



Business Policy

Revised
June 2019

Approved by the
Economic Development Committee
July 16, 2019

Ratified by Band Council August 6, 2019

VISION STATEMENT

The Aundeck Omni Kaning First Nation will maintain the ancestral stewardship of their traditional lands as they have for millennia in a manner that will benefit the community while using the land in an environmentally sustainable manner for cultural, social, spiritual and economic independence of its' people always mindful of the need of a harmonious community built on mutual respect and a balance between prosperity and well-being.

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SCHEDULES

- A Aundeck Omni Kaning Business Permit Application Form
- B Aundeck Omni Kaning Business Permit
- C Aundeck Omni Kaning Tobacco Policy
- D Aundeck Omni Kaning Referendum Policy
- E Aundeck Omni Kaning Land Use Policy (*under development*)

Mission Statement

The Business Policy has been created to ensure new and existing business development and opportunities established through joint and multiple partnerships adhere to the rules and regulations as set forth under the Business Policy.

The Band Economic Development Program is responsible for the management and implementation of this policy. The policy shall be reviewed and updated on an annual basis to ensure its' contents comply with the progressive business nature of the First Nation.

1 EXECUTIVE SUMMARY

- 1.1 The Aundeck Omni Kaning First Nation (AOKFN) supports the development of business within the territories of the Aundeck Omni Kaning First Nation which will generate wealth, employment and skilled labour opportunities for the membership.
- 1.2 The AOKFN will, through proper business evaluation, invite and accept external commercial developers and other parties to develop new business with the AOKFN territories subject to the AOKFN Land Use Policy and the AOKFN Consultation Protocol Agreement.
- 1.3 The AOKFN will encourage all commercial developers and AOKFN members to utilize and employ Aboriginal and/or Canadian carriers, suppliers and sub-contractors to the extent that they are competitive and available in the operation of their business.
- 1.4 The BEDAC will strive for the most efficient operation and overall success of business development with AOKFN territories. The success of business development will be measured by the creation of new and expanded business opportunities, new employment and future business opportunities generated from these initiatives.

2 PROGRAM OBJECTIVES

- 2.1 The objective of the policy are: new business;
 - 2.1.1 support business development initiatives;
 - 2.1.2 improve access to business opportunities;
 - 2.1.3 increase self-reliance;
 - 2.1.4 provide a supportive business environment to the AOKFN membership.
- 2.3 The BEDP and BEDAC will receive and assess all formal requests from Band members and commercial developers who wish to establish a business within AOKFN territories. Applications will be forwarded, with recommendations to AOKFN Council.
- 2.4 New business partnership developments locating with AOKFN territories must be approved by the BEDAC and ratified by AOKFN Council prior to establishing the business with AOKFN territories.

3 BUSINESS DEVELOPMENT ELIGIBILITY CRITERIA

- 3.1 To be eligible for support, one of the applicants must be an AOKFN member.
- 3.2 An AOKFN member is a person who is registered in accordance with the Band Membership Code.
- 3.3 The AOKFN supports AOKFN member business development. The AOKFN does not support the establishment of a business with the intention of creating self-employment for an individual who is not a registered AOKFN member.
- 3.4 External commercial developers and non-members will require AOKFN Council approval and community support, subject to the approval process as stipulated in the Referendum Policy, to establish a business within the First Nation and its' territories. This includes properties owned under Certificate of Possession, Band Administered Lands, Lands Held in Trust and adjacent islands under Band jurisdiction and external territories. (*AOKFN Consultation Protocol Agreement*).
- 3.5 The AOKFN will not support external commercial developers who are using AOKFN members to set up business with AOKFN territories for their personal benefit.
- 3.6 Business are required are required to have the appropriate business licenses pertaining to federal and provincial laws and any additional licenses required by the Band. Based on business services/products, the following permits may be required:
- i) Master Business License;
 - ii) Tobacco license;
 - iii) AOKFN Business Permit;
 - iv) AOKFN Land Use Permit;
 - v) Land Lease Agreement (if operated on private property);
 - vi) Canadian Environmental Assessment.
- 3.7 Other information that may be required includes:
- i) Criminal Reference Check (persons who have been charged and convicted with a criminal offense will be disqualified;
 - ii) Must provide proof of land ownership (Certificate of Possession);
 - iii) Must have proper business signage as specified under Section 12.

