

Ministre des Relations Couronne-Autochtones
et des Affaires du Nord



Minister of Crown-Indigenous Relations
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 28th day of August 2017.

- **Westbank First Nation
Capital Expenditure By-law No. 17-TX-06**

Dated at Ottawa, Ontario, this 25 day of October 2017.

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

Canada



**WESTBANK FIRST NATION
STAFF REPORT TO COUNCIL**

DATE PREPARED: August 23, 2017

DATE OF GENERAL COUNCIL MEETING: August 28, 2017

PREPARED BY: Ernest M Jack, Surveyor of Taxes

DEPARTMENT: Finance/Tax

**Third Reading
WFN Community Core Sports Court
Capital Expenditure Bylaw 17-TX-06**

ISSUE: Request Westbank First Nation Council to give third and final reading to Capital Expenditure By-law 17-TX-06 for the construction of the Community Core Sports Court project in the amount of \$500,000.00 (the "By-Law 17-TX-06").

RECOMMENDATION: Option # 1 Council gives third and final reading to By-law 17-TX-06.

NOTIFIED FINANCE DEPT <input type="checkbox"/> Required <input checked="" type="checkbox"/> Not Required	NOTIFIED OTHER WFN DEPT <input type="checkbox"/> Required <input type="checkbox"/> Not Required
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RESOLUTION (if required): THAT Council hereby approves and gives third and final reading to Capital Expenditure By-law 17-TX-06 in the amount of \$500,000.00.

BACKGROUND: By-Law 17-TX-06 was presented to the Advisory Council on August 08, 2017 for review and recommendation to WFN Council of Capital Expenditure By-law 17-TX-06 for construction of Community Core Sports Court project in the amount of \$500,000.00.

OPTIONS:

Option #1 – Council gives third and final reading to By-law 17-TX-06.

Approved by Manager: <u><i>[Signature]</i></u>	Date: <u>08/23/17</u>
Reviewed by Council Secretariat: _____	Date: _____
Approved by Director of Operations: _____	Date: _____

**WESTBANK FIRST NATION
COMMUNITY CORE SPORTS COURT
CAPITAL EXPENDITURE BY-LAW NO. 17-TX-06**

To authorize the expenditure of a maximum of Five Hundred Thousand Dollars (\$500,000.00) from money raised pursuant to section 83(1) of the *Indian Act*, for the purpose of constructing a Community Core Sports Court 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 Community Core Sports Court capital project.
- E. The Westbank First Nation has concluded the total cost of the Community Core Sports Court capital project to be not more than \$500,000.00 as outlined in Schedule "**A**" to this By-law.

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

TITLE

1. This By-law may be cited for all purposes as Community Core Sports Court Capital Expenditure By-law No.17-TX-06.

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 construct the Community Core Sports Court as summarized in Schedule "A" to this By-law.
3. The Westbank First Nation hereby approves the expenditure of not more than Five Hundred Thousand (\$500,000.00) 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 Community Core Sports Court Project WFN By-law No.17-TX-06 having been:

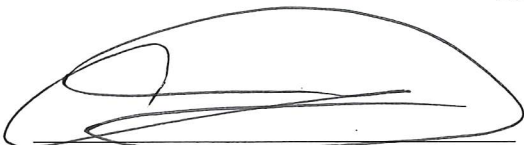
Read a first time by the Council of Westbank First Nation at a duly convened meeting held on the 14th day of August, 2017.

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 28th day of August, 2017, is hereby enacted as a Westbank Law.



