

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 Crown-Indigenous Relations 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 26th day of March 2018.

- **Westbank First Nation**
Lindley Building Server Room Auxiliary AC Unit Installation
Capital Expenditure By-law No. 18-TX-03

Dated at Ottawa, Ontario, this 28 day of June 2018.

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

Canada



WESTBANK FIRST NATION STAFF REPORT TO COUNCIL

DATE PREPARED: March 21, 2018

DATE OF GENERAL COUNCIL MEETING: March 26, 2018

PREPARED BY: Ernest M Jack, Surveyor of Taxes

DEPARTMENT: Finance/Tax

Lindley Building Server Room AC Unit Installation Capital Expenditure By-law 18-TX-03

ISSUE: Installation of an AC Unit in the server room of the Lindley Building, in the amount of \$23,250.00.

RECOMMENDATION: Option # 1 That Council ~~to~~ give first reading to Lindley Building Server Room AC Unit Installation Capital Expenditure By-law 18-TX-03.

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

RESOLUTION (if required):




"**THAT** Council hereby resolves to give third and final reading of the Lindley Building Server Room AC Unit Installation Capital Expenditure By-law 18-TX-03."

BACKGROUND: First reading was given on March 12, 2018 and presented to the Advisory Council March 13, 2018 for review and recommendation to Westbank First Nation Council of Capital Expenditure By-law 18-TX-03 for installation of AC Unit in server room of the Lindley Building Installation project in the amount of \$23,250.00.

OPTIONS:

Option #1 - That Council give third and final reading to Lindley Building Server Room AC Unit Installation Capital Expenditure By-law 18-TX-03.

Option #2 - That Council choose a different course of action.

Approved by Manager: <u></u>	Date: <u>MAR 21, 2018</u>
Reviewed by Council Secretariat: <u></u>	Date: <u>MAR 21 2018</u>
Approved by ^{Acting} Director of Operations: <u></u>	Date: <u>MAR 21 2018</u>

**WESTBANK FIRST NATION
AXUIILIARY AC UNIT FOR SERVER ROOM LINDLEY BUILDING
CAPITAL EXPENDITURE BYLAW NO. 18-TX-03**

TO AUTHORIZE THE EXPENDITURE OF A MAXIMUM OF SIXTY THOUSAND DOLLARS (\$23,250.00) FROM MONEY RAISED PURSUANT TO SECTION 83(1) OF THE *INDIAN ACT*, FOR THE PURPOSE OF THE INSTALLATION OF AUXILIARY AC UNIT IN THE SERVER ROOM IN THE LINDLEY BUILDING AT 515 HIGHWAY 97 SOUTH, WESTBANK BC, WITHIN THE TSINSTIKEPTUM INDIAN RESERVE NO 10.

WHEREAS:

1. Pursuant to Section 83(1) of the *Indian Act* and Westbank First Nation's inherent right of self-government, Westbank First Nation has enacted the Westbank First Nation Property Taxation By-law, 95-TX-08 (the "**Taxation By-law**");
2. Pursuant to the Westbank First Nation Expenditure By-law, 1995, amended by By-law 97-TX-03 (the "**Expenditure By-law**"), 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;
3. In accordance with section 12(3)(l) of the Taxation By-Law, Westbank First Nation annually deposits ten percent (10%) of annual gross taxes into the "a cumulative capital projects fund", (the "**Cumulative Fund**") to be used from time to time for such capital projects as may be authorized by a separate by-law;
4. In accordance with section 4.4 of the Expenditure By-law, " surplus monies remaining in the Taxation Fund at the end of the Fiscal Year...may be transferred into the Stabilization Fund, (the "**Stabilization Fund**") and may be applied toward...overruns on existing Capital projects or.. any other contingencies";
5. Westbank First Nation deems it desirable and in the best interest of the community to proceed with installation of the Auxiliary AC unit in server room in the Lindley Building, the "Lindley Building", located at 515 Highway 97 South, Kelowna, BC on Tsinstikeptum Indian Reserve No. 10 (the "Installation"). The Installation will be completed in accordance with a proposed estimated cost of Twenty Three Thousand and Two Hundred and Fifty Dollars (\$23,250) (see **Schedule "A"**);
6. Funding for the Installation will be drawn from the Cumulative Fund, raised pursuant to Section 83(1) of the *Indian Act*.

