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RECEIVED

MAR 09 2005

March 7, 2005

Your file - Votre référence

Our file - Notre référence

E4216-688

Chief and Council
Kamloops Indian Band
202 - 355 YELLOWHEAD HWY
KAMLOOPS BC V2H 1H1

COPY

RE: Kamloops Indian Band Bylaw 2004-07

Please find enclosed the original and three certified true copies of the following by-law:

- **Kamloops Indian Band Bylaw 2004-07**

We have kept copies of the originals on our file should you require additional copies certified pursuant to section 86 Indian Act in the future.

If you have any questions, please call me at 604-666-5305.

Yours truly,

Jean-Émile Dufault
Band Governance Officer & Indian Monies Officer
Lands and Trust Services – Area North
BC Region
600 – 1138 MELVILLE ST
VANCOUVER BC V6E 4S3
TEL: 604-666-5305
FAX: 604-666-2670

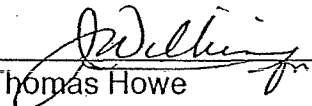
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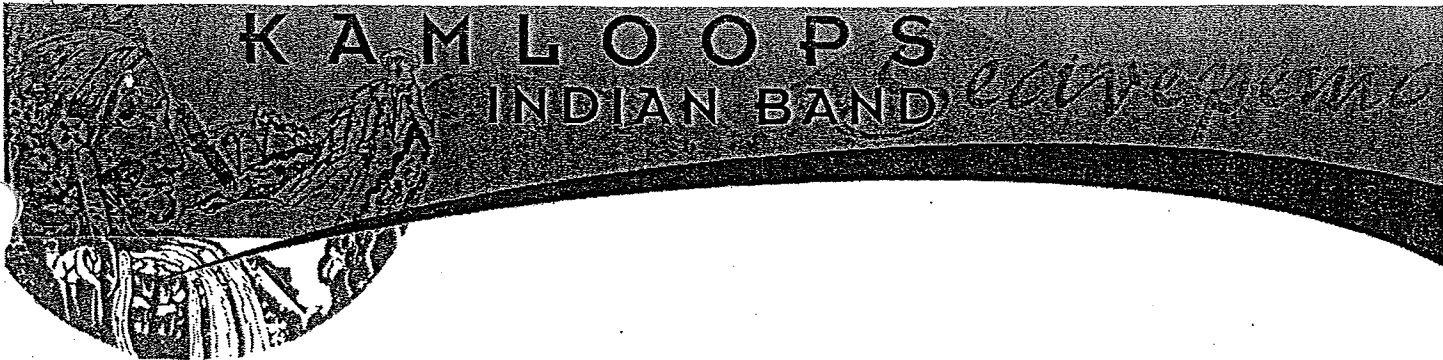
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CERTIFICATION

Pursuant to Section 86, Indian Act RSC 1985 C.I-5 and amendments thereto, I certify that the attached copies of the Kamloops Indian Band By-law No. 2004-07 dated December 14, 2004 are true copies of the said by-law.



Thomas Howe
Director, Lands and Trust Services,
a superintendent as defined in
Section 2(1) Indian Act RSC 1985



KAMLOOPS INDIAN BAND

Bylaw No. 2004-07

**A BY LAW TO ESTABLISH REGULATIONS
FOR RECREATIONAL FACILITIES OWNED
BY THE KAMLOOPS INDIAN BAND**

TABLE OF CONTENTS

	<u>Page Number</u>
1. Short Title	1
2. Definitions	1
3. Fees & Charges	2
4. Security	3
5. Bookings	3
6. Damage Deposits and Claims	3
7. Payment of Rental Fees	3
8. Condition of Premises	4
9. Annual Facility Closures	4
10. Facilities	4
11. Facility Use Permits	5
12. Renter's Responsibilities	6
13. Smoking Policy	6
14. Alcohol and Drug Policy	6
15. Liability Insurance	6
16. Violation	7
17. Equipment with Open Flames	7
18. Cancellations	7
19. Authority	7
20. Right to Refusal	7
Schedule A Kamloops Indian Band Facility Rental Fees Schedule	
Facility Rates	i

TABLE OF CONTENTS

Recreational Field User Fees	i
Recreational Field Seasonal	ii
Additional Fees Services and Equipment Rates	ii
Schedule B Facility Rental Notice	i

KAMLOOPS INDIAN BAND

By law No. 2004 - 07

**A Bylaw to Establish Regulations
For Recreational Facilities Owned
By the Kamloops Indian Band**

WHEREAS it is provided in Section 81 of the *Indian Act*, and in particular subsections 81(1)(m)(q) therein provide that, the Band Council may make bylaws for the control or prohibition of public games, sports, races, athletic contests and other amusements, and other ancillary matters.

