

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 21st day of September 2009.

- **Westbank First Nation**
I.R. #9 Sidewalk Development Project
Phase I & II Capital Expenditure By-law No. 09-TX-05

A handwritten signature in black ink, appearing to read 'Chuck Strahl'.

Dated at Ottawa, Ontario, this 16th day of November 2009.

Canada

**WESTBANK FIRST NATION
IR#09 SIDEWALK DEVELOPMENT PROJECT
CAPITAL EXPENDITURE BYLAW NO. 09-TX-05**

To authorize the expenditure of a maximum of Four Hundred and Eighty Thousand Dollars (\$480,000.00) from money raised pursuant to section 83(1) of the *Indian Act*, for the purpose of constructing the Sidewalk Development Project Phase I & II within the Tsinstikeptum Indian Reserve No. 9.

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 the Band members to advance funds to complete the Sidewalk Development Project Phase I & II.
- E. Westbank First Nation has estimated the total cost of construction of the IR# 9 Sidewalk Development Project Phase I & II to be not more than \$480,000 as outlined in Schedule "A" to this by-law.

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.#9 Sidewalk Development Project Phase I & II Capital Expenditure By-law No. 09-TX-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# 9 Sidewalk Development Project I& II as summarized in schedule "A" to this by-law.
3. Westbank First Nation hereby approves the expenditure of not more than Four Hundred Eighty Thousand (\$480,000.00) Dollars from the Cumulative Fund for the purposes of designing and constructing the IR# 9 Sidewalk Development Project Phase I& II. (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# 9 Sidewalk Development Project Phase I& II.
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 construction of the IR#9 Sidewalk Development Project Phase I & II.
6. Any of the Project Funds not expended on the IR# 9 Sidewalk Development Project Phase I & II or incidental costs related thereto, will be reimbursed to and deposited in the Cumulative Fund upon completion of the IR# 9 Sidewalk Development Project Phase I & II.

EFFECTIVE

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

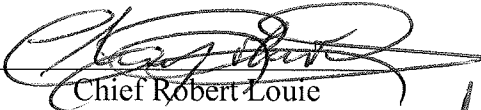
BE IT HEREBY RESOLVED AND AGREED:

That this By-law, entitled the IR #9 Sidewalk Development Project Phase I & II WFN By-law No. 09-TX-05 being read for the first, and third and final time by the Council of Westbank First Nation held at duly convened meetings.

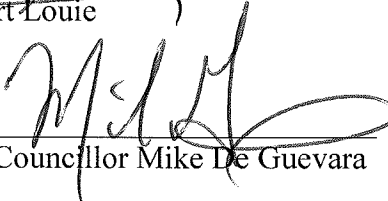
Read for the first time by council of Westbank First Nation at a duly convened meeting held on the 8th day of September 2009.

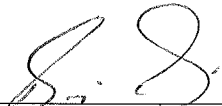
Exempt from second reading pursuant to section 60.9 of the Westbank First Nation Constitution.

Read a third time, and enacted as Westbank Law, by Council of the Westbank First Nation at a duly convened meeting held on the 21st day of September 2009.


Chief Robert Louie


Councillor Larry Derrickson


Councillor Mike De Guevara


Councillor Brian Eli

Councillor Loretta Swite

SCHEDULE "A"

IR# 9 Sidewalk Development Project Phase I & II

ITEM Phases I & II	WFN (LGS) LOCAL GOVERNMENT SERVICES	YEAR OF EXPENDITURE
Stage I – planning	\$ 20,000.00	2009
Stage II – detail design	\$ 30,000.00	
Stage III - land acquisition		
Stage IV- construction	\$ 430,000.00	
<u>TOTAL</u>	<u>\$480,000.00</u>	



WESTBANK FIRST NATION

#301, 515 Hwy. 97 South, Kelowna, BC V1Z 3J2
Telephone: (250) 769-4999 – Fax: (250) 769-4377

WESTBANK FIRST NATION Council Meeting

Date: Monday, September 21, 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.9 SIDEWALK DEVELOPMENT PROJECT CAPITAL EXPENDITURE BYLAW NO. 09-TX-05* WILL BE READ AND CONSIDERED FOR ENACTMENT.

SUMMARY OF *IR No.9 SIDEWALK DEVELOPMENT PROJECT CAPITAL EXPENDITURE BYLAW 09-TX-05*

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 and subsequent amendments (the “Taxation Bylaw”) for local purposes, including the provision of local services on Reserve and capital projects.

Enactment of *IR No. 9 Sidewalk Development Project Capital Expenditure Bylaw 09-TX-05*, *WFN* will address pedestrian safety on *IR No.9* with the Butt and Elk Road Sidewalk Development Projects.

First reading of the draft Taxation amending *Bylaw 09-TX-05* was given by Council September 8, 2009, third and final reading will be given on September 21, 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.