

Ministre des
Relations Couronne-Autochtones



Minister of
Crown-Indigenous Relations

Ottawa, Canada K1A 0H4

I, Minister of Crown-Indigenous Relations, 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 30th day of July 2018.

- **Westbank First Nation
Capital Expenditure By-law No. 18-TX-04**

Dated at Ottawa, Ontario, this 29 day of November 2018.


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



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

DATE PREPARED: July 09, 2018

DATE OF GENERAL COUNCIL MEETING: July 16, 2018

PREPARED BY: Brad Steele

DEPARTMENT: Development Services

Public Works 2018 Capital Purchase

ISSUE: To receive council approval for the Public Works 2018/19 Capital Purchases.

RECOMMENDATION:

Option #1. Council support and approve the proposed 2018/19 Public Works Capital Purchases in the amount of \$196,784.

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

FUNDING SOURCE: Funds are proposed to be sourced from 2018/19 Taxation Capital revenues.

RESOLUTION (if required):

THAT Council hereby approve the proposed 2018/19 Capital Purchases in the amount of \$196,784

BACKGROUND:

The Projects and Equipment listed below has been prepared by the Public Works Superintendent and reviewed and recommended for approval by the Manager of Engineering and Director of Development services.

Landscape Items		
PROJECT	DESCRIPTION	ESTIMATE
Furniture, banners and public space materials	New Benches, banners, trash bins etc. in various public spaces. I.e. Transit stops, parks, Boucherie Rd multi use path.	\$20,000
Plant Replacement	Replace dead plants in various locations, materials and equipment for TD Tree Day & BC Hydro Tree Day.	\$10,000
Total		\$30,000



Public Works Equipment		
Equipment	DESCRIPTION	ESTIMATE
Bobcat	Replace Bobcat 773. It is 18 years old, and it needs a \$5000 repair right now to get it running. The mechanics do not recommend putting more money into this piece of equipment as the repairs are worth as much as the machine.	\$70,000
3-Push Lawn Mowers	Industrial grade push lawn mowers to replace the current worn-out mowers. (eXmark Commercial 21 x-series)	\$8,000
Turf Dethatcher	To increase air and water access to rootzone, for better plant health. This will benefit all WFN parks and facilities.	\$6,200
Purchase Utilities UT65006 Truck	Public Works Staff: 27 Total existing Trucks: 15 Single individuals that require a truck: 12 Pairs that require trucks: 6 18 trucks are required. We delay tasks that need to be done until a truck is available. Adding this truck will alleviate pressure and allow us to efficiently complete more work.	\$6,000
Sander for 3500 Truck	To equip our 3500 truck to assist with the small hard to access locations (Driveways, pathways) and to use as a backup if/when the another sander breaks down.	\$6,000
Plow for 3500 Truck	To equip our 3500 truck to assist with the small hard to access locations (Driveways, pathways) and to use as a backup if/when another truck breaks down.	\$9,500
Total		\$105,700
Public Works Improvement Projects		
2 Automated Gate access to works yards	To improve security and safety of the public and Public Works crews, materials, and equipment by ensuring the gates are closed at all times.	\$40,000
Total		\$40,000



Public Works Capital Purchase Summary for Taxation LRL 2017/2018	
Category	ESTIMATE
Landscape	\$30,000
Equipment	\$105,700
Public Works Improvement Projects	\$40,000
Subtotal	\$175,700
Contingency (12%)	\$21,084
TOTAL	\$196,784

OPTIONS:

Option #1 – Council support and approve the proposed 2018/19 Public Works Capital Purchases in the amount of \$196,784

Option #2 – That Council approve an amended version of the 2018/19 Capital Purchase

Option #3 – That Council request more information from staff.

Approved by Manager: _____	Date: _____
Reviewed by Council Secretariat: _____	Date: _____
Approved by Director of Operations: _____	Date: _____

**WESTBANK FIRST NATION
PUBLIC WORKS PURCHASE CAPITAL EXPENDITURE BY-LAW NO.
18-TX-04**

TO AUTHORIZE THE EXPENDITURE OF A MAXIMUM OF ONE HUNDRED AND NINETY SIX THOUSAND AND SEVEN HUNDRED EIGHTY FOUR THOUSAND DOLLARS (\$196,784.00) FROM MONEY RAISED PURSUANT TO SECTION 83(1) OF *INDIAN ACT*, FOR THE PURPOSE OF OPERATIONAL SECURITY IMPROVEMENTS FOR PUBLIC WORKS, EQUIPMENT REPLACEMENT AND TO COMPLETE LANDSCAPING PROJECTS WITHIN 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)(1) 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 Public Works operational security improvements, equipment replacements and to conclude landscaping capital projects.
- E. The Westbank First Nation has concluded the total cost of operational security improvements, equipment replacements and landscaping projects to be not more than \$196,784.00 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 the Purchase of Operational Security Improvements, Equipment replacements and Landscaping Projects Capital Expenditure By-law No. 18-TX-04.

