

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 March 2013.

- **Westbank First Nation**  
**IR No. 09 Old Okanagan Highway Estate Square**  
**Daimler Road Phase VII Sidewalk Project**  
**By-law No. 13-TX-04**

A handwritten signature in black ink, appearing to read "J. ...".

Dated at Ottawa, Ontario, this 20<sup>th</sup> day of *May* 2013.

Canada 

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Dated at Ottawa, Ontario, this 20<sup>th</sup> day of *May* 2013.

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**WESTBANK FIRST NATION  
STAFF REPORT TO COUNCIL**

**DATE PREPARED: March 16, 2013**

**DATE OF COUNCIL MEETING: March 27, 2013**

**PREPARED BY: ERNEST JACK SURVEYOR OF TAXES**

**DEPARTMENT: FINANCE / TAXATION**

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**Title of Report**

**Third and Final reading of IR No.09 Old Okanagan Highway Estate Square  
Daimler Road Phase VII Sidewalk Capital Project Bylaw 13-TX-04**

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**ISSUE:** Under bylaw 13-TX-04, WFN will authorize the spending of \$750,000.00 to do the Old Okanagan Highway Estate Square Daimler Road Phase VII Sidewalk Project on IR No.09.

**RECOMMENDATION:** Request that Chief and Council give third and final reading to IR No.09 Old Okanagan Highway Estate Square Daimler Road Phase VII Sidewalk Project Capital Expenditure Bylaw 13-TX-04.

**RESOLUTION:**

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

**Not Required**

**BACKGROUND:** 1<sup>st</sup> reading was given March 11, 2013 and was presented to the Advisory Council March 12, 2013 for review and recommendation to Chief and Council of IR No.09 Old Okanagan Highway Daimler Road Phase VII Sidewalk Project Capital Expenditure Bylaw 13-TX-04 for the sidewalk construction in the amount of \$750,000.00.

**OPTIONS:** To proceed with third and final reading of the Old Okanagan Highway Estate Square Daimler Road Phase VII Sidewalk Capital Expenditure 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:** 03-16-13

**Reviewed by Council Secretariat:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**Approved by Director of Operations:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**WESTBANK FIRST NATION**  
**IR No.09 OLD OKANAGAN HIGHWAY ESTATE SQUARE DAIMLER**  
**ROAD PHASE VII SIDEWALK CAPITAL EXPENDITURE BY-LAW NO.**  
**13-TX-04**

To authorize the expenditure of a maximum of Seven Hundred and Fifty Thousand Dollars (\$750,000) from money raised pursuant to section 83(1) of the *Indian Act*, for the purpose of completing the construction of Old Okanagan Highway Estate Square Daimler Road Phase VII Sidewalk Project within the Tsinstikeptum Indian Reserve No. 09.

**WHEREAS:**

- A. Pursuant to Section 83(1) of the *Indian Act* and the Westbank First Nation's inherent right of self-government, the 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 12(3)(1) of the Taxation By-law, the Westbank First Nation annually deposits Ten (10%) percent of annual gross taxes in a cumulative capital projects fund (the "**Cumulative Fund**") to be used from time to time for such capital projects as may be authorized by separate by-law;
- C. Pursuant to the Westbank First Nation Expenditure By-law, 1995, amended by By-law 97-TX-03 (the "**Expenditure By-law**"), the 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. Westbank First Nation deems it desirable and in the best interest of the community to advance funds to complete the Old Okanagan Highway Estate Square Daimler Road Phase VII Sidewalk on Tsinstikeptum Indian Reserve No.09.
- E. The Westbank First Nation has concluded the total cost of construction of Old Okanagan Highway Estate Square Daimler Road Sidewalk Phase VII on Tsinstikeptum Indian Reserve No.09 to be not more than \$750,000 as outlined in Schedule "A" to this By-law.

**NOW THEREFORE**, the Council of the 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.09 Old Okanagan Highway Estate Square Daimler Road Sidewalk Phase VII Project Capital Expenditure By-law No. 13-TX-04.

