

Ministre des Affaires autochtones
et du développement du Nord



Minister of Aboriginal Affairs and
Northern Development

Ottawa, Canada K1A 0H4

I, Minister of Indian 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 30th day of March 2015.

- **Westbank First Nation IR No. 09 Pedestrian Pathway
Capital Expenditure By-law No. 15-TX-04**

A handwritten signature in black ink, appearing to read "Seventy-Six".

Dated at Ottawa, Ontario, this 9th day of June 2015.

Canada

**WESTBANK FIRST NATION
STAFF REPORT TO COUNCIL**

DATE PREPARED: March 20, 2015

DATE OF COUNCIL MEETING: March 30, 2015

PREPARED BY: Ernest Jack

DEPARTMENT: Finance/Tax

Title of Report
Capital Expenditure By-law 15-TX-04
IR No.09 Pedestrian Pathway from Community Core to Falcon Road Phase XV Sidewalk Capital Expenditure Project

ISSUE: Under By-law 15-TX-04, WFN will authorize the spending of \$35,000 to complete construction of Pedestrian Pathway from Community Core to Falcon Road Phase XV Sidewalk Project within Tsinstikeptum Indian Reserve No.09.

RESOLUTION:

Required (resolution must be attached)

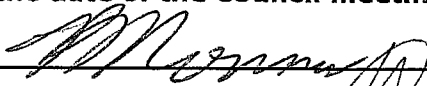
Not Required

BACKGROUND: 1st reading was given March 02, 2015 and was presented to the Advisory Council March 10, 2015 for review and recommendation to Chief and Council of IR No.09 Pedestrian Pathway from Community Core to Falcon Road Phase XV Sidewalk Project By-law 15-TX-04 in the amount of \$35,000. Posted Notice for By-law 15-TX-04 was made on March 20, 2015 as required by WFN Law.

OPTIONS: This is the most viable option.

RECOMMENDATION: That WFN Chief and Council give third and final reading to By-law 15-TX-04 for the Pedestrian Pathway from Community Core to Falcon Road Phase XV Sidewalk Project Capital Expenditure By-law 15-TX-04.

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: MAR 25 / 2015

Reviewed by Council Secretariat: _____

Date: MAR 25 2015

Approved by Director of Operations: 

Date: Mar 25/15

WESTBANK FIRST NATION
IR NO.09 PEDESTRIAN PATHWAY FROM COMMUNITY CORE TO
FALCON ROAD PHASE XV SIDEWALK CAPITAL EXPENDITURE BY-
LAW NO. 15-TX-04

To authorize the expenditure of a maximum of Thirty Five Thousand Dollars (\$35,000) from money raised pursuant to section 83(1) of the *Indian Act*, for the purpose of completing the construction of Pedestrian Pathway from Community Core to Falcon Road Phase XV 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)(l) 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 section 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 Pedestrian Pathway from Community Core to Falcon Road Phase XV Sidewalk Project on Tsinstikeptum Indian Reserve No.09.
- E. The Westbank First Nation has concluded the total cost of construction of Pedestrian Pathway from Community Core to Falcon Road Phase XV Sidewalk Project on Tsinstikeptum Indian Reserve No.09 to be not more than Thirty Five Thousand Dollars \$35,000 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 Pedestrian Pathway from Community Core to Falcon Road Phase XV Sidewalk Project Capital Expenditure By-law No. 15-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 Pedestrian Pathway from the Community Core to Falcon Road Phase XV Sidewalk Project as summarized in Schedule "A" to this By-law.
3. The Westbank First Nation hereby approves the expenditure of not more than Thirty Five Thousand Dollars (\$35,000) from the Cumulative Fund for the purposes of the Pedestrian Pathway from Community Core to Falcon Road Phase XV 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 Pedestrian Pathway from Community Core to Falcon Road Phase XV Sidewalk Project.
5. Any of the Project Funds not expended on the IR No.09 Pedestrian Pathway from Community Core to Falcon Road Phase XV Sidewalk Project or incidental costs related thereto, will be reimbursed to and deposited in the Cumulative Fund upon completion of the IR No.09 Pedestrian Pathway from the Community Core to Falcon Road Phase XV 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 Pedestrian Pathway from the Community Core to Falcon Road Phase XV Sidewalk Project By-law No.15-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 2nd day of March, 2015.

