn't going to kill us. Everybody's got to be reassured. They got to know what we're giving up. Our ancestors have ... I recall meetings when I was a little kid. Coming here and listen to the old people, freaked out about taxation. I remember that. I can't remember what the big deal was. But maybe we need some workshops to make sure we know what we're giving away. Because once it's done ... that's it for ever. That's all I got to say. [applause]

✳ **Chief Shane Gottfriedson** – Yup, go ahead Chrystie.

✳ **Chrystie Stewart** – Sorry, I didn't know if Manny was going to reply to that or not.

✳ **Manny Jules (Former Chief)** – Well ... okay ... I ... you know, I don't know if I should be saying too much here. But anyway, it's the resolution Evelyn, is very clear. The resolution talks about giving very clear direction to Chief and Council to negotiate and implement the full GST room. And then it says to present the policies back. And that means that you're going to be able to, and everybody else in this room ... you know, are going to have to have a say on how that is going to be administratively dealt with. Just like the real property tax, there was a lot of concern initially that individuals would be taxed on their property. What happened is that the Band occupied all of the real property tax room, and then they incorporated by way of bylaw, and by way of resolution from this assembly, the General Band Meetings. Section 87 and 89 of the Indian Act. Meaning that those sections continue on so that you've got the personnel property exemption, and the seizure of exemption. Because that's what 89 talks about. And so when you can't begin to negotiate with the Department of Finance on one hand and say, well we're going to come back in ten (10) months or a year. You have to be able to tell them up front, this is what we're going to do. And then administratively, it's up to these guys (*referring to Chief and Council*) and the general Band membership to determine administratively how it will be dealt with. So that the rebates will be done and whatever else needs to be done. Things that we don't, I don't even know what we're going to have to do. But we have to do a lot of administrative work to ensure that people are protected, and not put out.

✳ **Chief Shane Gottfriedson** – Can you go to the mic Evelyn?

✳ **Evelyn Gottfriedson** – I've been listening to Manny for many years as Chief, and I learned a lot from him. So Manny, you know where I'm coming from, right? I read this, and I find that whatever motion you pass, we follow it to the "T". It doesn't say here anywhere that KIB members are going to approve this. We going to presented ... within ten (10) months, these present policies. We're going to be presented. It says nowhere that

we're going to have to ... we accept this or reject it. That's all I'm saying. It's not clear, it should be in there. And I know if we pass this, we'll follow it to a "T".

✳ **Manny Jules (Former Chief)** – Okay, well let's ... there were two (2) suggestions that as a mover, I would agree with. One is that we add after education, social program, and health services. And I would suggest that in the last therefore be it resolved that Chief and Council present policies for approval to the members. Evelyn? ... So those would be the two that I would agree with. Secunder? ... Secunder agrees. So then it's very clear. It's clear that administratively those decisions come back to the members for approval.

✳ **Chief Shane Gottfriedson** – Okay Chrystie.

✳ **Chrystie Stewart** – Sorry, I just had a small question. I hope it is. I'm just wondering how different the two budgets work between INAC and those GST dollars. Like, is it possible if the negotiation goes through for these GST dollars, say for an example of five (5) million dollars, that INAC will decrease their funding for Kamloops Indian Band by five (5) million dollars? Therefore the Band's not really gaining anything. At least not for a few more years, until they're able to build up their business base.

✳ **Manny Jules (Former Chief)** – They ... part of the debate nationally is on this federal program called "Own Source Revenues". And what the Federal Government is trying to do, and remember that the Federal Government is spending probably in the range of seven (7) billion dollars a year. And the majority of those monies ... I think about 60% go for educational purposes. But the majority of those monies are for social policy areas. And so there's no way that the Federal Government can reduce those. What they've been doing though, is just about as bad, is that the authorities for those expenditures haven't kept up with the reality. And so some of the authorities over education really haven't changes since the late 1970's. And so in order to change that, there's going to have to be a process to do that. And that's repeated over and over again, and all of the policy areas. The other thing that's happening this year is a critical review of what is called the authorities. So when Indian Affairs goes to Revenue Canada to talk about its various programs. They have to have authority from what is known as Treasury Board. So they go to Treasury Board and they say, this is what I want to start spending my money on. And Indian Affairs says, well you can spend it only on this basis. And they haven't been adhering to their own policies. And some of them are out dated, going back to the 70's and then into the 80's. So they have to be updated. The "Own Source Revenue Policy" is one that we've been actively proposing. That it means no reductions to the amounts of revenues that individual communities like us can do. Why should Kamloops be penalized if we make the five (5) million dollars. We don't want to see a reduction of five (5) million dollars in our transfers from the Federal Government. As a matter of fact, we

want to see an increase on the Federal Government's transfers to our community. Because as all of you know, looking at this school, we still need more money to operate this school. We still need more money have more students attend University or etc. etc. So this doesn't affect the monies that are transferred to us.

✳ **Wiley "Coyote" Gottfriedson** – What's the likelihood of this ending up in court?

✳ **Manny Jules (Former Chief)** – There's a court case right now, it's moving forward. It's dealing with Treaty 8 in Northern Alberta. It's probably the most significant tax case that's moving forward. But ... you know ... you can't prevent somebody from going to the courts, and saying or doing anything.

✳ **Wiley "Coyote" Gottfriedson** – Okay.

✳ **Manny Jules (Former Chief)** – What usually happens is it's in the event of real property tax. It wasn't so much the Band members that were raising court cases, it was those that were affected by the tax.

✳ **Wiley "Coyote" Gottfriedson** – yup.

✳ **Manny Jules (Former Chief)** – Like Canadian Pacific Railway, CNR Railway, those who are impacted by the tax. So there is potential that some ... a non-member would say, this is as they've raise with the real property tax, that this is a discriminatory tax, and therefore I should be exempt. Those cases have gone forward to the Supreme Court of Canada. And they've been upheld by saying that this is not only an inherent right, meaning it comes under Section 35. But this is an inherently government power. So when you deal with the government on this power in its transfer. I don't think that we would loose any court case. Even if it's Treaty 8 Indians saying that they would be coming to our lands and be exempt from our jurisdiction. That isn't going to happen.

✳ **Wiley "Coyote" Gottfriedson** – How does our ... Okay, how long would you expect this thing to take place, how ... a time period.

✳ **Manny Jules (Former Chief)** – If ...

✳ **Wiley "Coyote" Gottfriedson** – Should we pass this.

✳ **Manny Jules (Former Chief)** – If this resolution is passed this evening, obviously Chief and Council would have to pass their own Band Council Resolution (BCR). That would be sent to Finance. There would be some probably preliminary discussions with

the Department of Finance officials. As I mentioned, Adams Lake and some other Shuswap communities may be interested in looking at this. But that wouldn't prevent us from moving forward. I would anticipate that most of the issues would be dealt with by December of this year. So we would be able to have the discussions and most of the negotiations completed by December, for presentation ... at the membership.

✳ **Wiley "Coyote" Gottfriedson** – If I recall correctly, Clarence Jules has said this has been ongoing for twelve (12) years. That is ... what ... three (3) different terms of Chief and Council?

✳ **Manny Jules (Former Chief)** – That's right.

✳ **Wiley "Coyote" Gottfriedson** – How many of you Council members have been involved with this throughout the twelve (12) year period? (*Council member raises hand*) ... One. ... Okay, how does this Chief and Council feel about this?

✳ **Chief Shane Gottfriedson** – Well ... I think ... more importantly ... it's the wishes of the membership, and that's why it's here tonight.

✳ **Wiley "Coyote" Gottfriedson** – You are our elected leaders.

✳ **Chief Shane Gottfriedson** – Is there anything else? Your time limit is up.

✳ **Wiley "Coyote" Gottfriedson** – No.

