



**WESTBANK FIRST NATION
STAFF REPORT TO GENERAL COUNCIL**

DATE PREPARED: November 30, 2016

DATE OF GENERAL COUNCIL MEETING: December 05, 2016

PREPARED BY: Ernest M Jack Surveyor of Taxes

DEPARTMENT: Finance / Tax

Subject

**Third Reading of IR No.10 IT BACKUP GENERATOR CAPITAL EXPENDITURE
BY-LAW 16-TX-08**

ISSUE: Under By-law 16-TX-08 WFN will authorize the spending of \$30,000.00 to complete purchase of IT Backup Generator and Installation Project on IR No.10.

RECOMMENDATION: Request that WFN Council give third and final reading to IR No.10 IT Backup Generator purchase and installation Project Capital Expenditure By-law 16-TX-08.

Option # 1

NOTIFIED FINANCE DEPT	NOTIFIED OTHER WFN DEPT
<input type="checkbox"/> Required	<input type="checkbox"/> Required
<input type="checkbox"/> Not Required	<input type="checkbox"/> Not Required

RESOLUTION (if required):

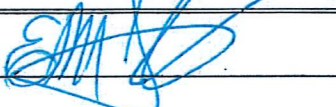
THAT Council hereby ...

BACKGROUND: 1st reading was given on November 21, 2016 and was presented to the Advisory Council November 15, 2016 for review and recommendation to Chief and Council of IR No.10 IT Backup Generator and Installation Project Capital Expenditure By-law 16-TX-08 in the amount of \$30,000.00. Posted Notice was made on November 25, 2016 as per WFN Constitution.

OPTIONS:

Option #1 - That Council Proceed with third and final reading of 16-TX-08 IR No.10 IT Backup Generator and Installation Capital Expenditure Project.

Option #2 - That Council

Approved by Manager: 	Date: 12-02-16
Reviewed by Council Secretariat: _____	Date: _____
Approved by Director of Operations: _____	Date: _____

WESTBANK FIRST NATION
IR NO.10 IT BACKUP GENERATOR CAPITAL EXPENDITURE BY-LAW
NO. 16-TX-08

To authorize the expenditure of a maximum of Thirty Thousand Dollars (\$30,000) from money raised pursuant to section 83(1) of the *Indian Act*, for the purpose of completing the purchase and installation of IT Backup Generator within the Tsinstikeptum Indian Reserve No.10.

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 purchase of IT Backup Generator and Installation Project on Tsinstikeptum Indian Reserve No.10.
- E. The Westbank First Nation has concluded the total cost of purchase and installation of the IT Backup Generator on Tsinstikeptum Indian Reserve No.10 to be not more than Thirty Thousand Dollars \$30,000 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.10 IT Backup Generator Purchase and Installation Project Capital Expenditure By-law No. 16-TX-08.

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 IT Backup Generator Purchase and Installation Project as summarized in Schedule "A" to this By-law.
3. The Westbank First Nation hereby approves the expenditure of not more than Thirty Thousand Dollars (\$30,000) from the Contingency Fund for the purposes of the IT Backup Generator Purchase and Installation 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.10 IT Backup Generator Purchase and Installation Project.
5. Any of the Project Funds not expended on the IR No.10 IT Backup Generator Purchase and Installation Project or incidental costs related thereto, will be reimbursed to and deposited in the Contingency Fund upon completion of the IR No.10 IT Backup Generator Purchase and Installation 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.10 IT Backup Generator Purchase and Installation Project By-law No.16-TX-08" 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 21st day of November, 2016.

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

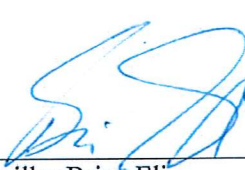
Read a third time, and enacted as a Westbank Law, by Council of the Westbank First Nation at a duly convened meeting held on the 5th day of December, 2016.