Chief Roxanne Lindley



Councillor Christopher Derickson



Councillor Thomas Konek

Councillor Brian Eli



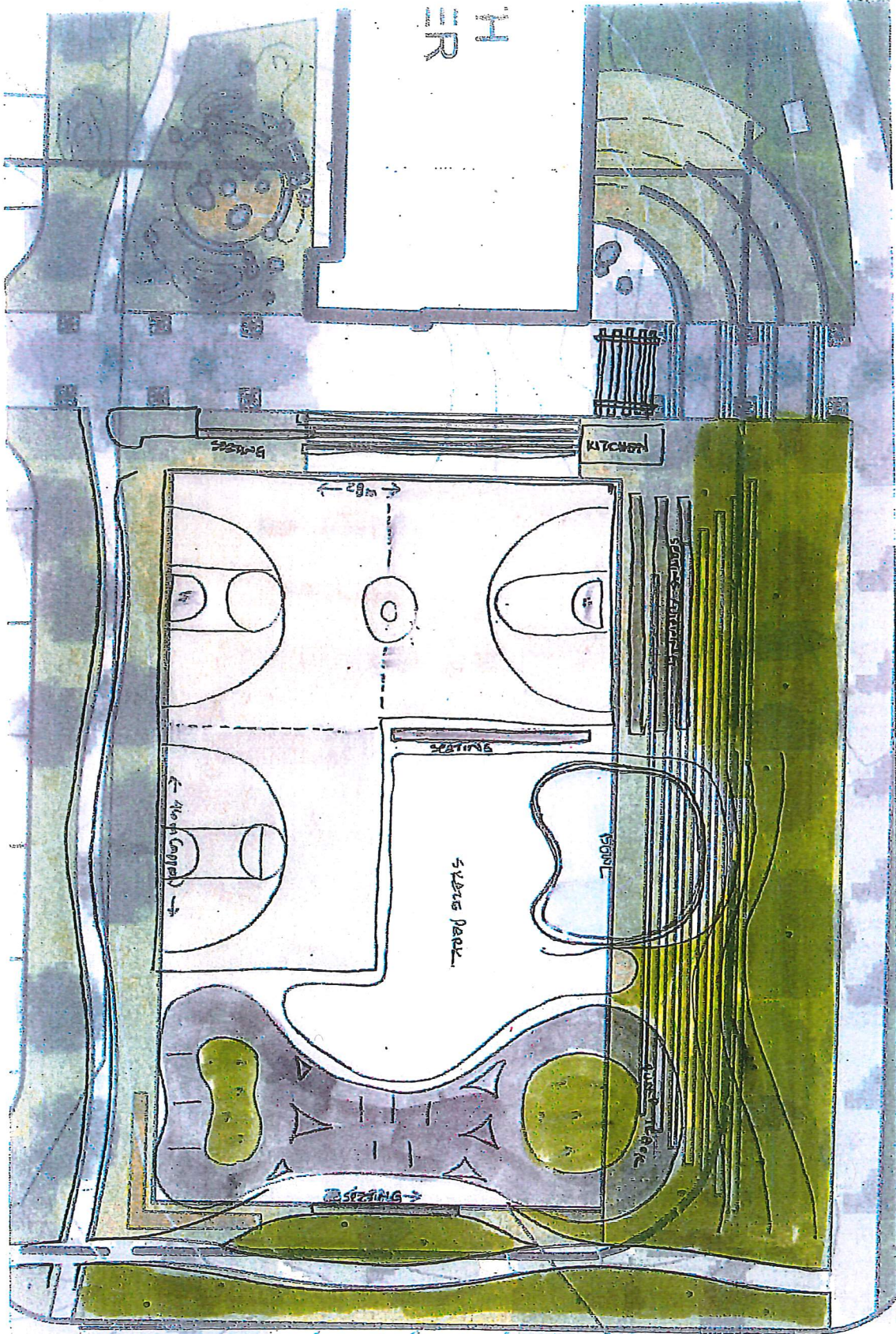
Councillor Fernanda Alexander

SCHEDULE "A"

