

**WESTBANK FIRST NATION
STAFF REPORT TO COUNCIL**

DATE PREPARED: October 03, 2012

DATE OF COUNCIL MEETING: October 09, 2012

PREPARED BY: Ernest Jack

DEPARTMENT: Finance/Tax

**Title of Report
Capital Expenditure By-law 12-LRL-02
Bayview Lift Station Decommissioning and Old Okanagan Highway
Sidewalk Project**

ISSUE: This Local Revenue Law was be given first reading on September 24, 2012; I have presented this local revenue law to Advisory Council on September 11, 2012 for review and they recommended local revenue law for approval. Legal posting took place on September 28, 2012 as required by WFN Law.

RESOLUTION:

Required (resolution must be attached)

Not Required

BACKGROUND: WFN initially approved 11-LRL-04; and II-TX-06 respectively for the Bayview Lift Station Decommissioning and Old Okanagan Sidewalk Phase IV, this Local Revenue Law is to provide additional funds to complete these projects.

OPTIONS: This is the most viable option to provide additional funds to complete projects.

RECOMMENDATION: That WFN Chief and Council give third and final reading to 12-LRL-02 for additional funds (\$165,882.00) for Bayview Lift Station Decommissioning and Old Okanagan Highway Sidewalk Project Capital Expenditure Law 12-LRL-02.

Staff reports must be submitted to the Council Secretariat by end of day on the Wednesday preceding the date of the Council meeting.

Approved by Manager: _____

Date: 10-10-12

Reviewed by Council Secretariat: _____

Date: _____

Approved by Director of Operations: _____

Date: _____

WESTBANK FIRST NATION
LOCAL REVENUE LAW 12-LRL-02

A Local Revenue Law providing for the expenditure of Sidewalk and Urbanization Projects Reserve Fund to fund the Bayview Lift Station Decommissioning and Old Okanagan Highway Sidewalk Project on the Tsinstikeptum Indian Reserve No.10.

WHEREAS: Westbank First Nation has enacted the *Westbank First Nation Subdivision Development and Servicing Law 2005-15* (the "WFN Subdivision, Development and Servicing Law ");

AND WHEREAS: pursuant to the WFN Subdivision Development and Servicing Law, Westbank First Nation may levy Development Cost Charges against a parcel of land to be developed, which Development Cost Charges are intended to pay the cost of off-site infrastructure services that are required to accommodate growth;

AND WHEREAS: Westbank First Nation has decided to decommission the Bayview Lift Station and finish constructing the Old Okanagan Sidewalk Project on Tsinstikeptum Indian Reserve No.10 (the "IR No.10 Bayview Lift Station Decommission And Old Okanagan Highway Sidewalk Project");

AND WHEREAS: Westbank First Nation has, by Westbank First Nation Local Revenue Law No. 12-LRL-02, provided that the cost of the IR No.10 Bayview Lift Station Decommission Project, to an additional maximum of \$165,882 one hundred and sixty-five thousand eight hundred and eighty two dollars, will be funded from the Urbanization/Sidewalk Reserve Fund (the "Urbanization/Sidewalk Projects Reserve Fund Expenditure");

AND WHEREAS: Through this Local Revenue Law 12-LRL-02, Westbank First Nation wishes to authorize the expenditure of Urbanization/Sidewalk Reserve Funds.

NOW THEREFORE the Council of Westbank First Nation hereby enacts the following Local Revenue Law:

1. Westbank First Nation Council hereby authorizes the expenditure of the Project Funds for the Tsinstikeptum Indian Reserve No.10 Bayview Lift Station Decommission and Old Okanagan Highway Sidewalk Project.
2. 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 "*Westbank First Nation Local Revenue Law 12-LRL-02*" is hereby:

Read a first time by the Council of Westbank First Nation at a duly convened meeting held on the 24th day of September, 2012.

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

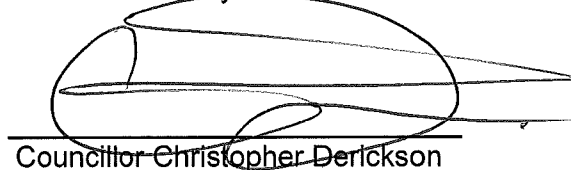
Read a third time, and enacted as a Westbank Law, by Council of the Westbank First Nation at a duly convened meeting held on the 09th day of October, 2012.


Chief Robert Louie


Councillor Michael De Guevara


Councillor Mickey Werstuijk


Councillor Lorrie Hogaboam


Councillor Christopher Derickson



WESTBANK FIRST NATION

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WESTBANK FIRST NATION Council Meeting

Date: Monday, October 09, 2012
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 12-LRL-02* WILL BE READ AND CONSIDERED FOR ENACTMENT.

SUMMARY OF THE LOCAL REVENUE LAW 12-LRL-02

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 12-LRL-02*, WFN will be empowered to expend Sidewalk and Urbanization Projects Reserve Funds up to \$165,882.00 to fund the Bayview Lift Station Decommission Project and the Old Okanagan Highway Sidewalk Project (the “**Bayview Lift Station Decommission and Old Okanagan Highway Sidewalk Project**”).

First reading of the draft *Law 12-LRL-012* was given by Council September 24, 2012, third and final reading will be given on October 09, 2012. 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.