Chief Roxanne Lindley


Councillor Christopher Derickson



Councillor Thomas Konek



Councillor Brian Eli



Councillor Fernanda Alexander

SCHEDULE "A"
16-TX-08

BUDGET FOR PROPOSED IR NO.10 IT Backup Generator Purchase and Installation Project 16-TX-08	COST	FUNDING SOURCE
Purchase Costs <ul style="list-style-type: none"> • Frontier Power Products • Model: 24RCL • NEMA Switch • Keldon Electric • Installation and Labour Contingency	\$ 17,450.00 \$ 1,578.00 \$ 9,902.55 \$ 1,069.45	WFN, Local Government Services
Total Cost	\$ 30,000.00	WFN, LGS
	\$ 30,000.00	WFN, LGS

Fax to	
Attn	Purchasing@WFN
Fax #	
Date	Oct.21/2016
From	Brian Lamont

Frontier
POWER PRODUCTS

Frontier Power Products Ltd.
7983 Progress Way
Delta, BC Canada V4G 1A3
Tel: 604-946-5531
Main fax: 604-946-8524
Parts fax: 604-946-7723
www.frontierpower.com

Project Name: RFP-206-12 IT Backup Generator & ATS

Quotation # GD7864

1 KOHLER, Motor Natural Gas engine driven generator set consisting of the following typecode and accessories:

Model: 24RCL

- 2.2 L natural aspiration engine.
- 21 KW 26 KVA alternator, 12 lead reconnectable wired for 120/208V Three phase, 60 Hz frequency with PMSG exciter.
- 1% voltage regulation
- "RDC2" control panel displaying:
 - * AC volts
 - * AC amps
 - * Frequency
 - * Emergency stop switch
 - * Audible alarm
 - * Battery charger fuse
 - * Engine control and monitoring module including:
 - * Single Light Annunciation
 - * Manual, off, auto switch
- Alarms panel for:
 - * Oil pressure
 - * Coolant temperature
 - * Fuel level (where applicable)
 - * DC battery voltage
 - * Run time hour
 - * Low water level
 - * High and pre-high engine temperature
 - * High, low and critical low fuel levels (where applicable)
 - * Overcrank
 - * Overspeed
 - * Unit not in "Automatic Mode"
- Electronic governor with a 5% frequency regulation
- 1 x 100Amp main line UL listed circuit breaker
- Programmable Interface Module for control
- Fuel shut-off solenoid valve - Fuel filter and water separator
- Battery charging alternator
- Battery cables
- Solenoid activated starter motor
- Air cleaner and oil filter
- Oil and antifreeze
- Oil and radiator drain extensions
- Vibration isolators between engine/alternator and base frame
- Outdoor sound attenuated c/w Critical muffler w/exhaust flex
- 150W 120V Oil Pan Heater

- 1 - 12vdc Batteries
- Battery 6amp charger
- CSA certified
- Owner's Manual
- Spare Parts
 - 1 - Air Filter
 - 1 - Oil Filter
 - 1 - Belt
- 5 year warranty
- PDI in Delta & load test
- 4Hr site load Test & Commissioning & Demo

THE QUOTED PRICE.....\$17,450.00

ATS: TS873A0100A1CE5AKKAA – 100AMP-208V 3Ph NEMA1 Switch.....\$1,578.00

NOTES/EXCEPTIONS

All installations and installation materials by installer
 Standard factory load test included

FIELD START UP Included

PURCHASE ORDER: Will not be processed unless accompanied by a firm delivery date. This date cannot be changed after the purchase order is submitted unless agreed to in writing. The equipment shall remain the property of Frontier Power Products until the equipment is paid for in full. Holdback amounts of up to 10% for start up will be accepted.

DELIVERY: 1- Week (in Stock) for genset, Upon receipt of purchase order, returned approval drawings if applicable and a completed credit application. Split shipments not allowed, equipment received before jobsite is ready will be invoiced and shipped to site.

FOB: WFN Lindley Building Westbank BC

TERMS: Net 30 Days from the earlier of delivery or agreed delivery date, Quotation is good for 60 Days.

TAXES: Extra if applicable

THIS QUOTE IS EXPRESSLY CONDITIONAL ON THESE TERMS AND CONDITIONS

Customer Signature _____

Customer Purchase order _____

Best Regards,

Brian Lamont

PH: 604-946-5531;
 FAX : 604-946-8524;



**KELDON
ELECTRIC
LTD.**

INDUSTRIAL AND COMMERCIAL CONTRACTING

1909 Bredin Road, Kelowna, B.C., V1Y 7S9 Phone: (250) 861-4255 Fax: (250) 860-4317

TENDER LETTER

TO: Westbank First Nation

ATTENTION: Jonathon Mitchell, SCMP

DATE: November 18, 2016

PROJECT REFERENCE: 22KW natural gas generator installation at 301-515 Hwy 97 South.

Dear Sir,

Keldon Electric Ltd. are pleased to submit our price for the above mentioned project.

Our price includes:

- Concrete pad for new Gen-Set.
- Core new hole for power and control cables, additional core for future EV Station.
- PVC conduit and in-ground junction box for future EV Station.
- Off-load and install new 22KW Natural Gas generator, supply by Frontier.
- Install new Auto-Transfer Switch (ATS) supply by Frontier.
- Connect the existing 'IT' panel to the new ATS.
- Electrical Permit.

