

Ministre des Affaires  
autochtones et du Nord



Minister of Indigenous and  
Northern Affairs

Ottawa, Canada K1A 0H4

I, Minister of Indigenous and Northern Affairs, 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 11th day of April 2016.

- **Westbank First Nation**  
**Capital Expenditure By-law No. 16-TX-01**

Dated at Ottawa, Ontario, this 11th day of April 2016.

A handwritten signature in black ink, appearing to read 'Carolyn Bennett', written over a horizontal line.

Hon. Carolyn Bennett, M.D., P.C., M.P.

Canada



**WESTBANK FIRST NATION  
STAFF REPORT TO COUNCIL**

**DATE PREPARED:** April 5, 2016

**DATE OF GENERAL COUNCIL MEETING:** April 11, 2016

**PREPARED BY:** Ernest M Jack Surveyor of Taxes

**DEPARTMENT:** Finance/Tax

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**Title of Report  
Third and Final Reading  
Public Works Equipment Purchase Capital Expenditure Bylaw 16-TX-01**

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**ISSUE:** Request Westbank First Nation Council to purchase Public Works fleet replacement, equipment upgrades and landscaping projects in the amount of \$143,000.00.

**RECOMMENDATION:** Request Westbank First Nation Council to give third and final reading to Public Works fleet replacement, equipment upgrades and landscaping projects Capital Expenditure By-law 16-TX-01.

**Option # 1**

**NOTIFIED FINANCE DEPT**

Required  
 Not Required

**NOTIFIED OTHER WFN DEPT**

Required  
 Not Required

**RESOLUTION (if required):**  
**THAT** Council hereby ...

**BACKGROUND:** WFN Council give Third and Final reading on April 11, 2016, First reading be given on February 29, 2016 and by-law was presented to the Advisory Council on March 8, 2016 for review and recommendation to WFN Council of Capital Expenditure By-law 16-TX-01; posted notice was made on March 18, 2016 for purchasing public works fleet replacement, equipment upgrades and landscaping projects in the amount of \$143,000.00.

**OPTIONS:**

**Option #1** – That Westbank Council gives third and final reading of Capital Expenditure By-law 16-TX-01.

<b>Approved by Manager:</b> <u>BM</u>	<b>Date:</b> <u>04/05/2016</u>
<b>Reviewed by Council Secretariat:</b> _____	<b>Date:</b> _____
<b>Approved by Director of Operations:</b> _____	<b>Date:</b> _____

**WESTBANK FIRST NATION  
PUBLIC WORKS PURCHASE CAPITAL EXPENDITURE BY-LAW NO.  
16-TX-01**

To authorize the expenditure of a maximum of One Hundred and Forty Three Thousand Dollars (\$143,000.00) from money raised pursuant to section 83(1) of the *Indian Act*, for the purpose of fleet replacements for Public Works, equipment upgrades and to conclude landscaping projects.

**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. The Council of the Westbank First Nation deems it desirable and in the best interest of the Band members to advance funds to complete Public Works fleet replacement, equipment upgrades and to conclude landscaping projects capital purchases.
- E. The Westbank First Nation has concluded the total cost of purchasing capital fleet replacement, equipment upgrades and public safety to be not more than \$143,000.00 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 purchase of capital equipment for fleet replacement, equipment upgrades and landscaping uses Capital Expenditure By-law No. 16-TX-01.

#### EXPENDITURE AUTHORIZATION

2. The Westbank First Nation hereby acknowledges that it is in the best interests of its members to purchase capital equipment for fleet replacement, equipment upgrades and landscaping projects as summarized in Schedule "A" to this By-law.
3. The Westbank First Nation hereby approves the expenditure of not more than One Hundred and Forty Three Thousand (\$143,000.00) Dollars from the Cumulative Fund for the purposes of purchasing fleet replacement, equipment upgrades and landscaping projects (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 fleet replacement, equipment upgrades and landscaping projects.
5. Any of the Project Funds not expended on the fleet replacement, equipment upgrades and landscaping projects or incidental costs related thereto, will be reimbursed to and deposited in the Cumulative Fund upon completion of fleet replacement, equipment upgrades and landscaping projects.
6. Any funds not expended on this project will be reimbursed to and deposited in the "Cumulative Fund".

EFFECTIVE

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

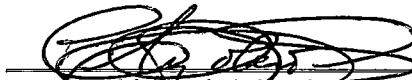
**BE IT HEREBY RESOLVED AND AGREED:**

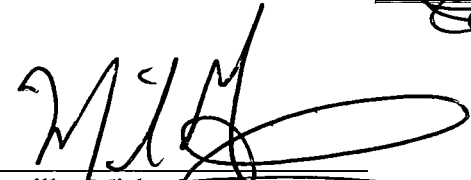
That this By-law, entitled the Public Works fleet replacement, equipment upgrades and landscaping projects WFN By-law No.16-TX-01 being read for the first, second and third and final time by the Council of the Westbank First Nation held at a duly convened meetings.

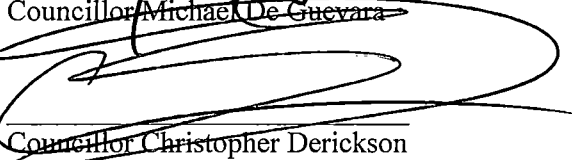
Read a first time by the Council of Westbank First Nation at a duly convened meeting held on the 29<sup>th</sup> day of February, 2016.

