

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 27th day of August 2018.

- **Westbank First Nation  
Capital Expenditure By-law No. 18-TX-05**

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

A handwritten signature in blue ink that reads "Carolyn Bennett".

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

**WESTBANK FIRST NATION  
SENSISYUSTEN GYMNASIUM ROOF REPLACEMENT  
CAPITAL EXPENDITURE BYLAW NO. 18-TX-05**

TO AUTHORIZE THE EXPENDITURE OF A MAXIMUM OF TWO HUNDRED AND FIFTY THOUSAND DOLLARS (\$250,000.00) FROM MONEY RAISED PURSUANT TO SECTION 83(1) OF THE *INDIAN ACT*, FOR THE PURPOSE OF ROOF REPLACEMENT OF THE SENSISYUSTEN GYMNASIUM BUILDING AT 1900 QUAIL LANE, WESTBANK BC, WITHIN THE TSINSTIKEPTUM INDIAN RESERVE NO.09.

**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 roof replacement of the "Sensisyusten Gymnasium" located at 1900 Quail Lane, Westbank, BC on Tsinstikeptum Indian Reserve No.09 (the "Roof Replacement"). The Roof Replacement will be completed in accordance with a proposed estimated cost of Two Hundred and Fifty Thousand Dollars (\$250,000.00) (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 "Sensisyusten Gymnasium Roof Replacement Capital Expenditure By-law No. 18-TX-05".

**EXPENDITURE AUTHORIZATION**

2. Westbank First Nation hereby acknowledges that it is in the best interests of the community to proceed with the roof replacement in accordance with the schematics and plan attached (Schedule A).
3. Westbank First Nation hereby approves the expenditure of not more than Two Hundred and Fifty Thousand Dollars (\$250,000.00) on the roof replacement, 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 "Sensisyusten Gymnasium Roof Replacement" 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 Indigenous Affairs and Northern Development.

**BE IT HEREBY RESOLVED AND AGREED:**

That this By-law, entitled Sensisysten Gymnasium Roof Replacement Capital Expenditure By-law No. 18-TX-05", being read for the first, second and third and final time by the Council of Westbank First Nation held at duly convened meetings.

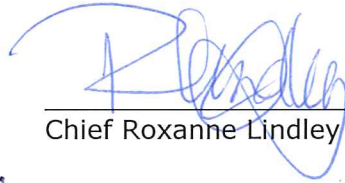
**1<sup>st</sup> Reading**

Kelowna, British Columbia, this 13<sup>th</sup> day of August 2018.

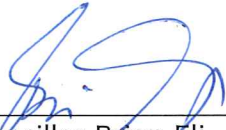
**2<sup>nd</sup> Reading** Exempt from second reading as per section 60.9 of Westbank First Nation Constitution pertaining to enactment of a Local Revenue Law.

**3<sup>rd</sup> Reading**

Kelowna, British Columbia, this 27<sup>th</sup> day of August, 2018.



\_\_\_\_\_  
Chief Roxanne Lindley



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Councillor Brian Eli



\_\_\_\_\_  
Councillor Thomas Konek

\_\_\_\_\_  
Councillor Christopher Derickson

\_\_\_\_\_  
Councillor Fernanda Alexander

**SCHEDULE "A"**

**Sensiyusten Gymnasium Roof Replacement  
Capital Expenditure By-law No. 18-TX-05**

**COST SUMMARY**

ITEM	AMOUNT	YEAR OF EXPENDITURE
Roof Replacement	\$ 200,000	2018
Contingency	\$ 50,000	2018
<u>TOTAL</u>	<u>\$250,000</u>	

**MOTION**

**MOVED BY J. COLE**

**Seconded by G. Couch**

**THAT** the Advisory Council approves and recommends Sensisyusten Gymnasium Roof Replacement Capital Expenditure By-law 18-TX-05 in the sum of \$77,000.00.

**CARRIED**

**liimlœmpt**

**Adam Nerger**

sæx<sup>w</sup>k'ætq'æq'aym (Recording Clerk)

**Westbank First Nation**

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

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*Community. Leadership. Pride.*

## Ernest Jack

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**From:** Adam Nerger  
**Sent:** Wednesday, August 29, 2018 9:37 AM  
**To:** Ernest Jack  
**Cc:** Eric Fleury  
**Subject:** 18-TX-05 and 18-TX-06

Morning,

Below are the draft resolutions resulting from Monday's Council meeting.

**RESOLUTION  
180827-03**

**MOVED BY səx<sup>w</sup>k<sup>w</sup>inaʔmam KONEK**

**Seconded by ilmix<sup>w</sup>əm Lindley**

**THAT** yi səx<sup>w</sup>k<sup>w</sup>inaʔməm hereby resolves to give Third and Final Reading of Sensisyusten Gymnasium Roof Replacement Capital Expenditure By-law 18-TX-05.

**CARRIED**

**limləmpt**

**Adam Nerger**

səx<sup>w</sup>k<sup>w</sup>ətq'əq'aym (Recording Clerk)

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# WESTBANK FIRST NATION

## WESTBANK FIRST NATION Council Meeting

**Date:** Monday August 27<sup>th</sup> 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 SENSISYUSTEN GYMNASIUM ROOF REPLACEMENT PROJECT *CAPITAL EXPENDITURE BY-LAW 18-TX-05* WILL BE READ AND CONSIDERED FOR ENACTMENT.**

### **SUMMARY OF THE IR NO.09 SENSISYUSTEN GYMNASIUM ROOF REPLACEMENT PROJECT CAPITAL EXPENDITURE BY-LAW 18-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 18-TX-05*, WFN will be empowered to expend Capital Projects funds up to \$250,000 to complete the Sensityusten Gymnasium Roof Replacement Project on IR No.09 for community purposes.

Council gave first reading of the By-law 18-TX-05 August 13, 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 August 27, 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.**