✳ **Clarence Jules Sr.** – My next question is ... you know the Federal Government gives us so much money, and people seem to worry about how much are we going to get from the Federal Government. I know that the budget for the Indians of Indians of Canada is around ... six (6), seven (7), eight (8), Nine (9), ten (10) billion dollars. What I'd really like to know is ... how much of a percentage does that land on Indian Reserves?

✳ **Manny Jules (Former Chief)** – The transfers from the Federal Government to First Nations takes place in a number of different areas. I think there's about sixteen (16) different federal departments involved. There's a Federal Department looking after Residential School settlements. There's a Department of Defence, there's a whole range of department that spend money in our name. So ... the amount of money that's collected on our lands is more than we get back from the Federal Government, and that's clear. The Federal Government collects millions and millions of dollars from our land, but yet they don't give us back what they've collected.

✳ **Clarence Jules Sr.** – {*Away from the mic, unable to hear what is being said.*}

✳ **Manny Jules (Former Chief)** – Those ... you get differing opinions ... uh, you're probably about seventy percent (70%), eighty percent (80%) that are transferred directly to First Nation communities. But again, it's like ... and we did a leakage study. The majority of those monies that come into our lands, and then they leave right away. So the leakage shows that no matter how much is given, ninety-seven percent (97%) of that money leaves immediately. So it's ... and let me tell you this. I know I'm taking up too much time here, but if we get into this type of stuff. There's no reason why we as community shouldn't be able to generating some fifty (50) million dollars in the next few years. There's no reason why we shouldn't have like a zero unemployment. Being able to create jobs, so that if whoever wants it, there's opportunities for them. That's what this is about. This is about the future. This isn't about reliving ... you know, all of the issues of the past. This is about looking forward and building that future for our kids. That little guy that was sitting with me earlier on today, that's about him. That isn't about me, I'm an old guy now.

✳ **Chief Shane Gottfriedson** – Vivian?

✳ **Vivian Leonard** – Vivian Leonard. There is going to be another Band meeting tomorrow night. And I'm just wondering if maybe more people would be here tomorrow night, and it could be discussed again. Is that possible?

✳ **Chief Shane Gottfriedson** – (*Technical difficulty*) There's a motion on the floor tonight. We have rules that govern that our Band meeting that we have to follow. And in the past we've really had a lot of problems with attendance at the General Band Meetings. There's no sure bet that we will get fifty (50) people tomorrow. I mean, tonight we got a good healthy turn out.

✳ **Rick Leonard** – (*Technical difficulties throughout comments*) Rick Leonard 431. As my mother spoke. She had a great concern (?) the agenda for tonight. (?) for the benefit of the taxation results in here. There's no reason why this can't table this. We have two (2) General Band Meetings in two (2) days. We have time to do that. The discussion was really good, it might even be better tomorrow. And it's up to our families to go home and talk to other members at home, and bring them to the meeting tomorrow for your own benefit. Beside the point, speaking for my mother. It's like a game. It's like a game of the golden skull. You know, everybody gets handed out information, they are told that (?) happening in the near future, that the Douglas claim is going to happen ... that we're going to get these cheques all written out, and we're going to benefit from it, and ... you know, I've been listening to this for years, and it's still kind of a knot in my stomach. (?)



kind of hoping it would come to a (?) (?) (?) so we can ... you know, carry on to something more positive. Another question, Mount Paul Industrial Park. Manny says (?) Ricky Leonard (?) an entrepreneur. ... yeah, I am. I'm trying to do better for myself. And I think at this point I have done quit well, and I hope to do better. Mount Paul Industrial Leaseholders. I go around and (?) job here. We need to clean up all the weeds and fill the pot holes. And they say, well we're not going to do any of that, because we're paying the same rate they are up on top of the hill in Aberdeen, why should we do it, Kamloops Indian Band should do it. And I says, well I feel for you buddy. It's all dirt and weeds down there, you know, you want to upgrade and develop your business. (?) well you go talk to the Kamloops Indian Band. If you can get some money off of them that would be great. We pay our taxes. It gets kind of like devils advocate. But that's only one part of it. Our housing ... that's a real sore in my side. (?) (?) (?) these guys to come in, you know, contractors. They don't come back, they don't fulfil their obligations to our houses. (?) finish it off, it's done, it's finished. Well all these repairs have to be done, you know, where are all these dollars that are given to us, and we're supposed to be able to utilize. (?) shingles on my roof, (?) after eighteen years, (?) what ever happened to the rest of the stuff (?) (?) there. How do you manage to figure out (?) (?) don't know how to play the game. We need to know (?) to be a part of this program as members. It's a guessing game, and it needs to come clear, and to be positive not negative. Thank you very much. [applause]

\* **Christina Tronson** – (*Technical difficulties throughout comments*) Christine Tronson. I'd like to commend Manny on his hard work. Just food for thought tonight. We are Shuswap, we are proud people, we have to work towards our independence. Independence (?) on the Federal Government. I've (?) depend on anybody. I was taught that when I was very young. And that's something our Band has to work towards. That's all I have to say. [applause]

\* **Alice McCaleb** – (*Technical difficulties throughout comments*) Okay I have ... I think all the questions are pretty clear tonight (?) Chief and Council. First of all Denny's question about the rebates. Denny (?) you get a (?) cheque now, do you not? ... And you also do not have to pay GST on items on the reserve? The point I'm trying to make is, you still get the rebate cheques, and you're still exempt from GST on reserve. And that even means items that you have delivered on reserve whether it be furniture, your cars, major ticket items. I know Clarence asked a question. You know, for the millions of dollars that the Feds gives out to reserve lands, and there was a percentage (?), Manny. Of what those percentages are that come back to this community. My next question is, if you know those percentages, what are the percentages of our people that are below the poverty level, on fixed incomes? Those percentages. Because it's those people in particular that are going to have to raise or utilize the dollars that exist for them. For the seven percent (7%) of the GST collection. Now ... first of all ... at the end of your motion here, that it'll be up to

Chief and Council to bring the ... present the policies or negotiate the policies after the workshops. But I think it's up to the Chief and Council to take direction from the membership. We get into motions here where we're talking about policies, like ten (10) months from now after this is passed tonight. I think these are things that we need to discuss prior. So all these questions that Denny had, and some of the other Band members as to what these rebates are going to consist of. I think in all true fairness, that if we had these workshops people could be more informed, and then when things are properly formulized to the satisfaction of the membership. Because it is to be a cost to us, that's the bottom-line. And when it is, that the membership agree upon this. Then the Chief and Council knows what the direction they have to go. They'll know what they'll have to negotiate with the Finance Department concerning collection of the GST. And even if there's some hard lines by membership saying I want our rebates back from my vehicle. That's not going to be part of the GST collection. Because I'm here to tell you people seriously, even though you can be sold on the idea of the rebate. The honest truth is ... do you know anybody here outside of government people in the municipalities that get thousands of dollars. I think the education (?) to know exactly what this (?) is going to mean, the cost. Because once you do it, there's no turning back. It's just like, I remember, I recall for the, I believe Manny, if I'm correct, on the gas tax. And was it the tobacco tax (?) Schiedam Flats. The agreement originally (?), which people contributed to that cost. Whereas once that was settled, it was all going to be converted back. The problem that you have with this is that once it begins, it doesn't revert back. And Indian people have to understand that. And maybe I guess we shouldn't be concerned about people that are below the poverty level. And maybe there are certain people that are on fixed income. But you know ... in this community, I think that is nonsense. Because you're asking these people to give up their dollars and create and take seven percent (7%) out of their income that they'll contributed for (?) (?) money's going to travel. I think the direction as you said Shane, was to be given by membership. I think the workshops are in order. The policies on how this money's going to be handled, and what the rebates are going to consist of. All of these things that were raised in this very short time. I think those things need to be discussed, and I think that's why I feel the workshop is important. Look at the young people here. Some of the young people (?) (?) honestly. They don't make five grand (\$5,000.00) a month. ... You know, or they're going to school and everything. And when they get an opportunity to buy a vehicle ... you know, even if it's fifty-thousand dollars (\$50,000.00) or it's a two or three thousand dollar vehicle. And if they can save seven percent (7%) on the cost of that vehicle because they're status. That means that seven percent (7%) that they save ... they can buy a vehicle (?) (?) (?) than the thousand dollar vehicle. Simply because they are exempt from it. But once you start to begin to pay for this. You're going to find that you're going to settle for a lot less. I'm talking about looking from a tax payer's perspective Manny, and the cost. And it's the cost, and I think in all true fairness, that's what the people have to understand. And once they understand

it, and say we agree ... at a referendum forum then that's fair. That's all I have to say, thank you. [applause]

✳ **Clarence Jules Sr.** – Question.