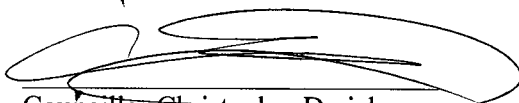
Exempt from a second reading pursuant to section 60.9 of the Westbank First Nation Constitution.

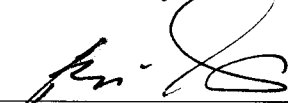
Read a third time, and enacted as a Westbank Law, by Council of the Westbank First Nation at a duly convened meeting held on the 30th day of March, 2015.


Chief Robert Louie


Councillor Michael De Guevara


Councillor Mickey Werstnik


Councillor Christopher Deriekson


Councillor Brian Eli

SCHEDULE "A"

BUDGET FOR PROPOSED IR NO.09 Pedestrian Pathway from Community Core to Falcon Road Sidewalk Project 15-TX-04	COST	FUNDING SOURCE
Engineering – Design, Tender and Construction Costs	\$ 29,500.00	WFN, Local Government Services
Environmental Management Plan and monitoring	\$ 1,000.00	
Geo Tech	\$ 1,00.00	
Contingency	\$ 3,500.00	
	\$ 35,000.00	WFN, LGS
TOTAL	\$ 35,000.00	WFN, LGS

Advisory Council Meeting March 10, 2015.

CERTIFIED A TRUE
COPY THIS 10 DAY
OF March 20 15
EMM
SURVEYOR OF TAXES
WESTBANK FIRST NATION

	Capital Expenditure Local Revenue Law 15-LRL-04 for the expenditure of \$35,000 for the IR (Indian Reserve) No.09 Community Core to Falcon Road Phase XV Sidewalk Project. CARRIED
MOTION	MOVED BY: B. SEMENIUK Seconded by C. Graham THAT the Advisory Council hereby recommends approval of Capital Expenditure Bylaw 15-TX-04 for the expenditure of \$35,000 for the IR (Indian Reserve) No.09 Community Core to Falcon Road Phase XV Sidewalk Project. CARRIED

Chief of Council meeting March 30, 2015

CERTIFIED A TRUE
COPY THIS 30 DAY
OF March 20 15
SURVEYOR OF TAXES
WESTBANK FIRST NATION

	CARRIED
	IR No.09 Pedestrian Pathway from Community Core to Falcon Road Phase XV Sidewalk Project 15-LRL-04 and 15-TX-04 (Staff Reports to Council from E. Jack dated March 20, 2015 are attached to these minutes as Exhibit "V.")
	Council noted the staff reports.
RESOLUTION 150330-14	MOVED BY COUNCILLOR DE GUEVARA Seconded by Councillor Eli THAT Council hereby gives Third and Final Reading to Capital Expenditure Local Revenue Law 15-LRL-04 and to Capital Expenditure Bylaw 15-TX-04, each for the expenditure of \$35,000 for the IR (Indian Reserve) No.09 Community Core to Falcon Road Phase XV Sidewalk Project. CARRIED





WESTBANK FIRST NATION

WESTBANK FIRST NATION Council Meeting

Date: Monday, March 30th, 2015
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 PEDESTRIAN PATHWAY FROM COMMUNITY CORE TO FALCON ROAD PHASE XV SIDEWALK PROJECT CAPITAL EXPENDITURE LOCAL REVENUE LAW 15-TX-04 WILL BE READ AND CONSIDERED FOR ENACTMENT.

SUMMARY OF IR NO.9 PEDESTRIAN PATHWAY FROM COMMUNITY CORE TO FALCON ROAD PHASE XV SIDEWALK PROJECT CAPITAL EXPENDITURE LOCAL REVENUE LAW 15-TX-04

Under the Westbank First Nation Expenditure By-law 1995 and subsequent amendments (the "Expenditure By-law") Westbank First Nation "WFN" is authorized to expend moneys raised pursuant to the Westbank First Nation Property Taxation By-law 95-TX-08 (the "Taxation By-law") for local purposes, including the provision of local services on Reserve and capital projects.

Under *Local Revenue Law 15-TX-04*, WFN will be empowered to expend Capital Projects funds up to \$35,000 for Pedestrian Pathway from Community Core to Falcon Road Phase XV Sidewalk Capital Project (the "**Pedestrian Pathway from Community Core to Falcon Road Phase XV Sidewalk Project**").

First reading of the draft *Local Revenue Law 15-TX-04* was given by Council March 02, 2015; 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 March 30, 2015.

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.