

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 24th day of May 2016.

- **Westbank First Nation
Capital Expenditure By-law No. 16-TX-06**

Dated at Ottawa, Ontario, this 31 day of August 2016.

A handwritten signature in blue ink that reads "Carolyn Bennett".

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

WESTBANK FIRST NATION
IR NO.09 OLD OKANAGAN HWY PHASE XVI SIDEWALK STREET
LIGHTING STORM WATER SYSTEM CAPITAL EXPENDITURE BY-
LAW NO. 16-TX-06

To authorize the expenditure of a maximum of Six Hundred Fifty Thousand Dollars (\$650,000) from money raised pursuant to section 83(1) of the *Indian Act*, for the purpose of completing the construction of Old Okanagan Hwy Phase XVI Sidewalk, Street Lighting and Storm Water System 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)(m) of the Taxation By-law, the Westbank First Nation annually deposits Ten (10%) percent of annual gross taxes in an income contingency fund (the "**Contingency 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 members to advance funds to complete the Old Okanagan Hwy Phase XVI Sidewalk, Street Lighting and Storm Water System Project on Tsinstikeptum Indian Reserve No.09.
- E. The Westbank First Nation has concluded the total cost of construction of the Old Okanagan Hwy Phase XVI Sidewalk, Street Lighting and Storm Water System on Tsinstikeptum Indian Reserve No.09 to be not more than Six Hundred Fifty Thousand Dollars \$650,000 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 Hwy Phase XVI Sidewalk, Street Lighting and Storm Water System Project Capital Expenditure By-law No. 16-TX-06.

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 Phase XVI Sidewalk, Street Lighting and Storm Water System Project as summarized in Schedule "A" to this By-law.
3. The Westbank First Nation hereby approves the expenditure of not more than Six Hundred Fifty Thousand Dollars (\$650,000) from the Contingency Fund for the purposes of the Old Okanagan Hwy Phase XVI Sidewalk, Street Lighting and Storm Water System 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 Hwy Phase XVI Sidewalk, Street Lighting and Storm Water System Project.
5. Any of the Project Funds not expended on the IR No.09 Old Okanagan Hwy Phase XVI Sidewalk, Street Lighting and Storm Water System Project or incidental costs related thereto, will be reimbursed to and deposited in the Contingency Fund upon completion of the IR No.09 Old Okanagan Hwy Phase XVI Sidewalk, Street Lighting and Storm Water System Project.

EFFECTIVE

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

BE IT HEREBY RESOLVED AND AGREED:

That this By-law, entitled the "IR No.09 Old Okanagan Hwy Phase XVI Sidewalk, Street Lighting and Storm Water System Project By-law No.16-TX-06" has been read for the first, second (if required), third and final time by the Council of the Westbank First Nation at duly convened council meetings.

Read a first time by the Council of Westbank First Nation at a duly convened meeting held on the 9th day of May, 2016.

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

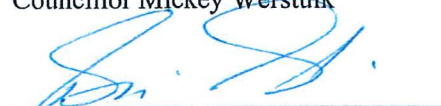
Read a third time, and enacted as a Westbank Law, by Council of the Westbank First Nation at a duly convened meeting held on the 24th day of May, 2016.


Chief Robert Louie

Councillor Michael De Guevara



Councillor Christopher Derickson


Councillor Mickey Werstuik


Councillor Brian Eli

SCHEDULE "A"

BUDGET FOR PROPOSED IR NO.09 Old Okanagan Hwy Phase XVI Sidewalk, Street lighting and Storm Water System Project 16-TX-06	COST	FUNDING SOURCE
General Construction Costs	\$ 85,500.00	WFN, Local Government Services
Roads	\$ 428,000.00	
Storm Water	\$ 300,000.00	
Landscaping	\$ 20,000.00	
Concrete	\$ 105,000.00	
Electrical	\$ 180,000.00	
Contingency	\$ 170,000.00	
Total Cost	\$1,300,000.00	WFN, LGS IR 9 RD DCC
(50%) of total cost	\$ 650,000.00	WFN, LGS

		<p style="text-align: center;">MINUTES GENERAL yi səxʷkʷinaʔməḡ (COUNCIL) MEETING sʔaslásq'ət, míktúʔtin (Tuesday, May) 24, 2016</p>
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	<p><u>Third and Final Readings of Bylaws and Local Revenue Laws</u></p>
	<p><u>IR No. 09 Phase XVI Sidewalk, Street Lighting, and Storm Water System Capital Expenditure Bylaw 16-TX-06 (Staff Report to Council from E. Jack dated May 18, 2016 is attached to these minutes as Exhibit "E.")</u></p>
<p><i>E. Jack</i></p>	<p>Overviewed his report with yi səxʷkʷinaʔməḡ.</p>
<p>RESOLUTION 160524-06</p>	<p>MOVED BY səxʷkʷinaʔməḡ DERICKSON Seconded by səxʷkʷinaʔməḡ Werstuik THAT yi səxʷkʷinaʔməḡ (Council) hereby gives Third Reading to, and enacts Westbank First Nation Local Revenue IR No. 09 Old Okanagan Highway Phase XVI Sidewalk Street Lighting Storm Water System Capital Expenditure Bylaw No. 16-TX-06 for the expenditure of up to \$650,000 from the Cumulative Fund for the purposes of the Old Okanagan Highway Phase XVI Sidewalk, Street Lighting and Storm Water System Project. CARRIED</p>



WESTBANK FIRST NATION

WESTBANK FIRST NATION Council Meeting

Date: Tuesday May, 24th, 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 IR No.09 OLD OKANAGAN HWY PHASE XVI SIDEWALK STREET LIGHTING AND STORM WATER SYSTEM PROJECT CAPITAL EXPENDITURE BY-LAW 16-TX-06 WILL BE READ AND CONSIDERED FOR ENACTMENT.

SUMMARY OF THE IR No.09 OLD OKANAGAN HWY PHASE XVI SIDEWALK STREET LIGHTING AND STORM WATER SYSTEM PROJECT CAPITAL EXPENDITURE BY-LAW 16-TX-06

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 *By-law 16-TX-06*, WFN will be empowered to expend Capital Projects funds up to \$650,000 to complete construction of the IR No.09 Old Okanagan Hwy Phase XVI Sidewalk Street Lighting and Storm Water System project for community purposes.

First reading of the *By-law 16-TX-06* was given by Council May 9th, 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 May 24, 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.