✳ **Chief Shane Gottfriedson** – Question called by Clarence Jules Sr. All those in favour. Carrie (Leonard) can you count the hands?

➤	FOR THE MOTION	50	
➤	AGAINST THE MOTION		10
➤	ABSTENTION/S		4
➤	MOTION/CARRIED		

✳ **Chief Shane Gottfriedson** – I think what some of the conversation, I think come out of the motion is that there will be workshops. At this time I would like to have five (5) minute break.

◆ **Spiy7ullucw Ranch Corporation.**

✳ **Chief Shane Gottfriedson** – The next item on the agenda is the Spiy7ullucw Ranch Corporation, and Councillor George Casimir will give the membership a presentation. So if I can call everybody back to order.

✳ **Councillor George Casimir** – (*Technical difficulties throughout*) I just want to start by saying that it's quit an honour to be actually talking about the Spiy7ullucw Ranch Corporation, formerly known as the Harper, which is purchased due to the last decision to introduce the KIBST. It also opened the doors to this kind of opportunities. We did supply a report in all the packages. I don't want to go through and read word for word. I know there may be certain questions on issues due to media attention that we received during the elections in December. And also questions due to a sixteen (16) point statement that was being circulated through the reserve at the same time. So I'll go through this as quickly as possible, summarize it very quickly. To start, on corporate required documentation, we are in good standing. And (?) company is not in compliance with the Company Act. As of now, we are. And that's because we wanted to give time for the new Council to sit down as Directors (?). Our corporate statements, financial statements, so at this time we are in good standing. The water main line (?) upper bench, we have Band members working in those areas, and keeping them clear and keeping them weed free, and erosion free to make sure that we have available water. I think when we talk about purchasing land, and watersheds and the owning these water sheds, and having a hundred (100%) jurisdiction in them. We look at the Paul Creek water shed, which we do with that purchase of the Harper ranch lands. And having a hundred

# KAMLOOPS INDIAN BAND

## GENERAL BAND MEETING

### MINUTES

DATE

February 26<sup>th</sup>/2004.

TIME

@ 6:00 P.M.

PLACE

Ske'Lep School Gymnasium

CHIEF

Shane Gottfriedson PRESENT

COUNCILLORS

Evelyn Camille	PRESENT
George Casimir	PRESENT
Gayle Gottfriedson	PRESENT
Richard Jules	PRESENT
Connie Leonard	PRESENT
Vicki Manuel	PRESENT
Harry Paul Jr.	PRESENT
Bill Paul	PRESENT
Fred Seymour	PRESENT
Jesse Seymour	ABSENT [sick]

CHAIRPERSON

Chief Shane Gottfriedson

DIRECTOR OF OPERATIONS

*Position vacant*

Recording secretary

Darlean Paul

**OPENING PRAYER**

Daylin Malloy

✱ Chief Shane Gottfriedson runs through the agenda items for the meeting. Chief Gottfriedson goes onto say, what I'd like to do tonight, so we're not sitting here too late, is that we do have a time limit put on our presentations. So we can get through the agenda. And what I recommend is that each presentation, there's going to be a fifteen (15) minutes, and there'll be a twenty (20) minute question period after each presentation. And that you're only allowed to speak on these presentations once, for no longer than three (3) minutes. I think that we did very well last night, getting through our agenda, and I'd like to continue the same tonight. Just one note that we'll do an introduction of the Chief and Council. And as you know Councillor Jesse Seymour is very sick tonight. He sends his regards. Okay, at this end of the table we have Councillor Gayle Gottfriedson, who's in charge of Band Member Services (BMS) [Applause]. The next Councillor is Councillor Billy Paul, who's in charge of Forestry and Range [Applause], Councillor George Casimir, in charge of Economic Development (Ec Dev.) [Applause], Councillor Fred Seymour, in charge of Domestic & Maintenance (D & M) [Applause], Councillor Richard Jules, in charge of Taxation & Finance [Applause], Councillor Vicki Manuel, in charge of Lands & Leasing [Applause], Councillor Connie Leonard, in charge of Education [Applause], and Councillor Harry "Sweener-Beans" Paul, in charge of Social Development [Applause], and Councillor Evelyn Camille, in charge of Cultural Resource Management (CRM) [Applause]. {Chief Gottfriedson asks about the quorum} Okay, it was brought to my attention, our rules governing our meetings that we need fifty (50) people in attendance to call the meeting to order. We're short by about fifteen (15). So under our rules governing our meeting, we have a half an hour of grace time. So ... phone your cousins, your brothers, your sisters, and if you haven't signed in, you're encouraged to sign in. ... So we have forty-two (42). (after a few minutes) We do need some order, we do have a quorum. I'll review the agenda again for your information. {Chief Gottfriedson proceeds to do so.} Do I have a mover to adopt the agenda? Lucy Jules. ... Second? ... Violet Gottfriedson. Discussion? ... Question's been called by Clarence Jules.

**CALLED TO ORDER**

@ 6:00 P.M.

**ADOPTION OF AGENDA**26<sup>th</sup>/2004

agenda.

Motion: To adopt the February

General Band Meeting

Mover: Lucy Jules

Second: Violet Gottfriedson

Question: Clarence Jules Sr.

