

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 27th day of August 2012.

- **Westbank First Nation**
IR No. 9 Offsite Improvements Beach
Capital Expenditure By-law No. 12-TX-05

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

Dated at Ottawa, Ontario, this 10TH day of *October* 2012.

**WESTBANK FIRST NATION
CAPITAL EXPENDITURE BY-LAW NO. 12-TX-05**

To authorize the expenditure of a maximum of One Hundred and Fifty Thousand Dollars (\$150,000.00) from money raised pursuant to section 83(1) of the *Indian Act*, for the purposes of installing offsite improvements to "the beach" within the Tsinstikeptum Indian Reserve No.9.

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 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 subsection 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 community to proceed with the installation of offsite improvements which include multi-use walking path, parking lot paving and underground irrigation on Tsinstikeptum Indian Reserve No.9 according to the schematics and plan attached (**Schedule A**), with a proposed estimated cost of an additional One Hundred and Fifty Thousand Dollars (\$150,000) which will be contributed from the Cumulative Fund.
- E. Funding for the offsite improvements on Tsinstikeptum Indian Reserve No.9 will be One Hundred and Fifty Thousand Dollars (\$150,000) drawn from the Cumulative Fund, funds raised pursuant to section 83(1) of the *Indian Act*.

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 No.9 Offsite Improvements Beach Capital Expenditure By-law No. 12-TX-05.

EXPENDITURE AUTHORIZATION

2. Westbank First Nation hereby acknowledges that it is in the best interests of the community to proceed with the Offsite Improvements Beach Project on Tsinstikeptum Indian Reserve No.9 according to the schematics and plan attached (**Schedule A**) (the "IR No.9 Offsite Improvements Beach Project");
3. Westbank First Nation hereby approves the expenditure of not more than One Hundred and Fifty Thousand Dollars (\$150,000) on the IR No.9 Offsite Improvements Beach Project with up to One Hundred and Fifty Thousand Dollars (\$150,000) to be drawn from the Cumulative fund;
4. Westbank First Nation authorization of this capital expenditure includes all external expenditures related to the project including architects, designers, consultants, engineers, contractors, permits, and suppliers of all related goods and materials but will not include any allocation of WFN internal costs, overhead, or implicit interest.
5. Any of the project funds not expended on the "IR No.9 Offsite Improvement Beach Project" or incidental costs related thereto, will be reimbursed to and deposited in the Cumulative Fund upon completion of the IR No.9 Offsite Improvements Beach Project.

EFFECTIVE

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

BE IT HEREBY RESOLVED AND AGREED:

That this By-law, entitled IR#9 Offsite Improvements Beach Capital Expenditure Bylaw No. 12-TX-05 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 30th day of July 2012.

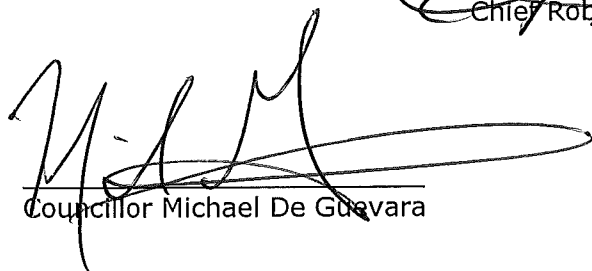
2nd Reading

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 27th day of August 2012.


Chief Robert Louie


Councillor Michael De Guevara


Councillor Mick Werstuik


Councillor Lorrie Hogaboam

IR#9 Offsite Improvements Beach Capital Expenditure By-law No. 12-TX-05

COST SUMMARY

ITEM	WFN (LGS) LOCAL GOVERNMENT SERVICES	YEAR OF EXPENDITURE
IR#9 Offsite Beach	\$ 150,000	2012
	\$	
<u>TOTAL</u>	<u>\$ 150,000</u>	



WESTBANK FIRST NATION

WESTBANK FIRST NATION Council Meeting

Date: Monday, August 27th, 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 OFFSITE IMPROVEMENTS BEACH PROJECT CAPITAL EXPENDITURE BYLAW NO. 12-TX-05 WILL BE READ AND CONSIDERED FOR ENACTMENT.

SUMMARY OF THE LOCAL IMPROVEMENT CHARGE BYLAW

Pursuant to Section 83(1) of the Indian Act and the Westbank First Nation's inherent right to self-government, the Westbank First Nation has enacted the Westbank First Nation Property Taxation Bylaw 95-TX-08 and subsequent amendments (the "Taxation 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 Taxation Bylaw for local purposes, including the provision of Local Services on Reserve and capital projects.

Under *Bylaw 12-TX-05*, WFN will design and construct the Offsite Improvements Beach Capital Project.

Third and final reading of the draft *Bylaw 12-TX-05* will be given by Council August 27, 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.