

Ministre des Affaires autochtones
et du développement du Nord



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 29th day of July 2013.

- **Westbank First Nation
I.R. No. 09 Quail Lane Redesign and
Phase I Servicing Project
Capital Expenditure By-law No. 13-TX-08**

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

A handwritten signature in black ink, appearing to read 'J. ...' with a stylized flourish at the end.

**WESTBANK FIRST NATION
IR NO.09 QUAIL LANE REDESIGN AND PHASE I SERVICING
PROJECT CAPITAL EXPENDITURE BY-LAW NO. 13-TX-08**

To authorize the expenditure of a maximum of Six Hundred Thousand Dollars (\$600,000) from money raised pursuant to section 83(1) of the *Indian Act*, for the purpose of completing the construction of Quail Lane Redesign and Phase I Servicing 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 construction of Quail Lane Redesign and Phase I Servicing Project on Tsinstikeptum Indian Reserve No.09.
- E. The Westbank First Nation has concluded the total cost of construction of Quail Lane Redesign and Phase I Servicing Project on Tsinstikeptum Indian Reserve No.09 to be not more than \$600,000 as outlined in Schedule "A" to this By-law.
- F. The Council of the Westbank First Nation wishes to repeal the Westbank First Nation Tsinstikeptum Indian Reserve No. 09 Capital Expenditure By-law 13-TX-04.

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 Quail Lane Redesign and Phase I Servicing Project Capital Expenditure By-law No. 13-TX-08.
2. Repeal of By-law 13-TX-04; that By-law cited as IR No.9 Old Okanagan Highway Estate Square Daimler Road Phase VII Sidewalk Capital Expenditure By-law No. 13-TX-04 is hereby repealed.

EXPENDITURE AUTHORIZATION

3. 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 Quail Lane Redesign and Phase I Servicing Project as summarized in Schedule "A" to this By-law.
4. The Westbank First Nation hereby approves the expenditure of not more than Six Hundred Thousand (\$600,000) Dollars from the Cumulative Fund for the purposes of the Quail Lane Redesign and Phase I Servicing Project (the "Project Funds").
5. 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 Quail Lane Redesign and Phase I Servicing Project.
6. Any of the Project Funds not expended on the IR No.09 Quail Lane Redesign and Phase I Servicing Project or incidental costs related thereto, will be reimbursed to and deposited in the Cumulative Fund upon completion of the IR No.09 Quail Lane Redesign and Phase I Servicing Project.
7. All revenue collected related to this By-law will be reimbursed to "the Cumulative Fund".

EFFECTIVE

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

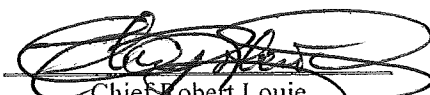
BE IT HEREBY RESOLVED AND AGREED:

That this By-law, entitled the IR No.09 Quail Lane Redesign and Phase I Servicing Project By-law No.13-TX-08 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 02nd day of July, 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 29th day of July, 2013.



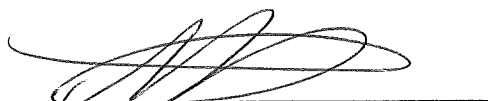
Chief Robert Louie



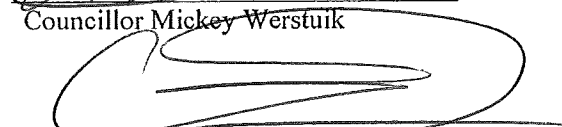
Councillor Michael De Guevara



Councillor Lorrin Hogaboam



Councillor Mickey Werstuik



Councillor Christopher Derickson


SCHEDULE "A"

BUDGET FOR PROPOSED IR NO.09 QUAIL LANE REDESIGN AND PHASE I SERVICING PROJECT 13-TX-08	COST	FUNDING SOURCE
Engineering – Design, Tender and Construction Costs	\$550,000.00	WFN, LGS
Contingency	\$ 50,000.00	
	\$ 600,000.00	WFN, LGS
TOTAL	\$ 600,000.00	WFN, LGS