Now therefore be it resolved that the Council of the Kamloops Indian Band at a duly convened meeting, enacts the following bylaw.

1. **SHORT TITLE**

This bylaw may be cited as the "Recreational Facilities Bylaw".

2. **DEFINITIONS**

"Band" means the Kamloops Indian Band.

"Band Representative" means the Band Council and any Person duly authorized by the Band Council to represent the Band or the Council, including any officers, employees, agents, contractors, subcontractors, consultants or advisors of the Band or the Council so authorized.

"Chief" means the duly elected Chief of the Band pursuant to the Custom Election Regulations of the Band.

"Council" means the Chief and/or Councillor of the band duly elected pursuant to the Custom Election Regulations of the Band, hereinafter referred to as the "Council".

"Council Meeting" means a meeting of the Council held pursuant to the Council Procedures Bylaw of the Band.

"Councillor" means a duly elected Councillor of the Band pursuant to the Custom Election Regulations of the Band.

"CLC Tenants" means the Band Department Heads and Chief Louis Centre Tenants.

“Department Head” means the management employee responsible for the administration of a particular Department of the Band.

“Director of Operations” means the employee appointed pursuant to the Kamloops Indian Band’s Personnel Policy and Procedures Manual.

“Facility/Facilities” means Boardrooms, Assembly Hall, Gymnasium, Kitchen, Recreational Field, Dining Room, Special Events Facilities, Mt. Paul Centre, T’kek Yeel Stem, Churches and Other Places of Worship as outlined in Section 10, Facilities.

“General Band Meeting” means a duly convened general meeting of band members.

“Management” includes the Director of Operations the Director of Finance, the Human Resource Manager and the Department Heads.

“Portfolio Head” means the Councillor who has responsibility for a particular portfolio of the Band.

“Reserve” means land located within the Band Reserve Numbers 1 to 5, any other Band reserves or special reserves (as defined in the *Indian Act*) and any other land over which the Band has jurisdiction to pass bylaws or to manage land or development or both; includes designated land, land under Certificate of Possession and land held under a section 28 (2) permit, as defined by the *Indian Act*.

“User Groups” means any permittee, licensee, league, band members, department heads, Management, council, recreational groups, or committees.

3. FEES AND CHARGES

In all facilities, a mischief or vandalism fee is applicable at cost. This fee will be charged and deducted from the damage deposit (should damage occur or additional cleaning be required).

For any activity in which User-Groups comprise both adults and youth, or adults and seniors, the adult rate will apply.

Additional charges, at cost, will be made for services not provided as part of the regular facility or area rental.

Facility rental fee, see Schedule “A” will be required in advance, at the time of issuance of Facility Use Permit as outlined in Schedule “B”.

4. **SECURITY**

The Band reserves the right to approve or specify security arrangements for any event, with the User Group. In such circumstances the User Group will be responsible for any additional costs.

5. **BOOKINGS**

All bookings are to be made at least one (1) week in advance of the event. All cancellations, full or partial, must be submitted in writing to the Band with a minimum of seven (7) days notice prior to the event being held. Late cancellations will result in the user group being charged, the full Facility Rental Fee whether or not it is resold. The Band retains the right to reschedule any or all unused facilities arising from a cancellation.

NOTES:

- If the custodian is required for set-up or furniture moving, the necessary time will be charged based on the hourly fee schedule for custodians.
- The damage deposit is refundable after final inspection of the rented area. The damage deposit (upon request) will be retained by the Kamloops Indian Band for future use by the renter, and refunded at any time upon request of the renter.
- Where a request is made for free use of the facilities, this request must be submitted in writing to the Council for consideration. For the free use of the band facility the users is responsible for the set up and clean up of the facility before and after the event.

6. **DAMAGE DEPOSITS AND CLAIMS**

A minimum damage deposit of Two Hundred Dollars (\$200.00), payable prior to any event, may be required upon signing of the Application of Use of Facility, see Schedule "B". A Band Representative will inspect the facility before and after each use. If there are any damages or cleaning is required to the facility, the Band will make a deduction from the damage deposit at that time.

7. **PAYMENT OF RENTAL FEES**

All rental and damage deposit fees are payable twenty-four (24) hours in advance for the period booked. The deposit is refundable after inspection of the rental.

