

Cabinet du Ministre des Affaires autochtones
et du développement du Nord



Office of the Minister of Aboriginal Affairs and
Northern Development

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 3rd day of June 2013.

- **Westbank First Nation
Local Revenue Law 13-LRL-03**

A handwritten signature in cursive script, likely belonging to the Minister of Aboriginal Affairs and Northern Development.

Dated at Ottawa, Ontario, this ^{20th} day of June 2013.

Canada

**WESTBANK FIRST NATION
STAFF REPORT TO COUNCIL**

DATE PREPARED: May 21, 2013

DATE OF COUNCIL MEETING: June 03, 2013

PREPARED BY: ERNEST JACK SURVEYOR OF TAXES

DEPARTMENT: FINANCE

Title of Report

**Local Revenue Law 13-LRL-03 IR#09 Future Governance and Recreational
Community Core Planning Development Land Purchase**

ISSUE: Local Revenue Law 13-LRL-03 IR#09 Future Governance and Recreational Community Core Development Land Purchase received first reading on May 13, 2013; has gone to the Advisory Council on May 14, 2013 and May 21, 2013 respectively, posted notice (10 day requirement) was made on May 23, 2013.

RECOMMENDATION: That Westbank Council gives third and final reading to Local Revenue Law 13-LRL-03 Future Governance and Recreational Community Core Planning Development Land Purchase.

RESOLUTION:

Required (if a hard copy resolution is required it must be attached)

Not Required

BACKGROUND: Community land has become available and Local Revenue Law 13-LRL-03 was developed to purchase lot 82 for IR#09 future governance and recreation community core planning development project in the amount of \$625,000 from the WFN Stabilization fund.

OPTIONS: To approve 3rd reading of 13-LRL-03 land purchase of lot 82 for future community governance and recreation community core planning development project.

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

Approved by Manager: _____ Date: _____

Reviewed by Council Secretariat: _____ Date: _____

Approved by Director of Operations: _____ Date: _____

WESTBANK FIRST NATION
LOCAL REVENUE LAW 13-LRL-03

A Local Revenue Law providing for the expenditure of Stabilization Funds to fund the purchase of lot 82, plan 67093 for future governance and recreation community core planning development 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 4.4 of the Westbank First Nation Expenditure By-law, 1995, 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**"). Furthermore in accordance with section 77.4 of the Westbank First Nation Constitution, Local Revenues may only be expended under the authority of a Local Revenue 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 approved in 2013 expenditure for community land in the amount of \$625,000.00 for future community governance and recreation core planning development purposes as outlined in Schedule "A" to this by-law.

NOW THEREFORE, THE Council of Westbank First Nation hereby enacts the following Local Revenue Law;

SHORT TITLE

1. This local revenue law may be cited for all purposes as the I.R. #09 Land Purchase for Future Community Governance and Recreation Core Planning Development Project Capital Expenditure Local Revenue Law 13-LRL-03.

EXPENDITURE AUTHORIZATION

2. Westbank First Nation hereby acknowledges that it is in the best interests of the members of Westbank First Nation to purchase the IR# 09 Land Purchase of Future Governance and Recreation Core Planning Development Project as summarized in schedule "A" to this Local Revenue Law.
3. Westbank First Nation hereby approves the expenditure of not more than Six Hundred and Twenty Five Thousand (\$625,000.00) Dollars from the Stabilization Fund to complete the purchase of the IR# 09 Land Purchase of Future Community Governance and Recreation Core Planning Development Project (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 purchase of the IR# 09 Future Community Governance and Recreation Core Planning Development Project.
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 complete the purchase of the IR#09 Future Community Governance and Recreation Core Planning Development Project.
6. Any of the Project Funds not expended on the IR# 09 Land Purchase of Future Community Governance and Recreation Core Planning Development Project or incidental costs related thereto, will be reimbursed to and deposited in the Cumulative Fund upon completion of the IR# 09 Land Purchase of Future Community Governance and Recreation Core Planning Development Project.

EFFECTIVE

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;

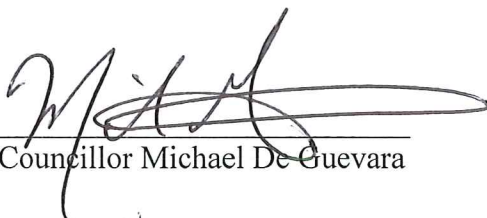
BE IT HEREBY RESOLVED AND AGREED that this Law, entitled the “Westbank First Nation Local Revenue Law 13-LRL-03” is hereby:

Read a first time by the Council of Westbank First Nation at a duly convened meeting held on the 13th day of May 2013.

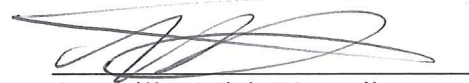
Exempt from second reading pursuant to section 60.9 of Westbank First Nation Constitution.

Read a third time by the Council of Westbank First Nation at a duly convened meeting held on the 3rd day of June 2013.

Chief Robert Louie



Councillor Michael De Guevara



Councillor Mick Werstuik



Councillor Lorrie Hogaboam



Councillor Christopher Derickson

SCHEDULE "A"

13-LRL-03

IR#09 Future Community Governance and Recreation Core Planning Development
Project

ITEM	WFN (LGS) LOCAL GOVERNMENT SERVICES	YEAR OF EXPENDITURE
Legal	10,000.00	2013
Demo	55,000.00	2013
Land acquisition	\$550,000.00	2013
Contingency	10,000.00	2013
<u>TOTAL</u>	<u>\$625,000.00</u>	2013



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, June 03, 2013
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 13-LRL-03 WILL BE READ AND CONSIDERED FOR ENACTMENT.