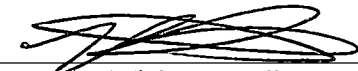
Exempt from a second reading pursuant to section 60.9 of the Westbank First Nation Constitution.

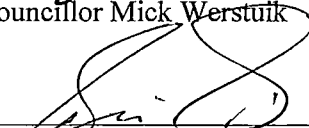
Read a third time, and enacted as a Westbank Law, by Council of the Westbank First Nation at a duly convened meeting held on the 11<sup>th</sup> day of April, 2016.

  
Chief Robert Louie

  
Councillor Michael De Guevara

  
Councillor Christopher Derickson

  
Councillor Mick Werstuik

  
Councillor Brian Eli

**SCHEDULE "A"**

**BUDGET FOR PROPOSED FOR PUBLIC WORKS FLEET REPLACEMENT  
EQUIPMENT UPGRADES AND LANDSCAPING PURCHASE PROJECTS**

<b>ITEM</b>	<b>COST</b>	<b>FUNDING SOURCE</b>
Irrigation Truck (Ford)	\$40,000.00	WFN, Local Government Services (LGS) All Work to be completed in 2016
Bobcat Attachments (Bobcat)	\$10,000.00	
Tractor Upgrades (John Deere)	\$ 6,000.00	
Ridge Estates Reader Border	\$ 5,000.00	
Falcon/Fox Road Park	\$12,000.00	
Landscape Banners	\$10,000.00	
Public Works Yard Periphery	\$ 5,000.00	
Major Road Landscape Improvements	\$ 5,000.00	
IR No.10 Hwy 97 Berm replacement	\$ 6,000.00	
Hwy 97 Boulevard improvements	\$14,000.00	
Tomat Park / Sneena Road	\$10,000.00	
Lindley Office Building Landscape curbs	\$ 7,000.00	
Contingency	\$13,000.00	
<b>TOTAL</b>	<b>\$ 143,000</b>	<b>WFN, LGS</b>



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Westbank First Nation  
*Community. Leadership. Pride.*

**MINUTES  
ADVISORY COUNCIL  
April 12, 2016**

	<b>CARRIED</b>
	D. Brown left the meeting at 10:39 a.m.
	<b><u>Review of Taxation Laws 16-TX-01, 16-TX-02, 16-TX-03 and 16-TX-04</u></b> <b>Staff Reports are attached to these minutes as Exhibit "F"</b>
<i>E. Jack</i>	Overviewed the staff report for 16-TX-01 with the Advisory Council.
<b>MOTION</b>	<b>MOVED BY C. GRAHAM</b> <b>Seconded By T. Turcan</b> <b>THAT</b> the Advisory Council approves and recommends 16-TX-01. <b>CARRIED</b>

**Ernest Jack**

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**From:** Laurie Bowen  
**Sent:** April-11-16 2:11 PM  
**To:** Brian Conner; Ernest Jack  
**Cc:** Dan Brown; Loretta Ghostkeeper  
**Subject:** Draft Finance Minutes

Hi Brian and Ernest,  
Below, for your review, are the draft minutes from this morning's General Council meeting re: the finance items. I have placed the executed documents in internal mail to be sent down to you.  
Laurie

	<b>Third and Final Reading – Public Works Equipment Purchase Capital Expenditure Bylaw 16-TX-01 (Staff Report to Council from E. Jack dated April 6, 2016 is attached to these minutes as Exhibit "I.")</b>
	yi səx <sup>wk</sup> wina?məm noted the report.
<b>RESOLUTION</b>	<b>MOVED BY səx<sup>wk</sup>wina?məm DE GUEVARA</b>
<b>160411-05</b>	<b>Seconded by səx<sup>wk</sup>wina?məm Werstuik</b> <b>THAT</b> yi səx <sup>wk</sup> wina?məm (Council) hereby gives Third and Final Reading to, and enacts, Westbank First Nation Public Works Purchase Capital Expenditure By-law No. 16-TX-01 for the expenditure of up to \$143,000 for capital fleet replacement, equipment upgrades, landscaping projects, and public safety. <b>CARRIED</b>





# WESTBANK FIRST NATION

## WESTBANK FIRST NATION Council Meeting

**Date:** Tuesday March, 29<sup>th</sup>, 2016  
**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 PUBLIC WORKS FLEET REPLACEMENT, EQUIPMENT UPGRADES AND LANDSCAPING PROJECTS CAPITAL EXPENDITURE BYLAW 16-TX-01 WILL BE READ AND CONSIDERED FOR ENACTMENT.**

### **SUMMARY OF THE PUBLIC WORKS FLEET REPLACEMENT, EQUIPMENT UPGRADES AND LANDSCAPING PROJECTS CAPITAL EXPENDITURE BYLAW 16-TX-01**

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 16-TX-01*, WFN will be empowered to expend Capital Projects funds up to \$143,000 to purchase fleet replacement, equipment upgrades and landscaping projects for community purposes.

First reading of the *Bylaw 16-TX-01* was given by Council February 29th, 2016; 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 29, 2016.

**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.**