8. **CONDITION OF PREMISES**

All premises are to be rented "as is". Renters are restricted to the use of facilities as stated on the application for. Tables and chairs will be provided only to the extent that such equipment is available.

There is no liability expressed or implied on the part of the Kamloops Indian Band as to the safety or condition of the premises rented. The renter must accept the premises at his/her own risk.

9. **ANNUAL FACILITY CLOSURES**

All Band facilities will be closed on Christmas Eve and Christmas Day, with the exception of the Mt. Paul Centre

10. **FACILITIES**

Generally the facilities can be used for General Band Meetings, conferences, workshops, meetings, educational and religious activities, unless otherwise specified.

FACILITY	TYPE	USE
Boardroom	<ul style="list-style-type: none"> known as the AA Room 	Meetings, workshops.
Gymnasiums	<ul style="list-style-type: none"> CLC Gymnasium 	Band Meetings, conferences, workshops, flea market, home shows, agricultural shows, recreational shows, entertainment events, weddings, memorials, Religious celebrations, bingo and election polls.
Conference Rooms	<ul style="list-style-type: none"> CLC Assembly Hall 	Band Meetings, conferences, workshops, appeal hearings, open house and meals.
Kitchen	<ul style="list-style-type: none"> CLC Kitchen 	Dinners, storing food for activities in dining room and conference halls.
Recreational Fields	<ul style="list-style-type: none"> Alex Thomas Park CLC Park 	Recreational & educational activities particularly, ball games and school track meets, barbeques; however, midways or circuses will not be permitted.
T'kek Yell Stem	<ul style="list-style-type: none"> Cabins 	Recreational & educational activities
Dining Rooms	<ul style="list-style-type: none"> CLC Dining Room 	Meetings, conferences, workshops, educational activities and meals.
Mt. Paul Centre	<ul style="list-style-type: none"> Various Rental Areas (refer to Mt. Paul Centre Policy and Procedures Manual) 	Conventions, Shows, Conferences and various other events.
Special Events Facilities	<ul style="list-style-type: none"> CLC Special Events Facility Alex Thomas Park 	Conferences, entertainment, educational, cultural & religious activities.
Churches and Other Places of Worship	<ul style="list-style-type: none"> St. Joseph's Church 	For the purpose of this bylaw, any location deemed to be used for religious activities, there will be absolutely no alcohol permitted.

11. FACILITY USE PERMITS

The use of any Band's facilities shall not be granted without first obtaining a Facility Rental Notice as attached in Schedule "B". A booking fee of Five Dollars (\$5.00) per permit will be charged for the booking service where no facility use charges are applicable.

12. **RENTER'S RESPONSIBILITIES**

All groups or organizations booking Kamloops Indian Band facilities shall:

- a) Assume full responsibility for adult supervision of the activity involved: Supervision must be present during the entire period of the rental.
- b) Ensure that all regulations are adhered to as stated in the rental agreement.
- c) Supervise entrance and adjacent areas to ensure that unauthorized persons do not enter the building.
- d) Ensure that participants remain within the confines of area assigned.
- e) Remain within the time schedule allocated and vacate the premises promptly.
- f) Have rental permit posted.
- g) Be held responsible for personal injury or property damage including buildings, grounds, fields and fences, caused by the applicant negligence.

13. **SMOKING POLICY**

There will be no smoking in any band facility, and smoking is permitted only in designated areas.

14. **ALCOHOL AND DRUG POLICY**

There will be absolutely no drugs permitted any band facility. In addition, there will be absolutely no alcohol permitted on or around any of the band facilities, with the exception of the Mt. Paul Centre (refer to Mt. Paul Centre Policy and Procedures Manual for guidelines).

15. **LIABILITY INSURANCE**

All users of band facilities are required to hold and obtain adequate liability insurance (\$2,000,000 minimum subject to \$500.00 deductible with the Kamloops Indian Band as an additional name insured). Those user groups that are unable to provide proof of liability insurance coverage are required to purchase applicable "Sport B.C. Insurance" through the Band with the issuance of their facility use permit.

16. **VIOLATION**

Any violation of this Bylaw will be subject to a fine not exceeding \$ 1,000.00.

17. **EQUIPMENT WITH OPEN FLAMES**

No open flame equipment is permitted at any time.

18. **CANCELLATIONS**

- a) Except for rental refunds, the Band assumes no responsibility for cancellations due to circumstances beyond control of the Kamloops Indian Band.
- b) In the event of a special, unforeseen function the Band reserves the right to displace any renter. There shall be no liability except for rental refunds.

