



FISHING LAKE METIS SETTLEMENT

FLMS LOCAL BUSINESS ACTIVITIES POLICY #002/2017

1. INTRODUCTION

This policy is developed to establish rules and guidelines for a Business to apply for work within the Settlement, eligibility requirements for work and contract bids, and the Fees payable for a Business License application.

2. DEFINITIONS

1. In this Policy:

- a) **“Applicant”** means a person who applies for a license;
- b) **“Business”** means:
 - i. A commercial, merchandising or industrial activity or undertaking;
 - ii. A professional, trade, occupation, calling or employment, or;
 - iii. An activity providing goods or services,
- c) **“Business Bylaw”** means the Fishing Lake Metis Settlement Business License Bylaw, as amended or replaced from time to time;
- d) **“Business License”** means a license issued in accordance with the Business License Bylaw;
- e) **“Contractor”** means any person(s), partnership(s), or corporation(s) who undertake(s) as principle or sub-contractor to do, provide, or carry on within the Settlement, trades or occupations relative to the construction industry, a person(s) working by the hour will be classed as a Contractor if he/she(they) is (are) responsible for his/her own payroll, GST, WCB, UIC, and CPP, when provincially required;

- f) **“Corporation”** means a corporation incorporated pursuant to the *Business Corporations Act*, RSA 2000, c. B-9;
- g) **“EDO”** means the economic development officer appointed by Council, to oversee applications for Business Licenses and enforce the provisions the Business License Bylaw and this Policy;
- h) **“Fee”** means the fee payable by an Applicant upon application for and renewal of any Business License under the Business License Bylaw, pursuant to section 7 herein;
- i) **“Licensee”** means a Person to whom a Business License has been issued;
- j) **“Member”** means a registered member of the Fishing Lake Metis Settlement;
- k) **“Mom and Pop Business”** means a small business that is typically owned and run by members of a family, ex. a mom-and-pop grocery store; or resembling or evocative of the small-scale, homelike, or informal atmosphere of such a business;
- l) **“Peddler”** means a Person soliciting products on an occasional basis (eg. Travelling sales person);
- m) **“Person”** means and includes an individual, corporation, partnership, firm, trust, joint venture, association, unincorporated organization, body, corporate, personal representative or co-operative association;
- n) **“Resident”** means a person who is not Member of the Settlement, but resides within the Settlement;
- o) **“Settlement”** means the Fishing Lake Metis Settlement;
- p) **“Settlement Owned Business”** means a Business where 51% of the Business, or greater, is owned by a Member.

2. In this Agreement, words importing the singular include the plural and vice versa and words importing gender include all genders.

3. POWERS AND DUTIES OF ECONOMIC DEVELOPMENT OFFICER

1. The EDO has the authority to:

- a) Maintain and appropriate records pertaining to the licensing of Businesses, infractions of this Bylaw and generally all matters arising out of the application and enforcement of this Bylaw;
 - b) Enforce the provisions of the Business License Bylaw.
2. The EDO may suspend the revocation of a Business License upon the performance by the Licensee of any condition stated in writing by the EDO.
 3. Notice of the cancellation or suspension of a Business License may be given by personal delivery of such notice to the Licensee at their place of Business or residence as shown on the Business License.
 4. The Licensee shall immediately upon being given verbal notice, or upon being served with written notice of the revocation of its Business License, terminate the operation of its Business.

4. ELIGIBILITY

To be eligible to bid on work or services to be provided to the Settlement, a Business must meet and provide evidence of the following requirements:

- a) Have registered a trade name as a sole proprietor, partnership, Corporation or other body corporate incorporated pursuant to the laws of Alberta;
- b) Have an active WCB number and clearance letter to work;
- c) Possess the requisite insurance or permits that are relevant to the work being performed;
- d) An active Business and GST number.

5. AWARDING OF CONTRACT

1. Should Council decide that certain services or work be put to a bid, the EDO shall rank the applicant Businesses, based upon the following characteristics (in order of importance):

- a) Possess an up-to-date Business License as per the Business License Bylaw and be Member;
- b) Is a Settlement Owned Business (priority will be given to Businesses with a greater percentage of Member ownership);
- c) A Non-Resident Member of the Fishing Lake Metis Settlement;
- d) A legitimate Business within the 8 Metis Settlements of Alberta;
- e) Other non-Resident Business.

Businesses falling in higher rankings shall receive more favorable consideration for any bid than lower ranking Businesses. Note that the final award of a bid will be based upon additional considerations.

Please note: The lowest bid may not be always awarded a contract or work.

2. The request for bids and process of selecting bids shall be carried out with regard to the Metis Settlement General Council's *Financial Interest Policy*, GC-P9808 and *Business Activities Policy*, GC-P9802, as and where applicable.

6. BIDDING PROCESS

The following will be the process for any bidding that is posted within the Settlement by the EDO:

- a) Every bid must be submitted sealed, and shall receive a date stamp by a Settlement administration receptionist;
- b) The bid shall be delivered to the EDO and kept in their care;
- c) The bidders will be notified of the date and time the bids will be opened;
- d) The successful applicant will be notified via method indicated in the bid.

7. BUSINESS LICENSE FEE SCHEDULE

- 1. If an Applicant carries on the following type of Business:
 - a) Home based food service (example: Catering Services);
 - b) Home based Health service (example: Masseur); or
 - c) Mom and Pop Business;

the Applicant shall pay the following Fee, depending on their residency status within the Settlement:

Applicant Type	Fee
Member	\$25.00
Resident	\$150.00
Non-Resident	\$300.00

Applicants who apply under this section after September 30, of the calendar year, shall pay a Fee equal to half of the above stated amounts.

2. If an Applicant carries on the following type of Business:
 - a) Heavy equipment construction;
 - b) Tandem tractors, trailers or tanks; or
 - c) Business providing services that have equipment weighing in excess of 1.5 tonnes,

the Applicant shall pay the following Fee, depending on their residency status within the Settlement:

Applicant Type	Fee
Member	\$50.00
Resident	\$250.00
Non-Resident	\$1,000.00

Applicants who apply under this section after September 30 of the calendar year, shall pay a Fee equal to half of the above stated amounts.

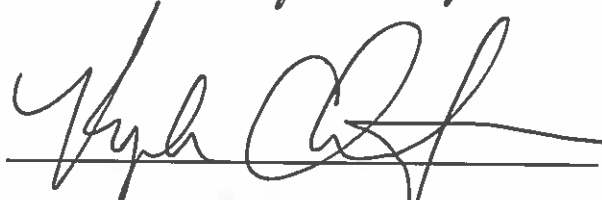
3. The Fee for a Peddler or Contractor is \$100.00 per business visit to the Settlement.
4. Fees are non-refundable.
5. An organization that is designated by Council as a charitable or non-profit organization may be issued a Business License without paying a Fee.
6. Benefits will be put into the Utility Stabilization Account.

9. EFFECTIVE DATE

This policy comes into effect upon adoption by Council

10. The FLMS Local Business Activities Policy #006/2016 is hereby repealed.

Effective Date: January 1, 2017



FLMS ADMINISTRATOR

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