

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 24th day of September 2018.

- **Westbank First Nation
Capital Expenditure By-law No. 18-TX-07**

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

A handwritten signature in cursive script that reads "Carolyn Bennett".

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

**WESTBANK FIRST NATION
SPLAND ROAD AND KEEFE CREEK DRAINAGE IMPROVEMENTS
CAPITAL EXPENDITURE BYLAW NO. 18-TX-07**

TO AUTHORIZE THE EXPENDITURE OF A MAXIMUM OF EIGHTY THOUSAND DOLLARS (\$80,000.00) FROM MONEY RAISED PURSUANT TO SECTION 83(1) OF THE *INDIAN ACT*, FOR THE PURPOSE OF ROAD AND DRAINAGE IMPROVEMENTS AT SPLAND AND KEEFE CREEK, 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. Westbank First Nation deems it desirable and in the best interest of the community to proceed with road and drainage improvements" located at Spland and Keefe Creek, Westbank, BC on Tsinstikeptum Indian Reserve No.10 (the "Road and Drainage Improvements"). The Road and Drainage improvements will be completed in accordance with a proposed estimated cost of Eighty Thousand Dollars (\$80,000.00) (see **Schedule "A"**);
5. 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 "Spland Road and Keefe Creek Drainage Improvements Capital Expenditure By-law No. 18-TX-07".

EXPENDITURE AUTHORIZATION

2. Westbank First Nation hereby acknowledges that it is in the best interests of the community to proceed with the road and drainage improvements in accordance with the schematics and plan attached (Schedule A).
3. Westbank First Nation hereby approves the expenditure of not more than Eighty Thousand Dollars (\$80,000.00) on the road, drainage improvements 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 "Spland Road and Keefe Creek Drainage Improvements Project" 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 Spland Road and Keefe Creek Drainage Improvements Capital Expenditure By-law No. 18-TX-07", 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 10th day of September 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 24th day of September, 2018.

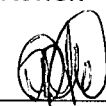
Chief Roxanne Lindley



Councillor Brian Eli



Councillor Thomas Konek



Councillor Christopher Derickson

Councillor Fernanda Alexander

SCHEDULE "A"

**Spland Road Keefe Creek Drainage Improvements
Capital Expenditure By-law No. 18-TX-07**

COST SUMMARY

ITEM	AMOUNT	YEAR OF EXPENDITURE
Road and Drainage Improvements	\$ 72,000	2018
Contingency	\$ 8,000	2018
<u>TOTAL</u>	<u>\$80,000</u>	



WESTBANK FIRST NATION

WESTBANK FIRST NATION Council Meeting

Date: Monday September 24th 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 SPLAND ROAD AND KEEFE CREEK DRAINAGE IMPROVEMENTS PROJECT CAPITAL EXPENDITURE BY-LAW 18-TX-07 WILL BE READ AND CONSIDERED FOR ENACTMENT.

SUMMARY OF THE IR NO.10 SPLAND ROAD AND KEEFE CREEK DRAINAGE IMPROVEMENTS PROJECT CAPITAL EXPENDITURE BY-LAW 18-TX-07

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-07*, WFN will be empowered to expend Capital Projects funds up to \$80,000 to complete the Spland Road and Drainage Improvements Project on IR No.10 for community purposes.

Council gave first reading of the By-law 18-TX-07 September 10, 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 September 24, 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.



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Westbank First Nation
Community Leadership Pkts.

MINUTES
ADVISORY COUNCIL
sk'elwístan (September) 11, 2018

MOTION

MOVED BY R. OULD

Seconded by L. Teichgraber

THAT the Advisory Council determined to support and recommend Capital Expenditure By-law 18-TX-07.

CARRIED

Ernest Jack

From: Adam Nerger
Sent: Wednesday, September 26, 2018 11:15 AM
To: Ernest Jack
Cc: Derek Corning; Jonathan Ford
Subject: Spland Road/Keefe Creek Capital Expenditure By-law 18-TX-07

Hi Ernest,

Please see the below draft resolution resulting from Monday's meeting.

**RESOLUTION
180924-09**

MOVED BY səxʷkʷinaʔmam KONEK

Seconded by səxʷkʷinaʔmam Eli

THAT yi səxʷkʷinaʔməm hereby resolves to give Third and Final Reading of Spland Road and Keefe Creek Drainage Improvements Project Capital Expenditure By-law 18-TX-07.

CARRIED

liimləmpt

Adam Nerger

səxʷkʷətqʷəqʷaym (Recording Clerk)

Westbank First Nation

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