19. **AUTHORITY**

Any person on Band property as a result of a rental shall obey the lawful instructions of Band Policies, and/or Band representatives, and in the event of being requested to leave the premises must do so immediately.

20. **RIGHT TO REFUSAL**

The Kamloops Indian Band reserves the right to refuse rental to any individual or group.

Schedule "A"
Kamloops Indian Band
Facility Rental Fees Schedule

FACILITY RATES

Facility	Rates		Non-Profit		CLC Tenant	
	½ day	Per Day	½ Day	Per Day	½ Day	Per Day
Boardroom	30.00	60.00	18.00	36.00	19.50	39.00
CLC Assembly Hall	175.00	350.00	105.00	210.00	113.75	227.50
Gymnasium	150.00	300.00	90.00	180.00	97.50	195.00
CLC Kitchen	125.00	250.00	75.00	150.00	113.75	227.50
CLC Dining Room	150.00	300.00	90.00	180.00	97.50	195.00
Special Events Facility	300.00	600.00	180.00	360.00	195.00	390.00
Alex Thomas Arbour	150.00	300.00	90.00	180.00		
St. Joseph's Church	50.00	100.00	30.00	60.00		

- Refer to Mt. Paul Centre's Policy and Procedures Manual for their facility rates.

RECREATIONAL FIELDS USER FEES

- Rates to comparable to the City of Kamloops as amended from time to time.

RECREATIONAL FIELDS SEASONAL USER FEES

- Rates to comparable to the City of Kamloops as amended from time to time.

ADDITIONAL FEES, SERVICES, AND EQUIPMENT RATES

- **EQUIPMENT/SERVICES**

Equipment	½ day	Per day
Overhead Projector	15.00	30.00
Screen	6.00	12.00
Flip Chart	3.00	6.00
Equipment Trolley	2.50	5.00
Custodian/Set Up Charges	\$15.00 per hour	
Coffee/Tea	\$1.00 per person	

- **NOTE**
 - ✓ The Tables and Chairs are included in the rental cost of the facility.
 - ✓ G.S.T. is added to all fees where applicable.

Schedule "B"

FACILITY RENTAL APPLICATION

Name of Organization _____
 Contact Person _____
 Address _____
 Phone # _____
 Fax # _____
 Facility _____
 Date of Rental _____
 Hours _____
 Number of People _____

SPECIAL INSTRUCTIONS FOR ROOM SET-UP

Theatre		Classroom		Boardroom		Hollow Square	
U-Shape		Banquet		Head Table		Round Table	
Registration		Formal		Food Table		Other	

All bookings are to be made at least one (1) week in advance of the event. All cancellations, full or partial, must be submitted in writing to the Band with a minimum of seven (7) days notice prior to the event being held. Late cancellations will result in the user group being charged, the full Facility Rental Fee whether or not it is resold.

EQUIPMENT REQUESTED

Flip Chart		Overhead Projector		Podium		Coffee/Tea	
Table Cloth		Paper Table Cloth		Dishes			

A \$200.00 damage deposit is to be paid prior to event booked. Please make cheques or money orders payable to the Kamloops Indian Band, and send to 200-355 Yellowhead Highway, Kamloops, BC V2H 1H1.

Applicant's Signature _____

FOR OFFICE USE ONLY:

Amount Payable _____
 Booking Clerk's Signature _____

BE IT KNOWN that this By-law entitled the "Kamloops Indian Band Recreational Facilities By-law" is hereby read for the first, second, and third and final time and is hereby enacted as By-law No. 2004-07 by the Council of the Kamloops Indian Band at a duly convened meeting of Council held on the 14th day of December 2004

Voting in favour of the By-law are the following members of Council:

Chief	<u>Sm D-6a</u>	Councillor	<u>Harry Paulson</u>
Councillor		Councillor	<u>C. Leonard</u>
Councillor		Councillor	<u>Richard [Signature]</u>
Councillor		Councillor	<u>Vicki W. Manuel</u>
Councillor	<u>Lynne Samille</u>	Councillor	<u>[Signature]</u>
Councillor	<u>Neil Goggin</u>	Councillor	
Councillor			

being a majority of those members of the Council of the Kamloops Indian Band present at the aforesaid meeting of the Council.

The Quorum of the Council is five (5) members.

Number of members of the Council present at the meeting: 8

Vicki W. Manuel, Chief/Councillor of the Kamloops Indian Band, does hereby certify that a true copy of the foregoing By-law was mailed to the Minister of Indian Affairs and Northern Development pursuant to subsection 82(1) of the *Indian Act* this 16 day of December, 2004

R Leonard
Witness

Vicki W. Manuel