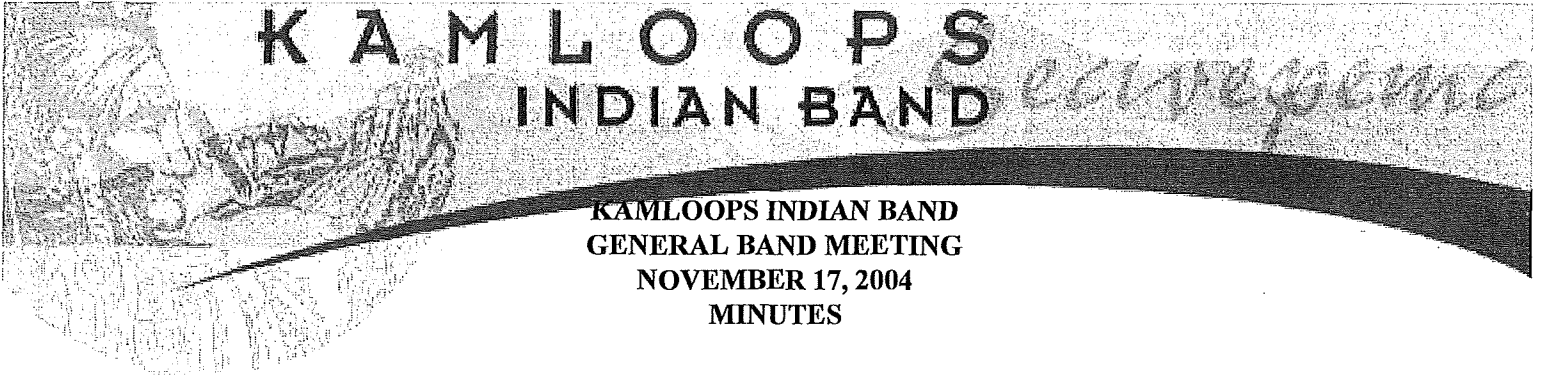
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of the interior of British Columbia formulating to make the a united front against land (?). So began a process that ended in 1927, where any gatherings by our people, anything related to bringing our people together including our religion, our spirituality, cosmology was wiped off the board. So with that began a long process of fighting for the land claim issues. And the matter stands right now, just as they stood in 1910. The same things that our Chief and Council here are saying, are the same things that (Laclahan?), Tommy Basil ... and a lot of the other Chiefs from the interior are saying today. That we have to settle the land question, we have to share equally so that we have a process that we can govern ourselves. That we can take a process of our land. One of the things that we've been doing is not only the purchase of the land, but also taking over of tenure. Taking over tenure is meaning that as soon as licence and a permit is vacated, we enter into that field. Just as the Chief and Council did with you last night. In entering into the field of **taxation**. Asserting jurisdiction, proving that you are a government. This is the same thing that we are doing with taking over tenure. We're doing that with water. We've done it with trapping already. We're going after a guider outfitter area, which means we will have a permitting system that allows people to come on our land, or it doesn't. That would be up to us. So there are those types of things. Grazing leasing permits, forestry tenure, all those things we are going after, and we've been doing that and have been very successful within the past five (5) years. With specific direction from Chief and Council that long ago, that we start entering into those types of areas, and taking over that field. Because if you show management and control, eventually that land is going to follow. You take the responsibility and then with that possibility, your proof and evidence, your self governance will truly go with that. This is the plan that was proposed in 1910. This was the plan that was given specific direction to myself, and through myself, my department to pursue within these past five (5) or six (6) years. And we've developed a process in the last three (3) years where we got into developing into a business plan. Now this is what the outside world recognizes. We can offer things in such a way to show that there is equitable arrangements that we can impact on an economic base within our area, and that we can control and manage that. So these are some of the things that we've been planning on. Just knowing that there's over a hundred-forty (140) years. We have to remember there are many complex issues that are going on. And I do thank you for giving us the opportunity to do that, and giving us the resources and support to get that done. [Applause]

✳ **Chief Shane Gottfriedson** - Thank you John. At this time I'd like to say a few words and then we'll open the mic up for conversation with John. I'd like to limit it to about a fifteen minutes, so we can look at a half and hour for each presentation. And we can you know, get our business done and be out of here by 8:30 p.m., 9:00 p.m. So ... I know when I ran for Chief that I talked about supporting John and his department in a concept plan initiative. I think it's a very well thought out plan. I think when we talk

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here at the table, and how we look at all departments and the community being involved in every decision, future business ventures and things that we ... as we go along. You have departments like Social Development who builds strong healthy work forces. D & M with infrastructure, Public Works, Lands Leasing of course, in development of bylaws, planning and also the implementation of the leases themselves. Band Member Services, if we did the people living around here, living in houses, we wouldn't have the work force available to us. Cultural Resource Management of course in all their initiatives with forest licensing and developing opportunities in that area. Education, training, training and education, getting our work force ready. Admin., a lot of times with our Accounting staff of Admin., we couldn't develop the policies and implement what we have to do for our financial accountability for the corporations and businesses. **Taxation**, definitely providing us with a revenue bases that we can start. We need a starting point before we can start any business. And of course last but definitely not least, (?) the community, we bring the idea to the community or the community brings the idea to us. And we have to get approval from the community before we start a business, and it's very important. So just saying that, with all the departments and the community, you can see how every business, the first one here, which is the TKumlups Petroleum, how much the community effort it was from the start to almost being done. I just wanted ... let's say that just as a Economic Development , you know, that's what Economic Development really means. And that's a lot involvement by a lot of people. So ... just to kind of say a few words about it, and we do have a report in the packages. A lot of the things that are stated in here, we've gone beyond. We're almost ready to open now. I just wanted to say a couple things about ... you know, when you look at the hoops and the frustrations, it's been a long time coming. I think our first initial opening date was last August. And we set that, but obviously we didn't hit that target. You look at the hoops and the obstacles that were put in our way. Sometimes it's very frustrating and it can drive a lot of people crazy at times. But you know, you keep plugging away to make it happen. But now, we're about two (2) weeks away from opening the doors. Full staff and all's in place. And I think the community, you know, that wanted this initiative to happen, and all those involved can really appreciate once we start pumping our own gas, selling our own products and having, you know, basically the foundation of a good start of future businesses for the reserve. I just want to say one quote. You know, when you think back of all the ... like all the hoops and obstacles, and now that we're almost ready to open. You think back about, you know, why they're put in place. My uncle always used to say, take things slow, do things right the first time. And I think we got it right when you look at hiring, the number of Band members, the revenue that's going to justify the expense of building it. And ... that's just a quick overview on that. Just to be quick, I'm just going to run down, right now propane fuel, we're going to have supreme regular. Flick of the switch we could pump gas right now, but it's the others things, the staff training and a little bit of site work that needs to be done. We're ready to go on that one. We'll have the



**DATE:** November 17, 2004  
**TIME:** 6.00pm for dinner  
 6.30pm start of meeting  
**PLACE:** Sk'elep School of Excellence Gymnasium

**CHAIRPERSON:** Chief Shane Gottfriedson

**COUNCILLORS:** Evelyn Camille  
 George Casimir  
 Chad Gottfriedson  
 Gayle Gottfriedson

Richard Jules  
 Connie Leonard  
 Vicki Manuel  
 Bill Paul

Harry Paul Jr.  
 Fred Seymour

**REGISTERED  
MEMBERS:** 58

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**OTHERS PRESENT:** KIB Director of Operations: Ken McGregor  
 KIB Director of Finance: Howard Campbell  
 RCMP Sergeant-at-Arms

**RECORDING:** Darlean Paul  
**MINUTES:** Persis Tozer – Excel Personnel

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**CALL TO ORDER:** 7.00 pm

**ADOPTION OF AGENDA:** With amendments as agreed

- Mover: James Thomas
- Seconder: Gary Seymour
- Discussion:

There was further discussion

- In Favour: 13



CHIEF SHANE GOTTFRIEDSON:

I am looking for a motion to accept or reject or table.

JEANETTE JULES:

Really what you are going to do a change to a Bylaw, you should have the Bylaw there with the font changed so that people can read the change, compare it to what the other one says. We should all have a copy of the Financial Bylaw and the font changed so that you see, and bold it. So that you see what the changes are going to be. That's usually all that's done when you are going to change something.

CHIEF SHANE GOTTFRIEDSON:

Well, we are still on discussion here. So it seems to me like that there's not a lot of people in favour of this, so either somebody make a motion to accept or table or reject, one of the three options here.

MOTION:

To **TABLE** the amendment to the Finance Bylaw, *until hard copy of the Bylaw with proposed amendments highlighted is made available to membership.*

- Mover: Jeanette Jules
- Seconder: Joanne Gottfriedson

CHIEF SHANE GOTTFRIEDSON:

So the amendment to the Financial Bylaw is TABLED. I just want to give the membership assurances that we are not doing this for any specific reason, it is just cost. If the wishes of the membership to continue to have the audited statements mailed out, we'll continue to do that, that's not a problem. So I want to thank the membership for their patience tonight and we do apologize for not having the proper information put forth.

DELORES JULES:

I just want to say one more thing. I think if you get this information out to all the people, it would maybe end all, I don't know, I don't listen to all the gossip, but you hear all kinds of gossip of all kinds of things that's going on. And I think if all this was out in the open, it would make it better for everybody, clear the air sort of thing. Kukkwtsetemc.

JANET EDWARDS:

I'd just like to say that there's about four or five of us that are receiving the same package at the same address. We only actually need one of them, one of the packages sent to the address, and we can all view it from there and discuss it. I think we probably have to talk to somebody to have the mailing thing set out differently.

