

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 4th day of July 2017.

- **Westbank First Nation
Capital Expenditure By-law No. 17-TX-05**

Dated at Ottawa, Ontario, this 14 day of August 2017.

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



**WESTBANK FIRST NATION
STAFF REPORT TO COUNCIL**

DATE PREPARED: June 27, 2017

DATE OF GENERAL COUNCIL MEETING: July 04, 2017

PREPARED BY: Ernest M Jack, Surveyor of Taxes

DEPARTMENT: Finance/Tax

**Third Reading
Demolition and Site Restoration of 1875 Pheasant Lane
Capital Expenditure Bylaw 17-TX-05**

ISSUE: Request Westbank First Nation Council to give third and final reading to Capital Expenditure By-law 17-TX-05 for demolition of existing purchased property at 1875 Pheasant Lane and site restoration project in the amount of \$20,350.00 (the "By-Law 17-TX-05").

RECOMMENDATION: Option # 1 Council approves and gives third and final reading to By-law 17-TX-05.

| | |
|---------------------------------------|--|
| NOTIFIED FINANCE DEPT | NOTIFIED OTHER WFN DEPT |
| <input type="checkbox"/> Required | <input checked="" type="checkbox"/> Required LSB |
| <input type="checkbox"/> Not Required | <input type="checkbox"/> Not Required |

RESOLUTION (if required): THAT Council hereby approves and gives third and final reading to Capital Expenditure By-law 17-TX-05 in the amount of \$20,350.00.

BACKGROUND: First reading was given on June 19, 2017 and the By-law 17-TX-05 was presented to the Advisory Council earlier on June 13, 2017 for review regarding demolition of existing property at 1875 Pheasant Lane and site restoration project in the amount of \$20,350.00. Legal posting was done on June 23, 2017.

OPTIONS:

Option #1 – Westbank Council approves and gives third and final reading to By-law 17-TX-05.

| | |
|---|--------------------------------|
| Approved by Manager: <u><i>[Signature]</i></u> | Date: <u>06/28/2017</u> |
| Reviewed by Council Secretariat: _____ | Date: _____ |
| Approved by Director of Operations: _____ | Date: _____ |

**WESTBANK FIRST NATION
DEMOLITION AND SITE RESTORATION OF 1875 PHEASANT LANE
CAPITAL EXPENDITURE BY-LAW NO. 17-TX-05**

To authorize the expenditure of a maximum of Twenty Thousand Three Hundred and Fifty Dollars (\$20,350.00) from money raised pursuant to section 83(1) of the *Indian Act*, for the purpose of Demolition and Site Restoration of 1875 Pheasant Lane capital project.

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. 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 Band and Community members to advance funds to complete the Demolition and Site Restoration of 1875 Pheasant Lane capital project.
- E. The Westbank First Nation has concluded the total cost of Demolition and Site Restoration of 1875 Pheasant Lane capital project to be not more than \$20,350.00 as outlined in Schedule "**A**" to this By-law.

NOW THEREFORE, the Council of the Westbank First Nation hereby enacts the following by-law;

TITLE

1. This By-law may be cited for all purposes as Demolition and Site Restoration of 1875 Pheasant Lane Capital Expenditure By-law No.17-TX-05.

EXPENDITURE AUTHORIZATION

2. The Westbank First Nation hereby acknowledges that it is in the best interests of all residents and members of the Westbank First Nation to purchase demolition and site restoration services as summarized in Schedule "A" to this By-law.
3. The Westbank First Nation hereby approves the expenditure of not more than Twenty Thousand Three Hundred and Fifty (\$20,350.00) Dollars from the Cumulative Fund to fund the project (the "Project Funds").
4. Any of the Project Funds not expended on the capital project or incidental costs related thereto, will be reimbursed to and deposited in the Cumulative Fund upon completion of the Project.

EFFECTIVE

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

BE IT HEREBY RESOLVED AND AGREED:

That this By-law, entitled the Demolition and Site Restoration of 1875 Pheasant Lane Project WFN By-law No.17-TX-05 having been:

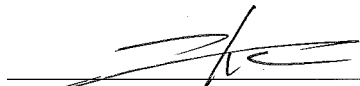
Read a first time by the Council of Westbank First Nation at a duly convened meeting held on the 19th day of June, 2017.

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


Read a third time by Council of the Westbank First Nation at a duly convened meeting held on the 4th day of July, 2017, is hereby enacted as a Westbank Law.

