

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 Elk Road Sidewalk Phase VIII Project
Capital Expenditure By-law No. 13-TX-05

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

Dated at Ottawa, Ontario, this 20th day of May 2013.

**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

Title of Report

**Third and Final reading of IR No.09 Elk Road Phase VIII Sidewalk Capital Project
Bylaw 13-TX-05**

ISSUE: Under bylaw 13-TX-05, WFN will authorize the spending of \$250,000.00 to do the Road Phase VIII Sidewalk Project on IR No.09.

RECOMMENDATION: Request that Chief and Council give third and final reading to IR No.09 Elk Road Phase VIII Sidewalk Project Capital Expenditure Bylaw 13-TX-05.

RESOLUTION:

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

Not Required

BACKGROUND: 1st reading was be 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 Elk Road Phase VIII Sidewalk Project Capital Expenditure Bylaw 13-TX-05 for the sidewalk construction in the amount of \$250,000.00.

OPTIONS: To proceed with third and final reading of the Elk Road Phase VIII 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 ELK ROAD PHASE VIII SIDEWALK CAPITAL EXPENDITURE
BY-LAW NO. 13-TX-05

To authorize the expenditure of a maximum of Two Hundred and Fifty Thousand Dollars (\$250,000) from money raised pursuant to section 83(1) of the *Indian Act*, for the purpose of completing the construction of Elk Road Phase VIII Sidewalk Project within the Tsinstikeptum Indian Reserve No.09.

WHEREAS:

- 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)(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. 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 advance funds to complete the Elk Road Phase VIII Sidewalk on Tsinstikeptum Indian Reserve No.09.
- E. The Westbank First Nation has concluded the total cost of construction of Elk Road Sidewalk Phase VIII on Tsinstikeptum Indian Reserve No.09 to be not more than \$250,000 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 Elk Road Sidewalk Phase VIII Project Capital Expenditure By-law No. 13-TX-05*.

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 Elk Road Phase VIII Sidewalk Project as summarized in Schedule "A" to this By-law.
3. The Westbank First Nation hereby approves the expenditure of not more than Two Hundred and Fifty Thousand (\$250,000) Dollars from the Stabilization Fund for the purposes of the Elk Road Phase VIII 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 Elk Road Phase VIII Sidewalk Project.
5. Any of the Project Funds not expended on the IR No.09 Elk Road Phase VIII Sidewalk Project or incidental costs related thereto, will be reimbursed to and deposited in the Stablization Fund upon completion of the IR No.09 Elk Road Phase VIII Sidewalk Project.

EFFECTIVE

6. 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 Elk Road Phase VIII Sidewalk Project By-law No.13-TX-05 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 11th day of March, 2013.

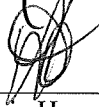
Exempt from a second reading pursuant to section 60.9 of the Westbank First Nation Constitution.

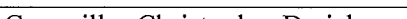
Read a third time, and enacted as a Westbank Law, by Council of the Westbank First Nation at a duly convened meeting held on the 27th day of March, 2013.


Chief Robert Louie


Councillor Michael De Guevara


Councillor Mickey Werstuik


Councillor Lorrie Hogaboam


Councillor Christopher Derickson

SCHEDULE "A"

BUDGET FOR PROPOSED IR NO.09 Elk ROAD PHASE VIII SIDEWALK PROJECT 13-TX-05	COST	FUNDING SOURCE
Engineering – Design, Tender and Construction Costs	\$220,000.00	WFN, Local
Environmental Management Plan and monitoring	\$ 10,000.00	Government Services
Contingency	\$ 20,000.00	(LGS)
	\$ 250,000.00	WFN, LGS
TOTAL	\$ 250,000.00	WFN, LGS



WESTBANK FIRST NATION

#301, 515 Hwy. 97 South, Kelowna, BC V1Z 3J2
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WESTBANK FIRST NATION Council Meeting

Date: Wednesday, March 27, 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-TX-05* WILL BE READ AND CONSIDERED FOR ENACTMENT.

SUMMARY OF THE LOCAL REVENUE LAW 13-TX-05

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-TX-05*, WFN will be empowered to expend Stabilization Funds up to \$250,000.00 for the construction of IR N0.09 Elk Road Phase VIII Sidewalk Capital Project (the “**Elk Road Phase VIII Sidewalk Project**”). The purpose of the IR No.09 Elk Road Phase VIII Sidewalk Project is to provide a sidewalk for better pedestrian safety to all members and residents.

First reading of the draft *Law 13-TX-05* was given by Council March 11, 2013, third and final reading will be given on March 27, 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.

13-TX-05

Elk Road
sidewalk
Project

