



COWICHAN TRIBES COMMUNITY DISTRIBUTION POLICY 2017  
POLICY FOR DISTRIBUTION OF TOBACCO TAX REVENUE  
COMMUNITY MEMBERS

**Table of Contents**

**PURPOSE .....3**

**BREAKDOWN OF DISTRIBUTION.....3**

**37 1/2 % DISTRIBUTION TO COWICHAN MEMBERS.....3**

**POLICY.....3**

**APPEALS COMMITTEE .....4**

**CRITERIA FOR ELIGIBILITY .....4**

**APPLICATION PROCEDURES.....4**

**CHEQUE ISSUING PROCEDURES .....5**

**PROCEDURE FOR RECEIPTS OF CHEQUES .....6**

## **PURPOSE**

The purpose of the Cowichan Tribes Policy for distribution of Tobacco Tax funds is to ensure that the conditions and terms of per capita distribution to the Membership are in accordance with the policy set by the Cowichan Tribes Council. In addition, that the procedures used in implementing the approved Chief and Council and the Community Distribution Policy are consistent.

## **BREAKDOWN OF DISTRIBUTION**

In November of 2008, the Cowichan Tribes' General Membership passed a resolution that the revenue from the Tobacco Tax be distributed as follows:

1. **37 1/2%** (thirty-seven and one-half per cent) of the total amount received be distributed to the Cowichan Members.
2. **25%** (twenty-five per cent) of the total amount received be distributed for housing repairs and renovations.
3. **12 1/2%** (twelve and one-half per cent) of the total amount received be distributed for job creation and job training.
4. **25%** (twenty-five per cent) of the total amount received be distributed for Youth and Elders.

## **37 1/2 % DISTRIBUTION TO COWICHAN MEMBERS**

As compensation for waiving Section 87 of the Indian Act, Cowichan Members are eligible to receive the annual distribution.

Distribution will be on a per capita basis and will be distributed per family unit. Each household may or may not contain more than one family unit.

## **POLICY**

The following policy adopted by the Chief and Council is considered the policy for distribution to the community. This policy will be referred to as the "Community Distribution Policy".

## APPEALS COMMITTEE

Allocation disputes over care of children will be referred to the Policy Appeals Committee. Meetings will be set as required

## CRITERIA FOR ELIGIBILITY

1. All individuals that are on the Cowichan Tribes' Membership list including children on 'A' list (adopted out), who have membership, children in foster care, Elders/Adults in care are eligible to apply.
2. Parent/caregiver/guardian may apply for each dependent child up to the age of 18.
3. Youth at age 18 by November 10, 2017 are eligible to apply on his/her own.
4. Children must be registered Cowichan Members by November 10, 2017.

Automatic Members are child(ren) born of two Cowichan parents. The application process must be started by November 10, 2017 to be eligible.

All transfers in and out approved by Chief and Council are eligible provided they are registered or in the process of being registered with the Aboriginal Affairs Northern Development Canada by November 10, 2017. Band Council Resolution dates will be taken into consideration.

5. Member must be alive and have applied prior to November 24, 2017. Members who have applied and are deceased before distribution date, the Executor of Estate may proceed with an allocation application.
6. The parent/caregiver/guardian who has care and control of the child/children is the person eligible to apply and receive the Tobacco Tax distribution; if in dispute proof of Child Tax benefits or proof of guardianship must be provided.

## APPLICATION PROCEDURES

1. In order to qualify for annual December distribution a Cowichan Tribes member must make application and have forms in by November 24, 2017.
2. Application for children in continuing foster care may be made by the Director of Lalum'utul' Smun'eem or the Social Worker who shall apply on behalf of continuing care Foster Children who are on reserve.

The Director of Lalum'utul' Smun'eem or the Social Worker are responsible to assist the Ministry of Child & Family Services who may apply for children in care of the Ministry due to off Cowichan reserve residency by November 24, 2017

3. All cheques for Children in continuing foster care will be made payable to the "Public Guardian & Trustee of BC". All monies for children will be held in trust as per Public Guardian Trustee process.
4. Application for Elders/Adults/Person with a disability in care by an individual having Power of Attorney or Third Party Administration must provide legal proof.
5. A Member under the age of 18 with child(ren) of their own that is living independently may apply on their own behalf and that of the child(ren).
6. If two parents apply, clarification to determine child/children's care will be made through Social Development, Quw'utsun Syuw'entst Lelum' or Child Tax. If any type of overpayments is found (i.e for children who are in care) a deduction will be made to the applicant on the following year's distribution.

## CHEQUE ISSUING PROCEDURES

Cheque will be issued on the 14<sup>th</sup> day of December, 2017.

For those Members who have not applied for Tobacco Tax distribution in December, they can apply to the **Membership Department** for the cheque to be processed and will distribute on:

Applications received prior to January 19, 2018 – distribution January 26, 2018.

Applications received prior to April 13, 2018 – distribution April 20, 2018.

Applications received prior to July 13, 2018 - distribution on July 20, 2018.

Applications received prior to September 14, 2018 – distribution on September 21, 2018.

Beyond September 14 2018 the remaining funds will returned to the community distribution budget.

Cheques will be issued to head of family "or designated payee" and may include dependent spouse and children 18 years of age and under.

Distribution dollars may be subject to Garnishee orders including garnishee by Cowichan Tribes.

There are no retroactive funds paid for previous year's distribution.

## PROCEDURE FOR RECEIPTS OF CHEQUES

Cheques will be ready for pick up on December 14, 2017 at the Si'em Lelum Gymnasium.

There will be no early release.

Policy Appeal's Committee decision will be final; cheque will be released accordingly.

Cheques are to be picked up by applicant if you do not pick up cheques it will be mailed out. Cheques will be mailed to members out of town, on Mainland or in the United States. The release of cheques to other parties are at the discretion of the Tobacco Tax Coordinators and upon receipt of a signed letter. The other party must sign prior to release.

Uncashed cheques will be void after 6 months.

If cheques are returned or are not picked up by the end of the six month holding period, funds will go back into community distribution fund and that member may lose eligibility for the calendar year.

### Tobacco Tax Revenue

Any benefit from Cowichan Tribes Tobacco Tax Revenue shall be deemed as a Tax refund.

### Policy Maintenance and Appeals Committee

This policy is to be reviewed annually with recommendation by the Cowichan Tribes Policy Committee to Chief and Council for final approval.

**THIS POLICY IS SUBJECT TO REVIEW AND REVISION BY COWICHAN TRIBES CHIEF AND COUNCIL**

Adopted on this 12 day of October, 2017.

Chief's Signature: 