CHIEF SHANE GOTTFRIEDSON:

OK, we'll do our best. I was just informed by our staff that even if there are four or five people that do live in a house, according to our Bylaw, each and every Band member gets one, regardless of their address. It's in our Bylaw and we have to follow our Bylaw.

JANET EDWARDS:

I'm just saying it's a big waste.

CHIEF SHANE GOTTFRIEDSON:

OK. Just to answer another one of the questions from the membership there. No we did not give ourselves a raise. That's false. Gossip kills us all, people.

Anyway, moving on on the agenda, item number 6, we have a taxation update on the GST, and Councillor Richard Jules will give a presentation.

COUNCILLOR RICHARD JULES:

Weyt-k. Seeing that we never had a quorum for the last three taxation meetings, we went and we formed a core committee to carry on the business. And the core committee consists of Alice McCaleb, accountant Howard Campbell, Joseph

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Jules, Councillor Vicki Manuel, Councillor Fred Seymour, Former Chief Manny Jules, our Director of Operations Ken McGregor and yours truly.

On a motion made by Manny Jules and seconded by Joseph Jules, and in agreement by all committee members, the proposed KIB Goods and Service Tax rebate policy was passed at the committee level. The policy will be gone over in detail at the Special General Band Meeting on November 30<sup>th</sup>, and I hope to see you all there. It has huge implications for us and could put money in your pockets and bring land to us and help a lot of the problems that we do have. So I do urge you to talk to all the people that you know and make sure that they come out to this meeting at the end of this month. So bring all your questions with you on the 30<sup>th</sup>, please.

CHIEF SHANE GOTTFRIEDSON:

Just to add to Councillor Jules' report. We've been following the wishes of the membership to pretty well a "T" here. We've had numerous community consultation meetings. We've looked at the idea of, we've been meeting with people in Finance in Ottawa and we're trying to do our due diligence as a Chief and Council. I guess there was a little bit of trouble with our committee, with people not showing up, and our timelines from our membership, and we thought it was essential to have a core committee established to make sure that the project keeps moving forward. On November 30<sup>th</sup>, we did call a Special General Assembly. According to the wishes of the membership, they wanted to have a full detailed report. We wouldn't have been able to provide the full detailed report tonight, but what we will have on the 30<sup>th</sup> is a detailed Proposed KIB Goods and Service Tax Rebate Policy for your view. It did get mailed out, so you should be getting it any day. If you have any concerns on that rebate policy, or questions, come to that meeting and bring your concerns forth. It's the only item on the agenda and we are specifically just going to talk about the rebate policy. We are not going to have a question and answering period, we're just strictly going to talk about tax.

Anyway, what we would like to do is to open up the floor for some questions and we'll do our best to answer them. The meeting is going to be at 6 o'clock I believe, right here at the Sk'elep School of Excellence.

VINETTE MANUEL:

My first question is – this detailed report, when is it going to be available for us to view? Is it going to be ready tomorrow, next week? I am just looking for some extra reading time to get this ...

COUNCILLOR RICHARD JULES:

The policy was delivered via the garbage truck and we have some of these up there for you to look at, and like I said, bring those questions with you, because this is what we're discussing. These two sheets of paper here.

VINETTE MANUEL:

Just these two sheets of paper?

COUNCILLOR RICHARD JULES:

Yes, the policy.

CHIEF SHANE GOTTFRIEDSON:

You are more than welcome to jump on the committee as well and sit on as a core committee member. It is not a closed committee. It is open to anyone who wishes to sit on there.

VINETTE MANUEL:

I would just like to point out a couple of things. For starters, Richard has invited me and I have been able to make it to one meeting, but I haven't been able to connect on the following meetings. It says on this first page here, just as an example, membership is defined as "all persons eligible for rebate should be treated the same." And it flips over onto the other side and it makes a \$500 designation to adults and \$150 designation to children. I think if we are going to mention...

*(Tape change – words missing)*

... education funds or scholarship funds, whatever they choose to do. And they shouldn't be all of a sudden, you know what I mean. They are our future. Because you know as well as I do DIA is trying to phase education dollars out as it is. And maybe it's their security in order to secure our future.

COUNCILLOR RICHARD JULES:

Well, when we looked at that particular thing, the age and that, we figured that people that are under the age of 18 didn't pay as much GST as those that are over 18.

VINETTE MANUEL:

I know for a fact that every dollar that I spend is because of my kid, so pretty much, she is as entitled to those rights as everybody else, because every dollar I pretty much spend, whether it is her clothes, whether it is her etc etc etc, whatever other, you know what I mean, businesses we bring on Reserve. That's where I plan on supporting it. So my daughters spends probably more than I do because I don't, any mother can sit here and say that she spent \$5 on a pair of shoes, but she spent \$60 on her kid's basketball shoes because it's going to give them better support, and their ankles, it's just an example. My kid spends more money than I do, tenfold, she can testify to it.

COUNCILLOR RICHARD JULES:

Well, the way we arrived at this figure is that the people that reside in the V2H area over the age of 18, they pay \$1000 a year in GST, so we used that number, and those that are under that age didn't qualify, but we want to give them something anyway. A lot of them don't have jobs, they are still in school yet. And they don't pay that much GST. But if you put the \$150 away until they reach the age of majority of 18, that adds up to a bit, and that's what we want to do with theirs.

CHIEF SHANE GOTTFRIEDSON:

Just to give you clarification on the matter too is that this will be brought back on the 30<sup>th</sup>, it is just the core committee's recommendations, and will be brought back on the 30<sup>th</sup>. I would like to mention that you have one final comment and your time's up.

VINETTE MANUEL:

I'll bring it back on the 30<sup>th</sup>, but basically I have a list of questions for this.

COUNCILLOR RICHARD JULES:

OK, well we welcome them, you know that is what we're there for.

AMANDA BIG SORREL HORSE:

I have kids too and I am under the impression that kids under 14 years of age are GST exempt.

COUNCILLOR RICHARD JULES:

Well, no, but things get cost prohibitive, if you give everyone \$1000. Like if you have 1100 members at \$1000 apiece, that would be \$1.1 million. That kind of defeats the purpose, you are giving out all the money and you are not having enough money to buy land and put it in other areas that you need it in.

AMANDA BIG SORREL HORSE:

Like when I go and buy shoes or whatever, and I say my son is 10 years old, I don't have to pay the tax, so if this money is, something is being bought on the Reserve and if we are getting charged the GST, and we're going to get a rebate for the children, it's going to go into trust anyway until they're 18 years old, so if that money is being deposited what about twice a year, twice a year until the age of 18. They collect say 12% interest. It's going to amount more than \$500 per year, basic for kids.

COUNCILLOR RICHARD JULES:

I hope that people are wise with their money and do put some of it away and not spend it. When I've seen a lot of the other money going out, parents wanted control of their kids' money, and after a certain amount of time, when the kids become of age and there is no money there, what happens to them? We always want to treat everybody fairly and when they reach the age of majority, they should maybe have something there for their kids.

AMANDA BIG SORREL HORSE:

I totally understand, so that's why I am trying to ... Like the kids in the long run are going to benefit and not just, say us as adults that get \$500. Like in the long run, if we've got a 3 year old child, 15 years, \$150 every six months, 12% interest, we don't need a mathematician to do the math, in the long run, their trust is going to do very well for them, and it will be up to

them to what they want with their money at that age. So, I'm speaking for it, I am not speaking against it. Me looking at it as a parent, my kids will benefit in the long run as it is to save, saving \$6 on a pair of shoes. That's all I am saying, kids under 14, right, they are tax exempt anyway.

COUNCILLOR RICHARD JULES:

Well, by all means, you know, I encourage everybody to bring those questions with you.

CHIEF SHANE GOTTFRIEDSON:

Anyway, thank you. Very good points Amanda. I have lots of kids too.

