

CERTIFICATION

Pursuant to Section 86, Indian Act RSC 1985 C.I-5 and amendments thereto, I certify that the attached copy of the **Westbank First Nation I.R. #09 Pine Stadium Pavilion Recreation Project Capital Expenditure By-law No. 09-TX-01**, which came into effect **April 27, 2009**, is a true copy of the said by-law.

*Kathy Hankin*

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Kathy Hankin

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

Ministre des Affaires indiennes et  
du Nord canadien et interlocuteur fédéral  
auprès des Métis et des Indiens non inscrits



Minister of Indian Affairs and  
Northern Development and Federal Interlocutor  
for Métis and Non-Status Indians

Ottawa, Canada K1A 0H4

I, the Minister of Indian Affairs and Northern Development, HEREBY  
APPROVE, pursuant to section 83 of the *Indian Act*, the following by-law  
made by the Westbank First Nation, in the Province of British Columbia, at  
a meeting held on the 16th day of March 2009.

- **Westbank First Nation**  
**I.R. #09 Pine Stadium Pavilion Recreation Project**  
**Capital Expenditure By-law No. 09-TX-01**

A handwritten signature in black ink, appearing to read "Chuck Still".

Dated at Ottawa, Ontario, this 27<sup>th</sup> day of April 2009.

Canada



ADMINISTRATION

**MEMORANDUM****DATE: MARCH 16, 2009****TO: JIM MONTAIN DIRECTOR OF OPERATIONS****FROM: ERNEST JACK SURVEYOR OF TAXES****RE: IR NO.09 PINE STADIUM PAVILION RECREATION PROJECT CAPITAL EXPENDITURE  
BY-LAW 09-TX-01****BACKGROUND**

Please find attached the following documents; draft of IR No.09 Pine Stadium Pavilion Recreation Project Capital Expenditure Bylaw 09-TX-01 with attached Schedule "A". This IR No.09 Pine Stadium Pavilion Recreation Project Capital Expenditure Bylaw 09-TX-01 has been reviewed by WFN Council Secretariat.

This Bylaw empowers Westbank First Nation to expend \$215,000.00 for design and construction of the IR No.09 Pine Stadium Pavilion Recreation Project.

A draft of this Bylaw will be presented to the Advisory Council meetings on March 03, 2009 for their perusal and input. Bylaw 09-TX-01 will receive first reading on February 09, 2009 and posted notice will be made on March 13, 2009 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 gave first reading to Westbank First Nation IR No.09 Pine Stadium Pavilion Recreation Project Capital Expenditure Bylaw 09-TX-01, on March 16, 2009.

**WESTBANK FIRST NATION  
IR# 09 PINE STADIUM PAVILION PROJECT  
CAPITAL EXPENDITURE BYLAW NO. 09-TX-01**

To authorize the expenditure of a maximum of Two Hundred and Fifteen Thousand Dollars (\$215,000.00) from money raised pursuant to section 83(1) of the *Indian Act*, for the purpose of constructing the Pine Stadium Pavilion Project within the Tsinstikeptum Indian Reserve No.09.

**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 12(3)(1) of the Taxation By-law, Westbank First Nation annually deposits Ten (10%) percent of annual gross taxes in a cumulative capital projects fund (the "**Cumulative Fund**") to be used from time to time for such capital projects as may be authorized by separate by-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 deems it desirable and in the best interest of its members to advance funds to complete certain renovations to Pine Stadium, as set out in Schedule "A" to this by-law (the "Pine Stadium Pavilion Project");
- E. Westbank First Nation has estimated the total cost of construction of the Pine Stadium Pavilion Project to be not more than \$215,000.00.

**NOW THEREFORE,** THE Council of Westbank First Nation hereby enacts the following by-law;

#### SHORT TITLE

1. This By-law may be cited for all purposes as the I.R.#09 **Pine Stadium Pavilion Project** Capital Expenditure By-law No. 09-TX-01.

#### 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 Pine Stadium Pavilion Project as summarized in Schedule "A" to this by-law.
3. Westbank First Nation hereby approves the expenditure of not more than Two Hundred and Fifteen Thousand (\$215,000.00) Dollars from the Cumulative Fund for the purposes of designing and constructing the Pine Stadium Pavilion 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 Pine Stadium Pavilion Project.
5. Any of the Project Funds not expended on the Pine Stadium Pavilion Project or incidental costs related thereto, will be reimbursed to and deposited in the Cumulative Fund upon completion of the Pine Stadium Pavilion Project.

EFFECTIVE

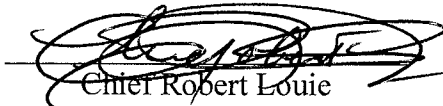
This By-law comes into full force and effect upon approval by the Minister of Indian and Northern Affairs.


**BE IT HEREBY RESOLVED AND AGREED:** that this By-law, entitled the Westbank First Nation IR No.09 Pine Stadium Pavilion Recreation Project By-law No. 09-TX-01 is hereby:

Read for the first time by Council of Westbank First Nation at a duly convened meeting held on the 9<sup>th</sup> day of February 2009.

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

Read a third time by Council of the Westbank First Nation at a duly convened meeting held on the 16<sup>th</sup> day of March 2009

  
Chief Robert Louie

  
Councillor Larry Derrickson

  
Councillor Brian Eli

  
Councillor Mike De Guevara

  
Councillor Loretta Swite

SCHEDULE "A"

Pine Stadium Pavilion Project

ITEM	WFN (LGS) LOCAL GOVERNMENT SERVICES	YEAR OF EXPENDITURE
Stage I – planning	\$ 5,000.00	2009
Stage II – detail design	\$ 6,752.00	2009
Stage III - construction	\$203,248.00	2009
<u>TOTAL</u>	<u>\$215, 000.00</u>	



# WESTBANK FIRST NATION

#301, 515 Hwy. 97 South, Kelowna, BC V1Z 3J2  
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## WESTBANK FIRST NATION Council Meeting

**Date:** Monday, March 16, 2009  
**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  
IR No.09 PINE STADIUM PAVILION RECREATION PROJECT CAPITAL EXPENDITURE BYLAW NO. 09-  
TX-01 WILL BE READ AND CONSIDERED FOR ENACTMENT.**

### **SUMMARY OF THE PINE STADIUM PAVILION RECREATION PROJECT BYLAW**

Under the *Westbank First Nation Expenditure Bylaw 1995* and subsequent amendments (the “Expenditure Bylaw”) Westbank First Nation “WFN” is authorized to expend moneys raised pursuant to the Westbank First Nation Property Taxation Bylaw 95-TX-08 (the “Taxation Bylaw”) for local purposes, including the provision of local services on Reserve and capital projects.

Under *Bylaw 09-TX-01*, WFN will design and construct the IR No.09 Pine Stadium Pavilion Recreation Capital Project (the “Pine Stadium Pavilion Recreation Project”). The purpose of the IR No.09 Pine Stadium Pavilion Recreation Project is to provide covered recreation services to all members and residents.

First reading of the draft *Bylaw 09-TX-01* was given by Council February 09, 2009, third and final reading will be given on March 16, 2009. 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.**