4 LAND USE POLICY

- 4.1 The Land Use Policy identifies specific areas allotted for business development, allowable businesses, eligibility criteria and approval process. All business applications will be subject to the business development criteria as identified in the land use policy. No business application will be assessed without written approval and ratification by AOKFN Council.
- 4.2 Unless permission is granted by the AOKFN Council, and subject to section 4.1 above, businesses are prohibited on Lands Held in Trust by the AOKFN.

5 ASSESSMENT CRITERIA

- 5.1 The following assessment criteria will be used as appropriate and relevant to determine the support of new business with AOKFN territories:
- 5.1.1 business has the potential to generate net economic benefits to the region;
 - 5.1.2 demonstrated skills management capacity;
 - 5.1.3 employment opportunities for the AOKFN membership;
 - 5.1.4 the business does not have a negative impact on existing commercial enterprises;
 - 5.1.5 no negative environmental impacts to the community, businesses or public services.

6 ELIGIBLE BUSINESS CRITERIA

- 6.1 Eligible businesses include, but are not limited to:
- 6.1.1 tourism (products and services, traditional contemporary, destinations and attractions, accommodations, food and beverage establishments, retail outlets and tourism services such as wildlife viewing, canoeing, heli-skiing);
 - 6.1.2 other tourism services (tour operators, outfitters, guides, interpreters, travel agents);
 - 6.1.3 accommodations (hunting and fishing lodges, campgrounds, motels, hotels, resorts, lodges);
 - 6.1.4 transportation (tour buses, water taxis, ferries and taxis);
 - 6.1.5 food and beverage establishments (restaurants, fast food outlets, catering, food and beverage sales);
 - 6.1.6 retail outlets (gift shops, grocery, clothing, hardware, and other services generally not requiring certification or specialized skills to operate);
 - 6.1.7 professionals (legal services - lawyers, accountants, tax preparations, bookkeeping, payroll services, architectural, engineering, automobile repair, surveying and mapping services);
 - 6.1.8 health professionals (doctors, dentists, orthodontists, optometrists and chiropractors);
 - 6.1.9 telecommunications (computer services, internet service providers, website developers and web based businesses);
 - 6.1.10 marketing (brochures, billboards, advertising, promotions, tradeshow, etc).
- 6.2 Professionals are subject to the standards of governing body of a specific profession to include doctors, dentists, lawyers, accountants, architects and engineers.
- 6.2.1 Eligibility for the professional and technical services sector the applicant must:
 - 6.2.1.1 be in a profession that requires them to conform into the technical or ethical standards of a national or provincial/territorial governing body;
 - 6.2.1.2 have completed post-secondary education in a relevant discipline (ie. College diploma, University degree or certification), or have an equivalent combination of education and experience); and,
 - 6.2.1.3 be a member of the professional governing body for the profession they are practicing.
- 6.3 The AOKFN may ask non-accredited professionals to submit, in addition to their resume outlining their achievements, business references to assist the Council in determining their credentials.
- 6.4 The AOKFN Council will consider business joint venture and partnership opportunities linked to major developments in the following specific sectors. Areas not identified below are prohibited or are subject to approval by AOKFN Council:

- 6.4.1 mining;
- 6.4.2 manufacturing;
- 6.4.3 environment (recycling, green energy, product development);
- 6.4.4 industrial;
- 6.4.5 forestry.

6.5 The AOKFN Council will not support the development of new businesses which may be detrimental to existing businesses. At the discretion of the AOKFN Council the approval for a business application and/or permit will be subject to the impacts of same or similar businesses existing on AOKFN territories. The applicant will be required to explain how their business differentiates from similar businesses located in AOKFN. A letter of support from these related businesses may be an important factor in the decision making process.

7. INELIGIBLE BUSINESS ACTIVITIES

7.1 Ineligible business activities include:

- 7.1.1 gambling houses offering games of chance as their principle business (ie. bingo halls and casinos);
- 7.1.2 sexually exploitive or explicit operations;
- 7.1.3 sale of illegal (contraband) tobacco products;
- 7.1.4 manufacturing and sale of cannabis products;
- 7.1.5 establishments whose main purpose is the sale of alcoholic beverages;
- 7.1.6 cultural ceremonies and traditions, sacred medicines, production and marketing of healing remedies.