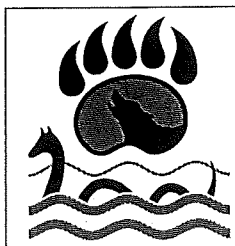
SUMMARY OF THE LOCAL REVENUE LAW 13-LRL-03

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 13-LRL-03*, WFN will be empowered to expend Stabilization Reserve Funds up to \$625,000.00 to fund the purchase of lot 82 for Future Community Governance and Recreation Core Planning Development Project (the “**Land Purchase of Lot 82 for Future Community Governance and Recreation Core Planning Development Project**”).

First reading of the draft *Law 13-LRL-03* was given by Council May 13, 2013, third and final reading will be given on June 03, 2013. 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.



stqa?k^w4niw` t
WESTBANK FIRST NATION
 515 Highway 97 South
 Kelowna, B.C. V1Z 3J2
 Phone: (250) 769-4999 Fax: (250) 769-4377
www.wfn.ca
Community. Leadership. Pride.

**MINUTES
 ADVISORY
 COUNCIL**
 s7aslásq'□t,
 míktú?tin /
**Tuesday, May 21,
 2013**
 Approval Pending

Meeting took place in the Inter-Governmental Affairs Boardroom of the Westbank First Nation Government Building.

ADVISORY COUNCIL IN ATTENDANCE VIA TELEPHONE:

Terry Turcan - Chair	Ludwig Teichgraber – Vice-Chair
Gordon Couch	Avril Manzer
Bonnie Semeniuk	

STAFF IN ATTENDANCE:

Raf De Guevara	səx ^w tə4m i? scəŋq'a?ils / Manager of Inter-Governmental Affairs
Laurie Bowen	səx ^w k'ə4q'əq'aym / Recording Secretary

CALL TO ORDER	
<i>T. Turcan</i>	Called the meeting to order at 4:03 p.m.
NEW BUSINESS	<u>Resident Input into Development of Acquired Community Lands</u> (Excerpt of Minutes and Related Attachment from the May 21, 2013 General Council Agenda re: Update from Advisory Council Meeting are attached to these minutes as Exhibit "A.")
<i>R. De Guevara</i>	Following up on the Advisory Council's request from the May 13, 2013 Advisory Council Meeting for the opportunity to provide input into the development of acquired community lands, I took the request to Council at their Council meeting this morning. Overviewed the excerpt of minutes with the Advisory Council. In response to the Advisory Council's inquiry as to how it was envisioned that the community input session would unfold, indicated that the opportunity for input could take the form of an open forum held specifically for this issue or it could take the form of a component of the Residents' Annual General Meeting ("AGM"). If done at the AGM, notice would be given on the AGM informational flyer that a booth will be set up where residents can provide input and the booth could be mentioned in the address to attendees by either Chief Louie or the Chair of the Advisory Council.



	<p>Various comments from the Advisory Council included:</p> <ul style="list-style-type: none"> • Belief that WFN should operate in the same fashion as municipalities for public consultations whereby forums are held not just once but as many times as is necessary to get the desired input. • Desire for the Advisory Council to have the opportunity to discuss development on WFN lands with Council as well as having the opportunity for input from residents.
MOTION	<p>MOVED BY A. MANZER Seconded by B. Semeniuk THAT the Advisory Council hereby recommends approval of Local Revenue Law 13-LRL-03 for the expenditure of up to \$625,000 for Future Governance and Recreational Community Core Planning Development Land Purchase. CARRIED L. Teichgraber opposed due to his desire for more interaction with Council on this issue prior to recommending approval.</p>
ADJOURNMENT	<p>The meeting adjourned at 4:29 p.m.</p>

These minutes are certified correct:

Terry Turcan

Ludwig Teichgraber

Gordon Couch

Avril Manzer

Bonnie Semeniuk

Ernest Jack


From: Laurie Bowen
Sent: Monday, June 03, 2013 10:09 AM
To: Ernest Jack
Cc: Brian Conner; Hilary Hettinga; Loretta Swite-Ghostkeeper
Subject: Draft Minutes re LRL

Hi Ernest,
Below, for your review, are the draft minutes from today's General Council Meeting re: the LRL.
Laurie

FINANCE	Third Reading – Local Revenue Law 13-LRL-03 0 IR #09 Future Governance and Recreational Community Core Development Land Purchase (Staff Report to Council from E. Jack dated May 28, 2013 is attached to these minutes as Exhibit "H.")
RESOLUTION 130603-04	MOVED BY COUNCILLOR DERICKSON Seconded by Councillor Hogaboam THAT Council hereby gives Third Reading to, and enacts, Westbank First Nation Local Revenue Law 13-LRL-03. CARRIED

Laurie Bowen
səx'w'k'ətq'əq'aym
Recording Secretary
Westbank First Nation
(250) 769-4999

Confidentiality Warning: This e-mail contains information intended only for the use of the addressee(s). If you have received this email in error, please notify the sender and destroy this email. You must not copy, disseminate or publish this e-mail.

 Please consider the environment before printing this email