Our price does not include:

- All applicable taxes.
- Landscape or plant relocation/ replacement.
- Natural Gas connection or permits.

Price for installation labour and material; ----- \$ 9,902.55

If you require further information please do not hesitate to call the undersigned,

Derrick Slack
Project Manager
Keldon Electric and Data Ltd.
dslack@keldonelectric.com
250-868-7295 cell



WESTBANK FIRST NATION

WESTBANK FIRST NATION Council Meeting

Date: Monday December, 5th, 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.10 IT BACKUP GENERATOR AND INSTALLATION PROJECT CAPITAL EXPENDITURE BY-LAW 16-TX-08 WILL BE READ AND CONSIDERED FOR ENACTMENT.

SUMMARY OF THE IR NO.10 IT BACKUP GENERATOR AND INSTALLATION PROJECT CAPITAL EXPENDITURE BY-LAW 16-TX-08

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-08*, WFN will be empowered to expend Capital Projects funds up to \$30,000 to complete the purchase and installation of the IR No.10 IT Backup Generator project for community purposes.

First reading of the *By-law 16-TX-08* was given by Council November 21st, 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 December 5, 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.

Ernest Jack

From: Adam Nerger
Sent: December-06-16 2:14 PM
To: Ernest Jack
Subject: Advisory Council Minutes

Here is the section from the November 15th minutes about the taxation bylaw:

	Capital Expenditure By-law No. 16-TX-08 Capital Expenditure By-Law No. 16-TX-08 and purchasing information are attached to these minutes as Exhibit "D".
<i>E. Jack</i>	Overviewed the proposed capital expenditure bylaw and received quotes for the proposed project.
<i>B. Conner</i>	This project would seek to establish a backup generator for our IT servers to assist in providing backup energy to our servers to prevent potential system crashes that result in file corruption or recovery procedures required.
Staff entered:	M. Schwarz entered the meeting at 10:29 a.m.
<i>L. Teichgraber</i>	My question is what will happen if there is a power failure, would we receive natural gas supplied to maintain the database?
<i>M. Schwarz</i>	My understanding from the supplier and our electrician is that the natural gas would maintain the system and assist in deterring service interruption. The current system is a battery backup which is aging and problematic. We could replace this with another battery backup however we did a price comparison for alternative solutions. The price comparison reviewed the time considerations of IT staff to attend the building to properly shut down the system so no files are lost. The proposed solution would allow for this time and assist in the maintenance of our files and information.
MOTION	MOVED BY T. TURCAN Seconded By C. Graham THAT the Advisory Council approves and recommends the Capital Expenditure By-Law No. 16-TX-08 as presented. CARRIED

limlempt

Adam Nerger
Legal Services Assistant/Residential Premises Administrator

Ernest Jack

From: Laurie Bowen
Sent: December-05-16 1:34 PM
To: Ernest Jack
Cc: Brian Conner
Subject: Draft Minutes re Taxation Items

Hi Ernest,

Below, for your review, are the draft minutes from this morning's General Council meeting re: taxation items. I put the signed copies in internal mail to be sent down to you.

Laurie

<p>FINANCE</p>	<p><u>Extension of Time for Payment of Taxes Pursuant to WFN Property Taxation Bylaw 95-TX-08 and Subsequent Amendments</u> (Staff Report to Council from E. Jack dated November 29, 2016 is attached to these minutes as Exhibit "E.")</p>
<p>Staff entered:</p>	<p>B. Conner and E. Jack entered the meeting at 9:10 a.m.</p>

	<p><u>Third Reading – IR No. 10 IT (Information Technology) Backup Generator – Capital Expenditure Bylaw 16-TX-08</u> (Staff Report to Council from E. Jack dated November 25, 2016 is attached to these minutes as Exhibit "F.")</p>
<p><i>E. Jack</i></p>	<p>Overviewed his report with yi səxʷkʷinaʔməm.</p>
<p>RESOLUTION 161205-06</p>	<p>MOVED BY səxʷkʷinaʔmam KONEK Seconded by səxʷkʷinaʔmam Alexander THAT yi səxʷkʷinaʔməm (Council) hereby gives Third Reading to, and enacts, IR No. 10 Backup Generator Purchase and Installation Project Capital Expenditure Bylaw 16-TX-08 in the amount of \$30,000. CARRIED</p>

LAURIE BOWEN