Chief Roxanne Lindley

Councillor Christopher Derickson



Councillor Thomas Konek



Councillor Brian Eli



Councillor Fernanda Alexander

SCHEDULE "A"

**DEMOLITION AND SITE RESTORATION OF 1875 PHEASANT LANE PROJECT
WFN BY-LAW 17-TX-05**

| ITEM | COST | FUNDING SOURCE |
|--|---------------------|--|
| Demolition | \$ 15,000.00 | WFN, Local Government |
| Site Restoration (Decommission of service pipe, wire, site grading) | \$ 3,500.00 | Services (LGS) All Work to be completed in 2017 |
| Contingency | \$ 1,850.00 | WFN, LGS |
| TOTAL | \$ 20,350.00 | WFN, LGS |

QUOTATION FORM

This page and all Quotation Form pages, including the Authorised Signing Officer, must be submitted, i.e. pages 7 and 8.
WFN is exempt GST and PST; therefore neither should be noted nor included in the Unit or Total prices.

| Item No. | Item Description | Amount |
|--------------------|---|--------------------------------------|
| 1. | Demolition of Home (1875 Pheasant Lane) | \$ 14,790.00 |
| 2. | Demolition of Home (9255B Shannon Lake Rd) | \$ 24,299.35 |
| 3.* | Other: | \$ |
| 4.* | Other: | \$ |
| Grand Total | | \$ 24,299.35 14,790.00 |

NOTES:

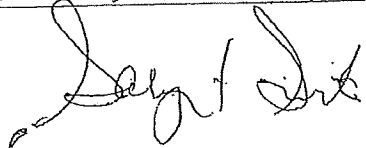
- WFN is exempt from Provincial Sales Tax, Carbon Tax and the Federal Goods and Services Tax and will supply a letter acknowledging exemption to the successful proponent.
- Items 3 and 4 are open to allow proponents to propose other duties, tasks or responsibilities related to the requested demolition that are not already described within the Job Specifications provided.

VALUE ADDED / EXTRA SERVICES

* THE CONCRETE WILL BE REMOVED & BROUGHT TO OUR RECYCLING PLANT.

WESTBANK FIRST NATION
RFQ-2017-05 – Home Demolitions

The undersigned agrees that they have read and fully understand the terms, conditions and specifications contained herein and agrees to be bound by the same at the prices quoted. If a purchase order is issued by WFN to the undersigned, the undersigned will be bound and will comply with the terms and conditions contained in the Request for Quotation and the purchase order which will constitute the full and complete agreement between the parties.

| Authorized Signing Officer | | | |
|--|--|-----------|-----------------------------|
| Legal Business Name: | G.F. SWITE CONTRACTING : Development Inc | | |
| Other names your company operates under: | | | |
| Address: | 651 Spland Rd | | |
| City: | Kelowna | Province: | BC |
| Telephone: | 250 769 7105 | Email: | gfwitecontracting@telus.net |
| Signature: |  | | |
| Title: | Owner | Date: | May 18/17 |



WESTBANK FIRST NATION

WESTBANK FIRST NATION Council Meeting

Date: Tuesday July, 04th, 2017
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 DEMOLITION AND SITE RESTORATION OF 1875 PHEASANT LANE PROJECT CAPITAL EXPENDITURE BY-LAW 17-TX-05 WILL BE READ AND CONSIDERED FOR ENACTMENT.

SUMMARY OF THE IR NO.09 DEMOLITION AND SITE RESTORATION OF 1875 PHEASANT LANE PROJECT CAPITAL EXPENDITURE BY-LAW 17-TX-05.

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 17-TX-05*, WFN will be empowered to expend Capital Projects funds up to \$20,350 to complete the demolition and site restoration of 1875 Pheasant Lane project on IR No.09 for community purposes.

First reading of the *By-law 17-TX-05* was given by Council June 19th, 2017; 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 04, 2017.

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.



| | |
|----------------|--|
| | <p><u>Demolition of 1875 Pheasant Lane Capital Expenditure Bylaw 17-TX-05</u> Staff Report from E. Jack is attached to these minutes as Exhibit "C."</p> |
| <i>E. Jack</i> | Overviewed the staff report with the Advisory Council. |
| MOTION | <p>MOVED BY T. TURCAN Seconded By C. Graham THAT the Advisory Council supports and recommends Bylaw 17-TX-05 as presented. CARRIED</p> |
| | |

C&C Mtg. July 04, 2017

| | |
|-----------------------------|--|
| | Third Reading, Demolition and Site Restoration of 1875 Pheasant Lane, Capital Expenditure Bylaw 17-TX-05 Staff Report from E. Jack is attached to these minutes as Exhibit "F." |
| <i>E. Jack</i> | Overviewed the report with yi səxwkwina?məm (Council). |
| <i>J. Mocilac</i> | There are three buildings that have been identified for demolition at this time however the report is specific to 1875 Pheasant Lane. The property on Shannon Lake Road identified in the report is a separate project, and is not the subject of the proposed work. |
| DIRECTION | yi səxwkwina?məm (Council) directed that the Shannon Lake property should be removed from the report for clarity on the property that will be demolished. |
| <i>ilmixwam Lindley</i> | Expressed a preference to have demolition undertaken by WIBCO employees to provide training opportunities for band members working with Wibco. |
| RESOLUTION 170704-09 | MOVED BY səxwkwina?məm KONEK Seconded by səxwkwina?məm Ēli THAT yi səxwkwina?məm (Council) hereby approves and gives third and final reading to Capital Expenditure Bylaw 17-TX-05 in the sum of \$20,350.00. |
| | CARRIED |

limləmp̄t**Adam Nerger**

Legal Services Assistant/Residential Premises Administrator

Westbank First Nation301-515 Highway 97 South
Kelowna, BC V1Z 3J2**T** 250 769 4999 ext 1325**F** 250 769 4377 www.wfn.ca*Community. Leadership. Pride.*