EVELYN GOTTFRIEDSON:

I've got, on this issue that we're just talking about. We're giving away our rights, we're giving away our kids' rights. They got every much right to get as much as we do. We're giving up their rights. I disagree with you.

DEBBIE BET:

I'd just like to bring to the attention of the K.I.B., or maybe you already know, that by the Husky Gas Station on our Reserve taxes us for anything that we buy. I know my mouth fell open too the other day when I went there and they told me "No, tax."

CHIEF SHANE GOTTFRIEDSON:

Well maybe Freda can answer that, it's a good thing she's here!

FREDA JULES:

Anyway, all's I know about is the cigarette exemptions, I heard that they're charging tax on the gas as well, I don't know the full details on that. But because of the tobacco allocations that are given to the Band, there's a certain number that's given to the Band, and as well these tobacco allocations aren't transferable or assignable. So the Husky, when they changed management, the original managers, couldn't assign or transfer their tobacco allocation. And they also did not give back their tobacco allocation. So the Band has a certain number of tobacco allocations as a whole that's given to the Reserve, and that's for all the businesses. So with that tobacco allocation gone and taken, the province couldn't – well they probably could if they wanted to change their amendments – but they refused basically to give any further tobacco allocations because it was maxed out. So therefore with the Husky station our hands are tied basically in being able to lobby for more tobacco allocations with the, for the businesses. With our Gas Station, we had quite a struggle for quite a long time, this went on for a couple of years to get any kind of tobacco allocations for that Gas Station, our own Gas Station. Further to that, we are trying to work on an amendment to our Business License Bylaw so that we can address this issue and try and attempt to get jurisdiction away from the Province, so basically you know the way that the Indian Act states, that as long as the Act is silent, then the provincial Acts apply. So we are going to try and challenge that and say that, you know, through a Bylaw we are going to fill that gap and try and get jurisdiction to have tobacco allocations, and the Band can divvy up the tobacco allocations to the businesses to have that control, and take that control away from the province. So we are still trying to work through that with our list of Bylaws that we are doing.

CHIEF SHANE GOTTFRIEDSON:

Just to let membership know too that we do probably collect in the neighbourhood now on the First Nations tobacco, gas, and alcohol, we are probably in the neighbourhood of \$1 million, about \$900,000 close to one million. And when we talk about tobacco issue, Councillor George Casimir has been working on the allocation issue because tonight I stopped at our own gas station and I had to pay full price for some tobacco. But these are issues that we face as well, and we're trying to look at making things better.

FREDA JULES:

Debbie just told me that it wasn't the tobacco that she was charged tax on, was it a fuel purchase? It was a different purchase other than tobacco. And I've also had some emails from Band members outside of the Kamloops Indian Band that were asking me about this and they also said they were being charged on fuel sales, tax on fuel sales.

CHIEF SHANE GOTTFRIEDSON:

So maybe what we can do if the meantime is we can maybe have Freda as our Taxation and Lands Officer get a meeting with the operators and managers of Husky to get to the bottom of it. Fair enough?

DOLLY THOMAS:

When this motion was first presented to the Band way back, the motion read, just for land, education, Elders and recreation. Now I see there's housing, social, education, infrastructure, economic opportunities, health services to KIB members, to implement Secwepemc title and resolve the Douglas Trutch cut offs. I think if you are going to add all those things, then the original motion has to be amended.

COUNCILLOR RICHARD JULES:

The reason why we have it like that is we don't want to limit what the Band wants to do with that money, without having to come back and make changes all the time. As you see, we're having changes tonight to different policies and if we're going to make amendments to these policies, then we are going to have to continually come back here. Even if it's approved by you people, then if you want to do something other than what it says there, on the paper, then you have to change it. You have to make amendments to it, to the Bylaw there. So if you don't limit yourself to just a couple of things, then if you want to do something other than what was said before, then you should be able to do that without having to make an amendment.

DOLLY THOMAS:

What I am saying is, that if you are going to add these, it has to be added to the first motion that was made when we first voted on the GST. Not only that, a lot of these things that you've got written down, they received funding from the Department of Indian Affairs as it is. It is just going to cut back on the money that they already receive.

COUNCILLOR RICHARD JULES:

Well, we'll be discussing this on the 30<sup>th</sup>, and we'll follow the Band members' wishes anyway. Before you carry on. I was wrong about this paper being put out. It should be done by tomorrow, delivered to all of the houses. It was supposed to have been done today, but I don't know what happened. We had some of this before sent out previously. But in the last meeting that we had, we added number 8, so we don't limit ourselves to just a couple of things. If the Band deems to do other things with it, they can... And I mean, the Band.

DELORES JULES:

Freda was saying that was amended last spring when there was a voting on it, so it should be in the files or something already, that it was all amended and all that. It was voted on and amended, whatever.

CHIEF SHANE GOTTFRIEDSON:

Alice would you like to say something, you're teetering back and forth there. I wasn't sure if you wanted to come and speak before I close the discussion off.

ALICE McCALEB:

Just really quick here, I'm on this committee as well, and one of the things that I raised with this committee that I want to hopefully pursue – I wanted more defining on, instead of just, it states 1 vehicle, 1 house per year. When I called to see what was meant by 1 house per year, they said if it is a new house, and I really strongly feel it should go beyond 1 new house, because I know there are Band members, it's not a Band house, and if they want to renovate their homes, if they need to put an addition onto it or if they have.... Renovating your home can mean a lot of things. You can have an electrical problems, or plumbing problems, you've got to do an entire renovation on your electrical work, then all the electricians cost, all those supplies and stuff, or whether it be wiring and fixtures. Whatever it may be, or even in plumbing, you can run up bills \$20,000, \$30,000 in these areas. Now, when you get into individual Band members and they have to come up with this money and it isn't Band money, it is not a Band house, then these people are going to be required to pay the GST on all of this. So I want housing, instead of just 1 house per person, being a brand new house, because a lot of people here already have their homes. I think Band membership needs to start thinking of these costs, because I am thinking of these costs. This should not be simply for 1 brand new house, it should be included in there, people have to renovate. Like I said, if they are putting an addition onto their house. We are not talking about fraud here, we are talking about people that, as homes age, you have to do things to them whether you want to or not. And you have to spend the money to do it. I don't think membership should be penalized financially to obtain this GST in order for them to get better living accommodations, whether they have to work and pay for it, or whatever. So that's one of the things on this committee that I want more defined when we get down to housing and that's something else that we're still working on.

COUNCILLOR RICHARD JULES:

Well, like I say we're having a meeting on the 30<sup>th</sup>, and those types of questions and any other questions you have, I would sure like to hear them, and we will have the people research all of that stuff and we'll bring that back to you.

CHIEF SHANE GOTTFRIEDSON:

I think you make some valid points there. I think there's been a lot of good discussion tonight and I'd like to thank the membership for having the courage to get up and speak on a very tough topic, on taxation. At this time, I have one announcement then we are going to go into the question and answering period.

The Kamloops Indian Band Lands and Leasing Tax Department Bylaw Presentation Workshop, located at the Chief Louis Centre Assembly Hall. It's a Bylaw presentation and discussion on November 25<sup>th</sup>, from 12 – 4. Lunch will be provided. Please contact Karen at the Lands Department at 828-9784 before Tuesday November 23<sup>rd</sup>, to RSVP. So we are having, Lands Department is putting on a lunch, so you'll be able to come and get some lunch.

COUNCILLOR EVELYN CAMILLE:

I just have a brief announcement. The Assembly of First Nations is requesting assistance from Residential School Survivors to develop a data base in order to keep Residential School Survivors updated on Residential School issues, in which material can be sent directly to your home. If you would like to participate or know of any Residential School Survivors, there are forms at Band Member Services. Fill them out and bring them to Carrie Leonard. We will gather them all up and send them to the Assembly of First Nations, or there is an address on the forms, if you would like to send them yourself. Kukwstétemc.