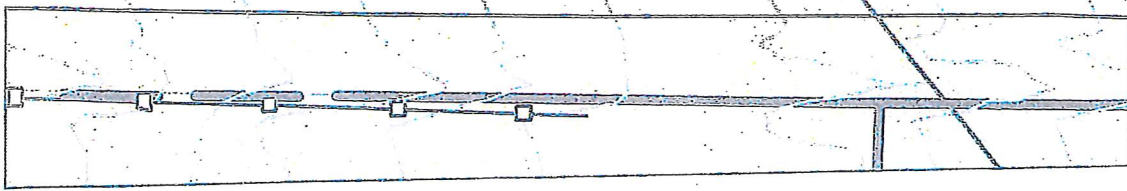
BUDGET FOR COMMUNITY CORE SPORTS COURT PROJECT WFN BY-LAW 17-TX-06

ITEM	COST	FUNDING SOURCE
Civil Engineering	\$ 90,000.00	WFN, Local Government Services (LGS) All Work to be completed in 2017/18
Electrical	\$ 54,000.00	
Sports Court (600m2)	\$ 95,000.00	
Pump Track (650m2)	\$110,000.00	
Skate Park (450m2)	\$200,000.00	
Landscape (800m2)	\$ 100,000.00	
Sub-Total	\$649,000.00	
Total Cost	\$ 700,000.00	WFN, LGS IR 9 Parks DCC
(71.43%) of total cost	TOTAL \$500,000.00	WFN, LGS

H R



E ROAD





	<p><u>First Reading, WFN Community Core Sports Court, Capital Expenditure Bylaw 17-TX-06 and First Reading, Capital Expenditure Local Revenue Law 17-LRL-02</u></p> <p>Staff Reports from E. Jack are attached to these minutes as Exhibits "C." and "D." Draft Sports Court Design Plan is attached to these minutes as Exhibit "E."</p>
Staff Entered:	E. Jack entered the meeting at 9:32 a.m.
Staff Entered:	D. Corning entered the meeting at 9:35 a.m.
<i>E. Jack</i>	Overviewed the staff reports with the Advisory Council.
<i>D. Corning</i>	We have reviewed the proposed sports court with various design teams to determine prospective costs and identify an appropriate design. There will be two more consultation workshops for engagement with community members and this will be followed by a request for final approval for the project. Today staff is requesting that the Advisory Council provide initial approval to pursue this initiative as the contract with the designer will need to be in place before we can initiate the project.
<i>G. Couch</i>	My only concern is the sum of money being requested for this project. There is a strong relationship and trust between the Advisory Council and staff involved with this project however this is a large sum of money. My preference would be to have the funds come from DCCs before taxation dollars are used as this is the purpose of these funds.
<i>D. Corning</i>	In response to L. Teichgraber clarified that the design build process will allow for ongoing conversations with the community to ensure that the design meets the appropriate costs and funding provisions. Further clarified that there will be two more engagement sessions to identify the best uses of the court by all residents.
	<p>Various comments from Advisory Council members included:</p> <ul style="list-style-type: none"> • Prospects of incorporating a swimming pool or a wet zone into the area; • Potential for parking concerns due to limited space; • Clarification for the engagement process to identify best uses for the area; • Suggestion to incorporate adult specific sports and

Ernest Jack

From: Adam Nerger
Sent: August-31-17 1:54 PM
To: Ernest Jack
Subject: Council Resolutions

Hi Ernest,

Here are the resolutions from Monday's Council meeting:

RESOLUTION 170828-04	MOVED BY səx^{wk}winaʔmam DERICKSON Seconded by səx^{wk}winaʔmam Konek THAT yi səx ^{wk} winaʔməm (Council) hereby resolves to approve and gives third and final reading to Capital Expenditure Bylaw 17-TX-06 for the construction of the Community Core Sports Court project in the sum of \$500,000.00. CARRIED
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Adam Nerger

Legal Services Assistant/Residential Premises Administrator

Westbank First Nation

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WESTBANK FIRST NATION

WESTBANK FIRST NATION Council Meeting

Date: Monday August, 28th, 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 COMMUNITY CORE SPORTS COURT PROJECT CAPITAL EXPENDITURE BY-LAW 17-TX-06 WILL BE READ AND CONSIDERED FOR ENACTMENT.

SUMMARY OF THE IR NO.09 COMMUNITY CORE SPORTS COURT PROJECT CAPITAL EXPENDITURE BY-LAW 17-TX-06.

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

Under *By-law 17-TX-06*, WFN will be empowered to expend Capital Projects funds up to \$500,000.00 to complete the Community Core Sports Court Project on IR No.09, for community purposes.

First reading of the draft *By-law 17-TX-06* was given by Council August 14th, 2017; third and final reading will be given on August 28th 2017. A Local Revenue Law is exempted from second reading by section 60.9 of the *WFN Constitution*.

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.