#### EXPENDITURE AUTHORIZATION

2. The Westbank First Nation hereby acknowledges that it is in the best interests of all community and band members of the Westbank First Nation to proceed with the Old Okanagan Highway Estate Square Daimler Road Phase VII Sidewalk Project as summarized in Schedule "A" to this By-law.
3. The Westbank First Nation hereby approves the expenditure of not more than Seven Hundred and Fifty Thousand (\$750,000) Dollars from the Cumulative Fund for the purposes of the Old Okanagan Highway Estate Square Daimler Road Phase VII Sidewalk Project (the "Project Funds").
4. The 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 IR No.09 Old Okanagan Highway Estate Square Daimler Road Phase VII Sidewalk Project.
5. Any of the Project Funds not expended on the IR No.09 Old Okanagan Highway Estate Square Daimler Road Phase VII Sidewalk Project or incidental costs related thereto, will be reimbursed to and deposited in the Cumulative Fund upon completion of the IR No.09 Old Okanagan Highway Estate Square Daimler Road Phase VII Sidewalk Project.
6. All revenue collected related to this By-law will be reimbursed to "the Cumulative Fund".

EFFECTIVE

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

**BE IT HEREBY RESOLVED AND AGREED:**

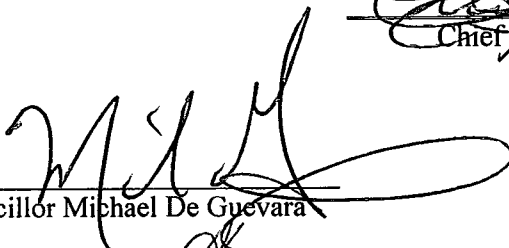
That this By-law, entitled the IR No.09 Old Okanagan Highway Estate Square Daimler Road Phase VII Sidewalk Project By-law No.13-TX-04 being read for the first, second, third and final time by the Council of the Westbank First Nation held at duly convened meetings.

Read a first time by the Council of Westbank First Nation at a duly convened meeting held on the 11<sup>th</sup> day of March, 2013.

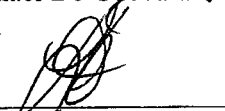
Exempt from a second reading pursuant to section 60.9 of the Westbank First Nation Constitution.


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 27<sup>th</sup> day of March, 2013.

  
Chief Robert Louie

  
Councillor Michael De Guevara

  
Councillor Mickey Werstuik


  
Councillor Lorrie Hogaboam

  
Councillor Christopher Derickson

**SCHEDULE "A"**

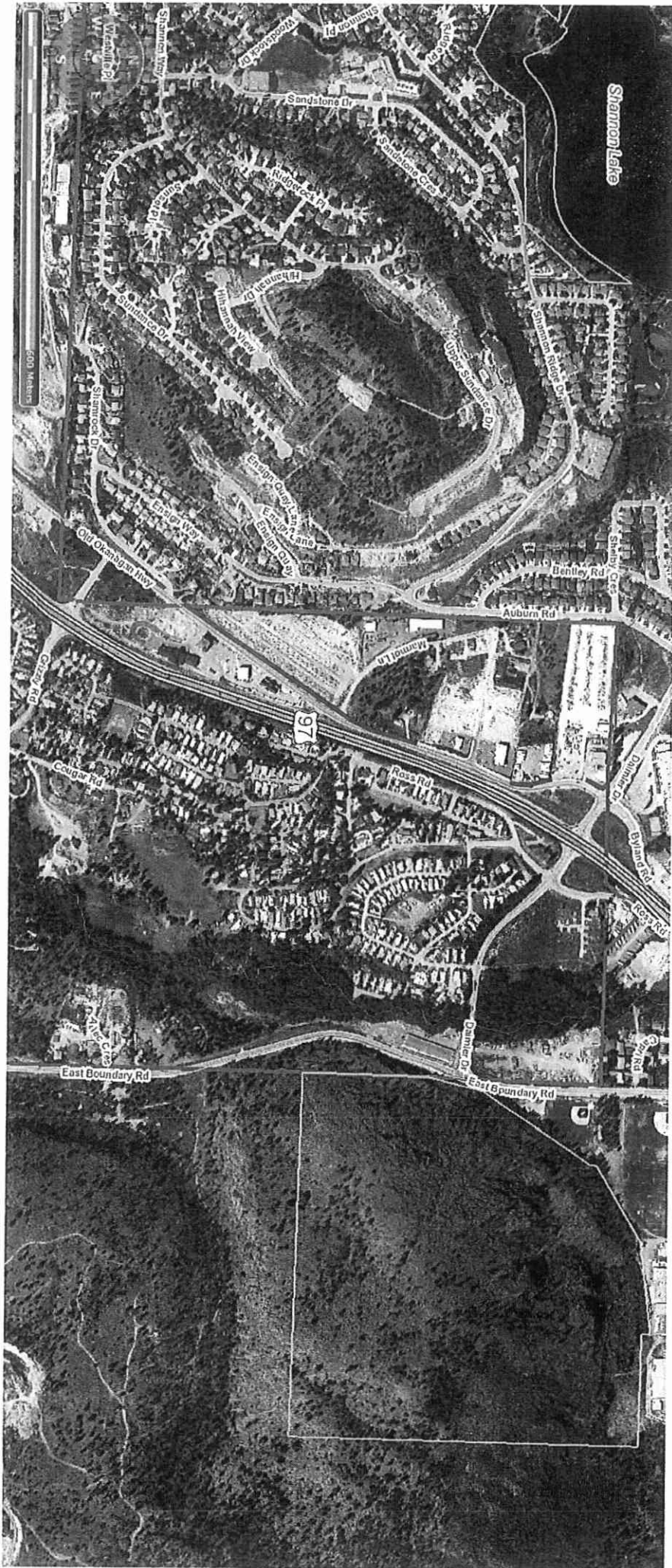
| <b>BUDGET FOR PROPOSED IR NO.09 OLD<br/>OKANAGAN HIGHWAY ESTATE SQUARE<br/>DAIMLER ROAD PHASE VII SIDEWALK<br/>PROJECT 13-TX-04</b> | <b>COST</b>   | <b>FUNDING SOURCE</b> |
|---|---------------|-----------------------|
| Engineering – Design, Tender and Construction Costs   | \$675,005.00  | WFN, Local            |
| Geo Tech  | \$ 15,000.00  | Government Services   |
| Contingency   | \$ 60,000.00  | (LGS)                 |
|   | \$ 750,000.00 | WFN, LGS              |
| <b>TOTAL</b>  | \$ 750,000.00 | WFN, LGS              |