CHIEF SHANE GOTTFRIEDSON:

Also too, we have our Lex'Yem newspaper coming out. The deadline is December 6. November 29 is the deadline. So if any of the membership wish to put an article in the Lex'Yem, you are more than welcome to. Whether it's a story, or a poem or you are promoting your business, or just to say Weyt-k, you are more than welcome to. I have one final announcement here – boy if I was a DJ I'd be making lots of money in advertising here. Where's Jules, he's got a really nice voice.

The Kemstinetkwe Fundraising Society is looking for volunteer board members and it is basically, if the membership recalls, there was a motion made at a General Band Meeting, probably 3 or 4 years ago... 2years? Two years ago, three years ago. Anyway, we need board members for our non-profit society so we can start getting it going, to start benefiting some of the directives of the membership through education, recreation, Elders etc. So you are urged to sign up as a board member. I think we have six board members right now, three are in the process of resigning so we need to fill those shoes. So membership step forward, please.

I am now going to open up the mic for question and answer period. I don't know if we have a quorum, but I would still like to.. I would like to thank the membership for getting through our six orders of business tonight, and I would still like to proceed our meeting with a question and answer period, even though we don't have the quorum, if that is the wishes of the membership. The mic is open.

DEBBIE BET:

I've got a general question for the General Band Meeting. I've noticed that on the Reserve we've got a lot of 30 mile an hour signs that are no longer in use, we use them for the inverted speed bumps. But around here, because I drive Sk'elep School bus and I notice that we do need lots around here, if we can bring them from out there to here, around the school, because they are not needed on the roads any more. The inverted bumps are filled in, where the 30 mile an hour signs were posted.

CHIEF SHANE GOTTFRIEDSON:

We had a lengthy discussion with the RCMP about traffic today, with Mr. Bauhaus, so it is good to see the RCMP here tonight, hearing some of our speed concerns on our Reserve. Yes, I guess there are signs available, we can put those signs up, we can contract Ivan Hazelwood, the Public Works Foreman to put some signs up. Thank you. Just to follow our organizational chart. I was informed, under the CLC, we are creating more work for Freda. For the Reserve, we will look after the Reserve side, Councillor Manuel and Department Head Freda Jules will definitely – Fred took notes I see.

VINETTE MANUEL:

I don't know whose Department this belongs under, but basically I drive my daughter to school every day, over to A.E. Perry, and every time I come back off of the Halston, that dip between the overpass and the road is getting so severe I swear to God



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# Memorandum

**To:** BAND MEMBERSHIP  
**From:** Chief and Council  
**Date:** November 18, 2004  
**Re:** SPECIAL GBM – NOVEMBER 30, 2004

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Please find attached “**Proposed KIB Sales Tax Rebate Policy**” to be discussed at the **Special G.B.M.** scheduled **Tuesday November 30<sup>th</sup>, 2004** starting at **6:00pm** at the Sk’elep School of Excellence Gymnasium.

Thank you



September 2004

# **Proposed KIB Sales Tax Rebate Policy**

**Draft**

**for discussion purposes only**



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## **A Proposed KIB Sales Tax Rebate Policy**

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### **Policy Objectives**

The KIB sales tax rebate policy is intended to achieve the following seven policy objectives:

1. Nobody in the eligible group should be worse off as a result of the KIB sales tax.
2. The total cost of the rebates distributed and potential fraud should be as low as possible.
3. The administrative cost of the KIB sales tax rebate system should be as low as possible.
4. All persons eligible for the rebate should be treated the same.
5. The rules of the rebate system should be clear.
6. The total costs of the rebate system should be made available to all parties.
7. The band membership should be supportive of the KIB rebate system when it is presented to them in December.

### **Policy Eligibility**

All band members over 19 will be eligible for a KIB sales tax rebate.

### **Policy Administration**

A lump sum payment of \$500 will be made to KIB band members over 19 years in May and November each year. This is equal to one half of the median annual GST paid on purchases on and off reserve by residents of the V2H postal code.

KIB band members over 19 will also receive an additional rebate of \$150 for each child under 19 for whom the member has legal guardianship.

### **New Vehicle and Home Rebate Policy**

Each KIB band member over 19 can collect a GST rebate on the purchase of one new vehicle and one new home purchased on KIB lands per calendar year. To collect this rebate the band member must provide the administration with:

- A proof of purchase (a receipt) and
- A proof of ownership (vehicle registration or new home title)



## Policy Evaluation Criteria

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The proposed KIB Sales Tax Rebate Policy is based on seven criteria raised during the June 2nd and June 16th meetings of the KIB sales tax rebate committee.

1. **No worse off** - The rebate system should not leave eligible group any worse off. For example, an on reserve member would have to pay about an extra \$200 in GST that they did not before. The rebate system should compensate them.
2. **Low Rebate Cost** - The cost of rebates must be low enough to ensure that the KIB can use sales tax revenues to continue to repatriate the Douglas reserve, build economic infrastructure and meet the other social objectives of the community. This includes the costs associated with the rebates and costs associated with fraud.
3. **Low Administrative Costs** - The KIB sales tax rebate system should have low administrative costs for the KIB, the eligible group and retailers. The intent of the rebate program is to provide revenues to those eligible, not to expand the KIB administration or raise the costs of doing business.
4. **Fair** - The rebate system should treat all members of the eligible group the same and should be perceived as fair by those not included in the eligible group.
5. **Transparent** - The rules of the rebate system should be clear and understandable to all participants.
6. **Accountable** - A mechanism should be established to verify to all parties how the KIB sales tax rebates are distributed and administered.
7. **Saleable** - Band membership should be supportive of the KIB rebate system when it is presented to them in December.



## **What membership criteria should be used to determine eligibility for the KIB GST rebate?**

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The basic objective of the KIB GST rebate is to reduce the effect of the KIB GST on KIB members, especially those with lower incomes, since members will have to start paying KIB GST for on reserve purchases.

In order to accomplish the objective of the rebate, all KIB members should be eligible, regardless of whether they live on or off reserve. This recognizes the fact that many off reserve members live in the local area and make purchases on reserve, and reduces the potential for abuse. Children will not be eligible to receive their own rebate, but adults will be eligible to claim a supplementary rebate on their behalf.

As eligibility is expanded to other Aboriginal people, costs increase as more people receive rebates. This means that there is less revenue available for KIB programs and initiatives. Efficiency also decreases. More time and money will need to be spent on administering the rebates, and maintaining lists of those eligible to receive the rebate.

There are also political considerations surrounding eligibility. There may be some opposition from non-KIB Aboriginal people in the area for not including them in the rebate system. However, as eligibility is expanded to other Aboriginal groups, there is increased risk that the rebate system will be challenged as race-based, or that it will not be acceptable to Revenue Canada.

### **Recommendation:**

All KIB members over the age of 19, regardless of residence, should be eligible for the KIB GST rebate, including child supplements.



## **Should there be an income test to determine eligibility for the KIB GST rebate?**

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In order to qualify for a full rebate under an income test system, members would have to submit a copy of the previous year's income tax assessment to the Band office. Those with incomes above the pre-established limit would receive either a reduced rebate or no rebate at all.

An income test system would reduce the number of people eligible for the full rebate, potentially reducing the cost of the rebate program. This means that there would be more revenues available either for larger rebates for members below the income cut-off or for other community programs and initiatives.

However, administering the income verification requirement would involve significant costs, which decreases the efficiency of the rebate program. For a lump sum payment system, an income test is estimated to double administration costs.

An income test may also be politically difficult to implement within the community. Due to the nature of a sales tax, people with higher incomes will pay more than people with lower incomes, while the rebates would be given to the lower income people but not those with higher incomes. This could create divisions within the community and create incentives for falsifying income information.