	Council reviewed the report.
RESOLUTION 130729-10	<p>MOVED BY COUNCILLOR DE GUEVARA Seconded by Councillor Hogaboam THAT Council hereby gives Third Reading to, and enacts, Capital Expenditure Bylaw 13-TX-08 for the expenditure of up to \$600,000 for the reconstruction of Quail Lane, the servicing of the Youth Centre lands, roughing in a new road between Quail Lane and Pheasant Lane and earthworks and base preparation for the sport court. Should any portion of the funds remain unexpended after the expenditures hereby authorized have been made, any unexpended funds shall be returned to the credit of the I.R. #9 Development Cost Charge Road reserves. CARRIED</p>
	<p><u>First Reading – Local Revenue Law 13-LRL-04 – Old Okanagan Highway from Estate Square to Daimler Road Phase VII Sidewalk Project</u> (Staff Report to Council from E. Jack dated July 6, 2013 is attached to these minutes as Exhibit “M.”)</p>
	Council reviewed the report.
RESOLUTION 130729-11	<p>MOVED BY COUNCILLOR DE GUEVARA Seconded by Councillor Derickson THAT Council hereby gives First Reading to Local Revenue Law 13-LRL-04 for the reallocation of taxation revenue to Development Cost Charge reserve funds in the amount of \$550,000 for the Old Okanagan Highway from Estate Square to Daimler Road Phase VII Sidewalk Project. CARRIED</p>

Laurie Bowen
səx^wk'ə^tq'əq'aym
Recording Secretary
Westbank First Nation
(250) 769-4999

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	through IGA to develop something. We want to be careful not to generate too many questions. We can definitely work on something like this.
<i>M. Carroll</i>	Thank you for having us in. If you have any information you would like considered for the new reader board, please email it to communications@wfn.ca
Staff enters:	B. Connor and D. Brown entered the meeting at 2:20pm
Staff exits:	K. Jean and M. Carroll left the meeting at 2:20pm
	<u>First Reading Capital Expenditure Bylaw Number 13-TX-07 Youth Centre and Sport Court</u>
<i>D. Brown</i>	Chief Louie's presentation was about this expenditure.
<i>B. Connor</i>	This is over 2 fiscal years of expenditures from the Capital (Cumulative) fund and the Stabilization Fund. We have been planning for this so there will not be a deficit, we have these funds.
	Some concerns were expressed about approving such a large expenditure of the tax payer money without speaking to the tax payers first.
<i>R. DeGuevara</i>	Remember there is the Corporate half of the 70%, it is not all the residential tax payers money. The 70/30 split was a challenge. But it made sense and seemed like a fair presentation.
MOTION	MOVED BY AVRIL MANZER Seconded by Bonnie Semeniuk THAT the Advisory Council hereby recommends the acceptance of the expenditure for Capital Expenditure Bylaw Number 13-TX-07 Youth Centre and Sport Court CARRIED
Staff exits:	R. DeGuevara left the meeting at 2:52pm
	<u>Next Meeting</u>
	The next regular meeting will take place on Tuesday, August 13 at 9:00 a.m. in the Inter-Governmental Affairs Boardroom of the WFN Government Building.
ADJOURNMENT	The meeting adjourned at 3:04pm



WESTBANK FIRST NATION

WESTBANK FIRST NATION Council Meeting

Date: Monday, July 29th, 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 IR No.9 QUAIL LANE REDESIGN AND PHASE I SERVICING PROJECT *CAPITAL EXPENDITURE BYLAW 13-TX-08* WILL BE READ AND CONSIDERED FOR ENACTMENT.

SUMMARY OF IR No.9 QUAIL LANE REDESIGN AND PHASE I SERVICING PROJECT CAPITAL EXPENDITURE BYLAW 13-TX-08

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 Westbank First Nation Property Taxation Bylaw 95-TX-08 (the "Taxation Bylaw") for local purposes, including the provision of local services on Reserve and capital projects.

Under *Bylaw 13-TX-08*, WFN will be empowered to expend Capital Projects funds up to \$600,000 for the quail lane redesign, phase I servicing and construction as part of the continued urbanization of the community core.

First reading of the draft *Bylaw 13-TX-8* was given by Council July 02, 2013; A Local Revenue Law is exempted from second reading by section 60.9 of the *WFN Constitution*. Third and final reading will be given on July 29, 2013.

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.