



WESTBANK FIRST NATION

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WESTBANK FIRST NATION Council Meeting

Date: Monday, December 22, 2008
Time: 8:30 AM
Location: Board Room, Lindley Building
#310-515 Hwy. 97 South

AT THIS MEETING, THE FINAL DRAFT OF THE LOCAL REVENUE LAW 08-LRL-05 WILL BE READ AND CONSIDERED FOR ENACTMENT.

SUMMARY OF THE LOCAL REVENUE LAW 08-LRL-05

Under *Westbank First Nation Expenditure Law 1995*; in accordance with section 4.4 of the Westbank First Nation Expenditure Bylaw, all surplus monies remaining in the Taxation Fund at the end of the Fiscal Year specified in the Expenditure bylaw Annual Budget Schedule may be transferred into the Stabilization Fund and may be applied towards the operation and administration costs for the next Fiscal Year, overruns on existing capital projects or for any other contingencies, (the “**Stabilization Fund**”).

Under *Local Revenue Law 08-LRL-05*, WFN will be empowered to expend Stabilization Funds up to \$73,000.00 to complete construction of Campbell Road Interchange 375 mm dry Sanitary Sewer Line (the “Campbell Road Interchange Sewer Line”). The purpose of the IR No. 10 Campbell Road Interchange Sewer Line is to provide *future* sanitary sewer management system to all members and residents.

First reading of the draft *Law 08-LRL-05* will be given by Council December 08, 2008, third and final reading will be given on December 22, 2008. A Local Revenue Law is exempted from second reading by section 60.9 of the *WFN Constitution*.

A COPY OF THE FINAL DRAFT LAW CAN BE OBTAINED IN THE DEPARTMENT OF TAXATION AT WFN ADMINISTRATION OFFICE AT 515 HWY 97 SOUTH, WESTBANK, BC.



ADMINISTRATION

MEMORANDUM

DATE: NOVEMBER 26, 2008

TO: PAT FOSBERY A/ DIRECTOR OF OPERATIONS

FROM: ERNEST JACK SURVEYOR OF TAXES

RE: LOCAL REVENUE LAW 08-LRL-05

BACKGROUND

Please find attached the following documents; Final draft of Local Revenue Law 08-LRL-05; Posted notice for Local Revenue Law 08-LRL-05. This Local Revenue Law 08-LRL-05 has been reviewed by WFN Council Secretariat.

This Local Revenue Law empowers Westbank First Nation to expend Stabilization Funds up to \$73,000.00 for the purpose of completing construction of the Campbell Road Interchange 375 mm sanitary sewer line within the Tsinstikeptum Indian Reserve No.10.

A draft of this Law was presented to the Advisory Council via email on November 28, 2008 for their perusal and input at the Advisory Councils next meeting scheduled for December 2, 2008. Local Revenue Law 08-LRL-05 will receive first reading on December 08, 2008 and notice will be posted on December 12, 2008 as per section 63.2 of the Westbank First Nation Constitution, which requires the final draft law shall be posted at least 10 days before the Chief and Council meeting in a public area of the Westbank administration building.

RECOMMENDATION

That Westbank First Nation Chief and Council give third reading, to Westbank First Nation Local Revenue Law 08-LRL-05.

WESTBANK FIRST NATION
LOCAL REVENUE LAW 08-LRL-05

A Local Revenue Law providing for the expenditure of Stabilization Funds to fund the construction of the Campbell Road Interchange 375mm dry sanitary sewer line within the Tsinstikeptum Indian Reserve No. 10.