7.2 The AOKFN does not support the establishment of smoke shops regardless of location.

7.3 The AOKFN Council allocates the distribution of Tax Exempt Tobacco Products. Business may submit a written request to the AOKFN Council for a cigarette quota for the sale of tobacco products. *Please refer to the Tobacco Policy*

8 ACQUISITIONS

8.1 The following summarizes eligible acquisition scenarios:

- 8.2.1 AOKFN member plans to purchase majority share (at least 51%) of an existing non-Aboriginal owned business;
- 8.2.2 AOKFN member plans to purchase an existing Aboriginal business;
- 8.2.3 AOKFN member minority partner (less than 50% ownership) plans to acquire majority ownership (more than 50%) from non-Aboriginal partner;
- 8.2.4 AOKFN member partner (majority or minority partner) plans to obtain 100% ownership of business from an Aboriginal or non-Aboriginal partner.

9 PROGRAM CRITERIA

9.1 Business applications will be accepted on a monthly basis and must include an executive summary of the business plan and supporting documentation. All applications will be reviewed based on program criteria.

- 9.2 Businesses that sell taxable goods, provide a taxable service or charge admission to a place of amusement must obtain a vendors permit and are responsible for collecting tax and remitting it to the proper federal and provincial authorities.
- 9.3 Fireworks are regulated on a federal level and require a specific license for the storage and sale of fireworks and pyrotechnic articles. Businesses involved in the storage and sale of fireworks must provide a copy of their license.
- 9.4 Business operators must adhere to all federal and provincial regulations pertaining to business operations and services.
- 9.5 The BEDP will assess the probable impact of the business in relation to existing commercial operations to ensure that there are no detrimental impacts on existing businesses.

10 IMPORTANT TIME FRAMES

- 10.1 Within 2 business days of receiving an application the BEDO will follow-up with a letter to acknowledging submission of the application.
- 10.2 Within 10 business days upon receiving a complete application package the BEDO will complete an assessment of the business plan and if required, contact the Client for clarification and/or additional information required to complete the business review.
- 10.3 The BEDO will present the business application executive summary report and recommendations to the BEDAC. The Client will be notified immediately thereafter if additional information or clarification is required, prior to AOKFN Council assessment.
- 10.4 The BEDO will request a meeting with the AOKFN Council to present the business case and secure a decision on the recommendation of the BEDAC at their regular monthly Council meeting held on the first Monday of each month.
- 10.5 Upon AOKFN Council approval, two original copies of the Letter of Offer will be prepared for signature by the Chief within five (5) business days.
- 10.6 A meeting will be scheduled with the Client to review the Letter of Offer and upon acceptance provide signatures on both original copies.

11 BUSINESS SIGNAGE

- 11.1 Signs which are used for the sole purpose of advertising businesses such as billboards, directional signs or temporary signs require pre-approval from the AOKFN Council.
- 11.2 In accordance to the community beautification initiatives of the AOKFN, business signs must be of professional quality and appearance.
- 11.3 Signs erected along Highway #540 must not be affixed to, or mounted upon a tree, public utility pole, guard rail, other sign boards or structures except upon approval by AOKFN.
- 11.4 A sign may be luminous or illuminated provided the lighting does not cause direct or indirect

glare that may interfere with traffic safety.

12 FEES AND CHARGES

- 12.1 At the discretion of the AOKFN Council additional fees may be charged, but not limited to, for the following services:
- 12.1.1 environmental fee (client must provide a disposal plan acceptable to the AOKFN);
 - 12.1.2 water fee;
 - 12.1.3 waste disposal fee;
 - 12.1.4 business license fee.

13 ENVIRONMENTAL REQUIREMENTS

- 13.1 All businesses must abide by the rules and regulations established by the Ministry of Environment, Health Canada and the AOKFN. Where applicable, letters of acknowledgment and/or approval are required. These include, but may not be limited to:
- 13.1.1 environmental assessment;
 - 13.1.2 impact on wetland areas (if applicable);
 - 13.1.3 impact on endangered species (if applicable);
 - 13.1.4 provision of a waste disposal plan acceptable to AOKFN;
 - 13.1.5 participation in local recycling programs.

14 LANDS AND RESOURCES

- 14.1 The lands and resources pertain to specific areas allocated for business development. Where applicable, letters of acknowledgment and/or approval are required. These include, but may not be limited to:
- 14.1.1 AOKFN or private land lease agreements;
 - 14.1.2 zoning bylaws as specified in the Land Use Policy.

15 ENFORCEMENT PROCESS

- 15.1 All commercial operators engaged in current and/or future business activities are required to provide written notification to the AOKFN of their intentions accompanied by the appropriate application forms specific to the categories identified in Section 3 above.
- 15.2 Failure to comply will result in immediate removal of the commercial operator(s) and/or non-member(s).

Without prejudice, this Business Loans Policy shall be in effect as of August 6, 2019.