

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 19th day of November 2012.

- **Westbank First Nation
Capital Expenditure By-law No. 12-TX-06**

A handwritten signature in black ink, appearing to be 'J. M. D.' followed by a long horizontal flourish.

Dated at Ottawa, Ontario, this 16 day of JAN 2013 2012.

Canada

**WESTBANK FIRST NATION
STAFF REPORT TO COUNCIL**

DATE PREPARED: November 14, 2012

DATE OF COUNCIL MEETING: November 19, 2012

PREPARED BY: Ernest Jack

DEPARTMENT: Finance/Tax

**Title of Report
Capital Expenditure By-law 12-TX-06
Lindley Building 1st Floor Renovation Project Phase II**

ISSUE: This Local Revenue Law will be given first reading on October 22, 2012; this local revenue law was presented to Advisory Council at the November 13, 2012 meeting for review and recommendation. A Legal posted Notice will be placed on November 09, 2012 as required by WFN Law.

RESOLUTION:

Required (resolution must be attached)

Not Required

BACKGROUND: WFN initially approved and 11-TX-08 respectively for the Lindley Building Renovations of the first floor on December 20, 2011, this Local Revenue Law is to provide additional funds to complete this project.

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

RECOMMENDATION: That WFN Chief and Council give third and final reading to 12-TX-06 for additional funds (\$400,000.00) for Lindley Building 1st Floor Renovation Project Phase II Capital Expenditure Law 12-TX-06.

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: 11-14-12

Reviewed by Council Secretariat: _____

Date: _____

Approved by Director of Operations: _____

Date: _____

**WESTBANK FIRST NATION
CAPITAL EXPENDITURE BYLAW NO. 12-TX-06**

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 to finish renovating the first floor of the Lindley Government Building 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 community to finish the First Floor Renovations to the Lindley Government Building on Tsinstikeptum Indian Reserve No.10 at 515 Hwy 97 S, Kelowna, BC according to the schematics and plan attached (**Schedule A**) with an additional estimated cost of Four Hundred Thousand Dollars (\$400,000);
- E. Funding for the first floor Renovations to the Lindley Government Building on Tsinstikeptum Indian Reserve No.10 will be Four Hundred Thousand Dollars (\$400,000) drawn from the Cumulative fund, a total of up to four hundred thousand dollars (\$400,000) of 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#10 Lindley Building First Floor Renovation Capital Expenditure Bylaw No. 12-TX-06.

EXPENDITURE AUTHORIZATION

2. Westbank First Nation hereby acknowledges that it is in the best interests of the community to proceed with the First Floor Renovations to the Lindley Government Building on Tsinstikeptum Indian Reserve No.10 at 515 Hwy 97 S, Kelowna, BC according to the schematics and plan attached (**Schedule A**) (the "First Floor Lindley Building Renovation project");
3. Westbank First Nation hereby approves the expenditure of not more than Four Hundred thousand dollars (\$400,000) on the First Floor Renovation project to be drawn from the Stabilization 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 "First Floor Renovation project" or incidental costs related thereto will be reimbursed to the fund from which it originated.

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 IR#10 Government Building (Lindley Building) First Floor Renovation Capital Expenditure Bylaw No. 12-TX-06 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 22nd day of October 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 19th day of November 2012.


Chief Robert Louie



Councillor Mick Werstuik



Councillor Michael De Guevara



Councillor Lorrie Hogaboam



Councillor Christopher Derickson

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

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

WESTBANK FIRST NATION Council Meeting

Date: Tuesday, November 19, 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-TX-06 WILL BE READ AND CONSIDERED FOR ENACTMENT.

SUMMARY OF THE LOCAL REVENUE LAW 12-TX-06

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-TX-06*, WFN will be empowered to expend Stabilization Funds up to \$400,000.00 to complete renovation of the first floor of the Lindley Government Building (the “**First Floor Renovation of Lindley Government Building**”). The purpose of the IR No. 10 Lindley Government Building First Floor Renovation is to provide upgraded working space for Finance, Engineering, Lands and IT for better service to all members and residents.

First reading of the draft *Law 12-TX-06* was given by Council October 22, 2011, third and final reading will be given on November 19, 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.