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|--|--|
| <p><b>MOTION</b></p>  | <p><b>MOVED BY A. MANZER</b><br/> <b>Seconded by G. Couch</b><br/> <b>THAT</b> the Advisory Council hereby recommends approval of the Westbank First Nation IR No. 9 Old Okanagan Highway Estate Square Daimler Road Phase VII Sidewalk Project Capital Expenditure Bylaw 13-TX-04 in the amount of up to \$750,000.<br/> <b>CARRIED</b></p> <p><u>IR No. 9 Elk Road, Phase VIII – 13-TX-06</u><br/> <b>(Staff Report to Council from E. Jack dated March 7, 2013 is attached to these minutes as Exhibit "I.")</b></p>  |
| <p><i>D. Brown</i></p> <p><b>MOTION</b></p>  | <p>Overviewed the project associated with the staff report with the Advisory Council.</p> <p><b>MOVED BY G. COUCH</b><br/> <b>Seconded by L. Teichgraber</b><br/> <b>THAT</b> the Advisory Council hereby recommends approval of the Westbank First Nation IR No. 9 Elk Road Phase III Sidewalk Project Capital Expenditure Bylaw 13-TX-05 in the amount of up to \$250,000.<br/> <b>CARRIED</b></p> <p><u>Grouse Road, Phase IX – 13-LRL-01</u><br/> <b>(Staff Report to Council from E. Jack dated March 8, 2013 is attached to these minutes as Exhibit "J.")</b></p> |
| <p><i>D. Brown</i></p> <p><b>MOTION</b></p>  | <p>Overviewed the project associated with the staff report with the Advisory Council.</p> <p><b>MOVED BY A. MANZER</b><br/> <b>Seconded by G. Couch</b><br/> <b>THAT</b> the Advisory Council hereby recommends approval of the Westbank First Nation IR No. 9 Grouse Road Phase IX Sidewalk Capital Project Local Revenue Law 13-LRL-01 in the amount of up to \$650,000.<br/> <b>CARRIED</b></p>   |
| <p>Staff left:</p>   | <p>D. Brown left the meeting.</p> <p><b><u>WFN Expenditure Bylaw Annual Budget 2013 - 13-TX-01</u></b><br/> <b>(WFN Bylaw No. 13-TX-01 is attached to these minutes as Exhibit "K.")</b></p>   |
| <p><i>E. Jack</i></p>  | <p>Overviewed the bylaw with the Advisory Council.</p>   |



13-TX-04



Old Okanagan  
Highway  
sidewalk project