### **Recommendation:**

The committee should decide whether there should be an income test associated with the KIB rebate, but an income restriction is likely to be expensive to administer and politically difficult to implement.



## **Should the KIB GST rebate be a lump sum payment, a receipt system, or a smart card system?**

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Lump sum payments are the lowest cost option, mostly because of the large potential costs of fraud associated with the receipt system and, to a lesser extent, the smart card system.

The lump sum payments also have by far the lowest administrative costs. Receipt systems involve lots of admin time for processing the receipts, and smart card systems involve large equipment and software programming costs as well as operating costs.

The receipt based system may be the less appealing to membership than the other options because members would have to pay the GST up front, and then wait to be reimbursed. However, there may be some concern as to whether the amount of the lump sum payment is sufficient to cover large purchases. To address this concern, an additional receipt based rebate for one new car and one new house could be provided annually.

As well as increasing the overall cost of the rebates, the potential for fraud associated with the receipt system and the smart card system could leave the rebate system open for challenges.

### **Recommendation:**

The KIB GST rebate should be a lump sum payment.



## Evaluation of Rebate Options

Evaluation Criteria	Eligibility		Income Test		Payment Method		
	KIB Members Only	KIB Members + Others	Yes	No	Lump Sum	Receipts	Smart Cards
No Worse Off	♦	♦		♦	♦	♦	♦
Low Rebate Cost	♦		♦		♦		
Low Admin Cost	♦			♦	♦		
Fair	♦			♦	♦	♦	♦
Transparent	♦	♦	♦	♦	♦	♦	♦
Accountable	♦	♦	♦	♦	♦	♦	♦
Saleable	♦			♦	♦		♦
Best Option?	KIB Members Only		No Income Test		Lump Sum Payments		





November 2004

## **KIB Sales Tax Committee**

### **Report**

**from the Chair of the Sales Tax Committee**

**Councillor Richard Jules**



## **Purpose of the November 30<sup>th</sup> meeting**

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The band member resolution from February 2004 provides clear direction.

Be it therefore resolved that the band members of the KIB instruct the Chief and Council to proceed with the negotiation and implementation of the broad based KIB sales tax on all GST eligible products and services;

Be it further resolved that the Chief and Council presents for approval, policies to the members within ten months to ensure that the broad based KIB sales tax is applied fairly and equitably to KIB and Secwepemc members.

The purpose of this meeting is to respond to the second part of the band member resolution. We are presenting to the members a rebate policy to ensure that the KIB sales tax is applied fairly.

### **KIB Sales Tax Facts**

- 1. Section 87 will continue to apply to all elements except those pertaining to GST. This is not a tax on property or income. Any new tax on members will require a band member resolution.**
- 2. The federal GST rebate system will continue.** Currently, KIB members below a certain income limit receive a GST rebate from Canada. That system will continue with the introduction of the KIB sales tax. The proposed KIB sales tax rebate system is **in addition** to the existing federal system.
- 3. Expenditures from KIB sales tax revenues are listed in the February 2004 band member resolution:**

Whereas greater tax revenues could be used to improve housing, social programs, education and health services to KIB and Secwepemc members;

Whereas greater tax revenues could be used to improve infrastructure and Economic opportunities for KIB and Secwepemc members;



**Kamloops Indian Band**

**Chair's Report – KIB Sales Tax Committee**

Whereas greater tax revenues could be used to implement Secwepemc title and resolve the Douglas-Trutch cut offs;

### **Sales Tax Committee Report**

The KIB sales tax committee has met over the last 7 months to develop the KIB sales tax rebate policy. There have been nine scheduled sales tax meetings during that time.

The Chair of the Sales Tax Committee was Councillor Richard Jules. The Vice Chair was Councillor Fred Seymour. Individuals attending sales tax committee included Jode Seymour, Delyla Daniels, Dolly Thomas, Alice McCaleb, Hank Gott, Sandra Seymour, Colleen Seymour, Gayle Gottfriedson, Sunshine Gottfriedson, Denny Thomas Sr., Francis McCaleb, Harry Paul Jr., Chad Gottfriedson, George Casimir, Manny Jules and Howard Campbell.

The sales tax committee reviewed over 16 rebate options. Some of the rebate options applied to members and non-members. Some of the rebate options involved receipts. Other options involved lump sum payments.

The sales tax committee developed eight principles to evaluate the options. Options that involved receipts were considered too administratively expensive and increased the possibility of fraud. Options that involved non-band members were considered too expensive.

The more expensive the rebate system the less available revenues for improvements to band member services, increased economic opportunities or repatriating the Douglas reserve.

On November 10<sup>th</sup>, the core sales tax committee approved the policy that is presented to the band members.



**Kamloops Indian Band**

**Chair's Report – KIB Sales Tax Committee**

# KIB Sales Tax Rebate Policy – Approved by Sales Tax Committee on November 10<sup>th</sup>, 2004

## Policy Objectives

The KIB sales tax rebate policy is intended to achieve the following eight policy objectives:

1. No persons in the eligible group should be worse off as a result of the KIB sales tax
2. The total cost of the rebates distributed and potential fraud should be as low as possible.
3. The administrative cost of the KIB sales tax rebate system should be as low as possible.
4. All persons eligible for the rebate should be treated the same.
5. The rules of the rebate system should be clear.
6. The total costs of the rebate system should be made available to all band members.
7. The band membership should be supportive of the KIB rebate system.
8. In addition to the KIB sales tax rebate policy, KIB sales tax revenues should be available to improve housing, social programs; education, infrastructure, economic opportunities and health services to KIB members, and to implement Secwepemc title and resolve the Douglas-Trutch cut offs.

## Policy Eligibility

All band members over 18 years of age will be eligible for a KIB sales tax rebate.



Kamloops Indian Band

*Impairment System*

*How does this affect:  
1) S.A. people  
2) people paying their tax & receiving KIB members.  
Are they eligible for a top nation also?*

*Band Memb. family of the band for Band members not living on rez*

*violates freedom of Charter of Rights.*

*parents are already paying for this for their kids, it should go to them.*

## **Policy Administration**

A lump sum payment of \$500 will be made to KIB band members over 18 years of age in May and November each year. This is equal to the average annual GST paid on purchases on and off reserve by residents of the V2H postal code in 2002.

Each year, \$150 will be placed in trust for each band member that is under 18 in that calendar year. This trust fund will be available to that band member on their 18<sup>th</sup> birthday.

An accountant will be made available to KIB entrepreneurs two days a week to assist them in implementing the GST. The accountant will also help KIB entrepreneurs submit their input tax credits for any goods and services they use in the operation of their business. The accountant will also be available to answer KIB sales tax questions from the members.

The KIB sales tax rebate policy will be reviewed after three years to ensure that it is achieving its stated policy objectives.

## **New Vehicle and Home Rebate Policy**

Each KIB band member over 18 years of age can collect a GST rebate on the purchase of one new vehicle and one new home purchased on KIB lands per calendar year. To collect this rebate the band member must provide the administration with:

- A proof of purchase (a receipt) and
- A proof of ownership (vehicle registration or new home title)



**Kamloops Indian Band**

**Chair's Report – KIB Sales Tax Committee**

## **Recommended Resolution of Support**

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Whereas the band members of the KIB resolved that the Chief and Council presents for approval, policies to the members within ten months of February 2004 to ensure that the broad based KIB sales tax is applied fairly and equitably to KIB and Secwepemc members and;

Whereas the KIB sales tax committee has approved and recommended the KIB sales tax rebate policy presented to the band members on November 30<sup>th</sup>, 2004

Be it therefore resolved that the band members of KIB approve the KIB sales tax rebate policy and

Be it further resolved that this policy will take effect after the KIB sales tax is implemented.



**Kamloops Indian Band**

**Chair's Report – KIB Sales Tax Committee**