WHEREAS:

- A. Pursuant to Section 83(1) of the *Indian Act* and Westbank First Nation's inherent right of self-government, Westbank First Nation has enacted the Westbank First Nation Property Taxation By-law, 95-TX-08 (the "**Taxation By-law**");
- B. In accordance with section 4.4 of the Westbank First Nation Expenditure By-law, 1995, all surplus monies remaining in the Taxation Fund at the end of the Fiscal Year specified in the Expenditure bylaw Annual Budget Schedule may be transferred into the Stabilization Fund and may be applied towards the operation and administration costs for the next Fiscal Year, overruns on existing capital projects or for any other contingencies, (the "**Stabilization Fund**"). Furthermore in accordance with section 77.4 of the Westbank First Nation Constitution, Local Revenues may only be expended under the authority of a Local Revenue Law;
- C. Pursuant to the Westbank First Nation Expenditure By-law, 1995, amended by By-law 97-TX-03 (the "**Expenditure By-law**"), Westbank First Nation is authorized to expend moneys raised pursuant to the Taxation By-law for local purposes, including the provision of Local Services on Reserve and capital projects;
- D. The Council of Westbank First Nation approved in 2007 an expenditure of \$73,000.00 for the extension of a 375 mm diameter dry sanitary sewer line to be installed by EAC under the L300 alignment as part of the Campbell Road Interchange Project.
- E. Westbank First Nation has estimated the total cost of construction of the IR# 10 Campbell Road Interchange Sanitary Sewer Line Project to be not more than \$73,000.00 as outlined in Schedule "A" to this by-law.

NOW THEREFORE, THE Council of Westbank First Nation hereby enacts the following Local Revenue Law;

SHORT TITLE

1. This By-law may be cited for all purposes as the I.R. #10 Campbell Road Interchange Sanitary Sewer Line Capital Expenditure Local Revenue Law 08-LRL-05.

EXPENDITURE AUTHORIZATION

2. Westbank First Nation hereby acknowledges that it is in the best interests of the members of Westbank First Nation to construct the IR# 10 Campbell Road Interchange Sanitary Sewer Line Project as summarized in schedule "A" to this Local Revenue Law.
3. Westbank First Nation hereby approves the expenditure of not more than Seventy-Three Thousand (\$73,000.00) Dollars from the Stabilization Fund to complete construction of the IR# 10 Campbell Road Interchange Sanitary Sewer Line Project (the "Project Funds").
4. Westbank First Nation also authorizes the expenditure of all or a portion of the Project Funds to acquire all such lands, easements, rights-of-way, licences, permits, rights and authorities as may be required or desirable for or in connection with the construction of the IR# 10 Campbell Road Interchange Sanitary Sewer Line Project.
5. Westbank First Nation also authorizes the expenditure of all or a portion of the Project Funds to engage consultants, enter into such private sector partnerships, and carry out negotiations with the Province of British Columbia as deemed appropriate and as may be required for or in connection with the complete construction of the IR#10 Campbell Road Interchange Sanitary Sewer Line Project.
6. Any of the Project Funds not expended on the IR# 10 Campbell Road Interchange Sanitary Sewer Line Project or incidental costs related thereto, will be reimbursed to and deposited in the Cumulative Fund upon completion of the IR# 10 Campbell Road Interchange Sanitary Sewer Line Project.

EFFECTIVE

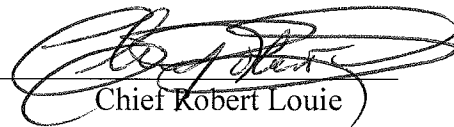
This Local Revenue Law comes into full force and effect upon enactment in accordance with section 63.3(a) of the Westbank First Nation Constitution;

BE IT HEREBY RESOLVED AND AGREED that this Law, entitled the “Westbank First Nation Local Revenue Law 08-LRL-05” is hereby:


Read a first time by the Council of Westbank First Nation at a duly convened meeting held on the 8th day of December 2008.

Exempt from second reading pursuant to section 60.9 of Westbank First Nation Constitution.

Read a third time by the Council of Westbank First Nation at a duly convened meeting held on the 22nd day of December 2008.


Chief Robert Louie


Councillor Larry Derrickson


Councillor Michael De Guevara


Councillor Loretta Swite


Councillor Brian Eli

SCHEDULE "A"

IR# 10 Campbell Road Interchange Sanitary Sewer Line Project

ITEM	WFN (LGS) LOCAL GOVERNMENT SERVICES	YEAR OF EXPENDITURE
Stage I – planning	\$	
Stage II – detail design	\$	
Stage III - land acquisition	\$	
Stage IV- construction	\$73,000.00	2008
<u>TOTAL</u>	<u>\$73,000.00</u>	