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

SHORT TITLE

1. This By-law may be cited for all purposes as the "Lindley Building server room Auxiliary AC Unit Installation Capital Expenditure Bylaw No. 18-TX-03".

EXPENDITURE AUTHORIZATION

2. Westbank First Nation hereby acknowledges that it is in the best interests of the community to proceed with the Installation in accordance with the schematics and plan attached (Schedule A).
3. Westbank First Nation hereby approves the expenditure of not more than Twenty Three Thousand Two Hundred and Fifty Dollars (\$23,250.00) on the Installation, to be drawn from the Cumulative Fund.
4. Westbank First Nation authorization of this capital expenditure includes all external expenditures related to the project including architects, designers, consultants, engineers, contractors, permits, and suppliers of all related goods and materials, but will not include any allocation of Westbank First Nation internal costs, overhead, or implicit interest.
5. Any of the project funds not expended on the "Lindley Building Server Room Installation" or incidental costs related thereto will be reimbursed to the Cumulative Fund.

EFFECTIVE

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

BE IT HEREBY RESOLVED AND AGREED:

That this By-law, entitled "Lindley Building AC Unit Server Room Installation Capital Expenditure Bylaw No. 18-TX-03", being read for the first, second and third and final time by the Council of Westbank First Nation held at duly convened meetings.

1st Reading

Kelowna, British Columbia, this 12th day of March 2018.

2nd Reading Exempt from second reading as per section 60.9 of Westbank First Nation Constitution pertaining to enactment of a Local Revenue Law

3rd Reading

Kelowna, British Columbia, this 26th day of March, 2018.



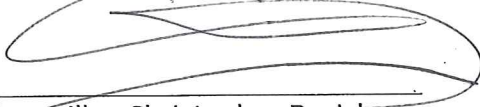
Chief Roxanne Lindley



Councillor Mick Brian Eli



Councillor Thomas Konek



Councillor Christopher Derickson



Councillor Fernanda Alexander

SCHEDULE "A"

**Lindley Building Server Room AC Unit Installation Capital Expenditure Bylaw No.
18-TX-03**

COST SUMMARY

ITEM	AMOUNT	YEAR OF EXPENDITURE
36,000 BTU	\$ 20,925	2018
Contingency	\$ 2,325	2018
<u>TOTAL</u>	<u>\$23,250</u>	



WESTBANK FIRST NATION

WESTBANK FIRST NATION Council Meeting

Date: Monday March 26th, 2018
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 LINDLEY BUILDING SERVER ROOM AC UNIT INSTALLATION PROJECT *CAPITAL EXPENDITURE BY-LAW 18-TX-03* WILL BE READ AND CONSIDERED FOR ENACTMENT.

SUMMARY OF THE IR NO.10 LINDLEY BUILDING SERVER ROOM AC UNIT INSTALLATION PROJECT CAPITAL EXPENDITURE BY-LAW 18-TX-03

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 18-TX-03*, WFN will be empowered to expend Capital Projects funds up to \$23,250 to complete the installation of the AC unit in the IR No.10 Lindley Building Server Room project for community purposes.

Council gave first reading of the By-law 18-TX-03 March 12th, 2018, 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 26th, 2018.

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: Thursday, March 29, 2018 2:27 PM
To: Ernest Jack
Subject: Advisory Council

Lindley Building Server Room AC Unit Installation

MOTION	MOVED BY G. COUCH Seconded by J. Cole THAT the Advisory Council determined to accept and recommending Lindley Building Server Room AC Unit Installation Capital Expenditure By-law 18-TX-03. CARRIED
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Adam Nerger
səx^wk'ətq'əq'aym (Recording Clerk)

Westbank First Nation
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Community. Leadership. Pride.

Ernest Jack

From: Adam Nerger
Sent: Thursday, March 29, 2018 9:57 AM
To: Ernest Jack
Subject: Council Resolutions

Hi Ernest,

Below are the resolutions from Monday's Council meeting:

Lindley Building Server Room AC Unit Installation

RESOLUTION 180326-06	MOVED BY səx^wk^wina?mam KONEK Seconded by səx^wk^wina?mam Derickson THAT yi səx ^w k ^w ina?məm hereby resolves to give third and final reading of the Lindley Building Server Room AC Unit Installation Capital Expenditure By-Law 18-TX-03. CARRIED
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