

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, Minister of Aboriginal 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 18th day of June 2012.

- **Westbank First Nation
Capital Expenditure By-law No. 12-TX-03**

A handwritten signature in black ink, appearing to be 'J. M. O.', written over a horizontal line.

Dated at Ottawa, Ontario, this 7 day of AUGUST 2012.

Canada

**WESTBANK FIRST NATION
CAPITAL EXPENDITURE BYLAW NO. 12-TX-03**

To authorize the expenditure of a maximum of Four Hundred Thousand Dollars (\$400,000.00) from money raised pursuant to section 83(1) of the *Indian Act*, for the purposes of constructing the Campbell Road Sewer Project within the Tsinstikeptum Indian Reserve No.10.

WHEREAS: 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**");

- A. 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;
- B. In accordance with section 12(3)(l) of the Taxation By-Law, Westbank First Nation annually deposits ten percent (10%) of annual gross taxes into the "a cumulative capital projects fund", (the "**Cumulative Fund**") to be used from time to time for such capital projects as may be authorized by a separate by-law;
- C. In accordance with 4.4 of the WFN Expenditure By-law 1995, all surplus monies remaining in the Taxation Fund at the end of the Fiscal Year specified in the Expenditure by-law 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**");
- D. Westbank First Nation deems it desirable and in the best interest of the band members to advance funds to complete the Campbell Road Sewer Project on Tsinstikeptum Indian Reserve No.10.;
- E. Westbank First Nation has estimated the total cost of the construction of the Campbell Road Sewer Project on Tsinstikuptum Indian Reserve to be not more than \$400,000 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 IR#10 Campbell Road Sewer Project Capital Expenditure Bylaw No. 12-TX-03.

EXPENDITURE AUTHORIZATION

2. Westbank First Nation hereby acknowledges that it is in the best interests of the members of Westbank First nation to proceed with the Campbell Road Sewer Capital Expenditure Project as summarized in schedule "A" to this by-law.
3. Westbank First Nation hereby approves the expenditure of not more than four hundred thousand dollars (\$400,000) Dollars from the Cumulative Fund for the purposes of designing and constructing the IR No.10 Campbell Road Sewer Capital Expenditure Project (the "Project Funds");
4. Westbank First Nation also authorizes of the expenditure of all or a portion of the Project Funds to acquire all such lands, easements, rights-of-ways, license, permits, rights and authorities as may be required or desirable for or in connection with the IR No.10 Campbell Road Sewer Capital Expenditure Project.
5. Any of the project funds not expended on the "Campbell Road Sewer Capital Expenditure Project" or incidental costs related thereto will be reimbursed to the fund from which it originated so that the contributions from both the Cumulative Fund and the Stabilization fund will be equal at the end of the project.

EFFECTIVE

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

BE IT HEREBY RESOLVED AND AGREED:

That this By-law, entitled IR#10 Campbell Road Sewer Project Capital Expenditure By-law No. 12-TX-03 being read for the first, second and third and final time by the Council of Westbank First Nation held at duly convened meetings.

1st Reading


Kelowna, British Columbia, this 4th day of June 2012.

2nd Reading

Exempt from second reading as per section 60.9 of Westbank First Nation Constitution pertaining to enactment of a Local Revenue Law.

3rd Reading

Kelowna, British Columbia, this 18th day of June 2012.


Chief Robert Louie


Councillor Mickey Werstuik


Councillor Michael De Guevara


Councillor Lorrie Hogaboam

IR#10 Campbell Road Sewer Project Capital Expenditure By-law No. 12-TX-03

COST SUMMARY

ITEM	WFN (LGS) LOCAL GOVERNMENT SERVICES	YEAR OF EXPENDITURE
Stage I – planning	\$	2012
Stage II – detail design	\$	2012
Stage III - land acquisition	\$	N/A
Stage IV- construction	\$	2012
<u>TOTAL</u>	<u>\$400,000</u>	



WESTBANK FIRST NATION

WESTBANK FIRST NATION Council Meeting

Date: Monday, June 18th, 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
LAKERIDGE SEWER PROJECT CAPITAL EXPENDITURE AMENDMENT BY-LAW 12-TX-03 WILL BE
READ AND CONSIDERED FOR ENACTMENT.**

SUMMARY OF THE CAMPBELL ROAD SANITARY SEWER PROJECT BY-LAW

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

Under *By-law 12-TX-03*, WFN will complete construction of the Campbell Road Sewer Project which involves the installation of a sewer system servicing the Campbell road area comprising of 11 properties.

Third and final reading of the draft *By-law 12-TX-03* will be given by Council June 18, 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.**