EXPENDITURE AUTHORIZATION

2. The Westbank First Nation hereby acknowledges that it is in the best interests of its members to fund operational improvements, equipment replacements and landscaping projects as summarized in Schedule "A" to this By-law ("the Project").
3. The Westbank First Nation hereby approves the expenditure of not more than One Hundred Ninety Six Thousand and Seven Hundred Eighty Four (\$196,784.00) 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 on 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:

That this By-law, entitled the Public Works Operational Security Improvements, Equipment Replacements and Landscaping Projects WFN By-law No.18-TX-04 having been:

Read a first time by the Council of Westbank First Nation at a duly convened meeting held on the 16th day of July 2018.

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 30th day of July 2018, 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 PROPOSED FOR PUBLIC WORKS SECURITY IMPROVEMENTS
EQUIPMENT REPLACEMENTS AND LANDSCAPING PROJECTS CAPITAL
EXPENDITURE BY-LAW 18-TX-04**

ITEM	COST	FUNDING SOURCE
Public Works Improvement Projects		
(2) Automated Gate access to works yards	\$ 40,000.00	WFN, Local
Public Works Equipment Replacements		Government Services
Replace Bobcat 773	\$ 70,000.00	(LGS)
(3) Industrial Grade Push mower (21-x-series)	\$ 8,000.00	All Work to be
Turf Dethatcher	\$ 6,200.00	completed in 2018
Purchase Utilities (UT65006 Truck)	\$ 6,000.00	
(Attachment) Sand dispenser for 3500 Truck	\$ 6,000.00	
(Attachment) Snow Plow for 3500 Truck	\$ 9,500.00	
Landscape Items		
Furniture, Banners, Trash Bins/transit stops public	\$ 20,000.00	
Spaces, parks, Transit Stops, multi use paths		
Plant Replacements (replace dead plants various	\$ 10,000.00	
Locations		
Sub Total	\$175,700.00	
Contingency	\$21,084.00	WFN, LGS
TOTAL	\$ 196,784	WFN, LGS

Ernest Jack

From: Adam Nerger
Sent: Friday, August 24, 2018 3:43 PM
To: Ernest Jack
Subject: 18-TX-04 Public Works Capital Purchases

Hi Ernest,

Here is the AC motion for 18-TX-04.

MOTION

MOVED BY J. COLE

Seconded by G. Couch

THAT the Advisory Council determined to provide their support for Capital Expenditure 18-TX-04 as presented.

CARRIED

limlɛmpt

Adam Nerger

səx^wk'ətq'əq'aym (Recording Clerk)

Westbank First Nation

301-515 Highway 97 South
Kelowna, BC V1Z 3J2

T 250 769 4999 ext 1325

F 250 769 4377 www.wfn.ca

Community. Leadership. Pride.

Ernest Jack

From: Adam Nerger
Sent: Thursday, September 13, 2018 8:45 AM
To: Ernest Jack
Subject: RE: Scan - 18-TX-04 Signed

Hi Ernest,

Here is the resolution for Third and Final reading for 18-TX-04.

**RESOLUTION
180910-06**

MOVED BY səx^wk^winaʔmam KONEK

Seconded by səx^wk^winaʔmam Derickson

THAT yi səx^wk^winaʔməm hereby resolves to give third and final reading of the Public Works Purchase Project Capital Expenditure By-law 18-TX-04.

CARRIED

limləmpt

Adam Nerger
səx^wk^w’əlq’əq’aym (Recording Clerk)

Westbank First Nation
301-515 Highway 97 South
Kelowna, BC V1Z 3J2

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-----Original Message-----

From: Ernest Jack
Sent: Thursday, September 13, 2018 8:37 AM
To: Adam Nerger <anerber@wfn.ca>
Subject: RE: Scan - 18-TX-04 Signed

Adam, Yes you did send me a signed copy before, the issue is that this by-law has no supporting Council Resolution to support this financial decision.

Thanks

Ernest

-----Original Message-----



WESTBANK FIRST NATION

WESTBANK FIRST NATION Council Meeting

Date: Monday July 30th 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.09 PUBLIC WORKS PURCHASE PROJECT *CAPITAL EXPENDITURE BY-LAW 18-TX-04* WILL BE READ AND CONSIDERED FOR ENACTMENT.

SUMMARY OF THE IR NO.09 PUBLIC WORKS PURCHASE PROJECT CAPITAL EXPENDITURE BY-LAW 18-TX-04

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-04*, WFN will be empowered to expend Capital Projects funds up to \$196,784.00 to complete the purchase of Operational Security Improvements for Public Works Purchase Project on IR No.09 for community purposes.

Council gave first reading of the By-law 18-TX-04 July 16, 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 July 30, 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.