

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 22nd day of October 2018.

- **Westbank First Nation
Capital Expenditure By-law No. 18-TX-08**

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
IR NO.09 RIDGE ESTATES DRIVE PHASE XVIII SIDEWALK PROJECT
CAPITAL EXPENDITURE BY-LAW NO. 18-TX-08**

TO AUTHORIZE THE EXPENDITURE OF A MAXIMUM OF FOUR HUNDRED AND TWENTY FIVE THOUSAND DOLLARS (\$425,000.00) FROM MONEY RAISED PURSUANT TO SECTION 83(1) OF THE *INDIAN ACT*, FOR THE PURPOSE OF SIDEWALK, STREET LIGHTING, STORM WATER SYSTEM, 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. Westbank First Nation deems it desirable and in the best interest of the community to proceed with sidewalk, street lighting and storm water system improvements, on Tsinstikeptum Indian Reserve No.09 (the "Sidewalk, Street Lighting and Storm Water System Improvements"). The Sidewalk, Street Lighting and Storm Water System improvements will be completed in accordance with a proposed estimated cost of Four Hundred and Twenty Five Thousand Dollars (\$425,000.00) (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 "Ridge Estate Drive Phase XVIII Sidewalk Improvements Capital Expenditure By-law No. 18-TX-08".

EXPENDITURE AUTHORIZATION

2. Westbank First Nation hereby acknowledges that it is in the best interests of the community to proceed with the sidewalk, street lighting and storm water system improvements in accordance with the schematics and plan attached (Schedule A).
3. Westbank First Nation hereby approves the expenditure of not more than Four Hundred and Twenty Five Thousand Dollars (\$425,000.00) on the sidewalk, Street lighting and Storm Water System 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 Ridge Estates Drive Phase XVIII Sidewalk 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 Ridge Estates Drive Phase XVIII Sidewalk Capital Expenditure By-law No. 18-TX-08", 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 24th day of September 2018.

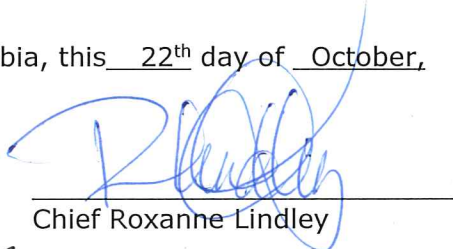
2nd Reading Exempt from second reading as per section 60.9 of Westbank First Nation Constitution pertaining to enactment of a Local Revenue Law.

3rd Reading

Kelowna, British Columbia, this 22th day of October, 2018.



Councillor Brian Eli


Chief Roxanne Lindley

Councillor Thomas Konek

Councillor Christopher Derickson



Councillor Fernanda Alexander

SCHEDULE "A"

**Ridge Estates Drive Phase XVIII Sidewalk Project
Capital Expenditure By-law No. 18-TX-08**

COST SUMMARY

ITEM	AMOUNT	YEAR OF EXPENDITURE
General Construction Costs	\$ 610,000.00	2018/2019
Inspection	40,000.00	
Design	30,000.00	
Contingency	\$ 170,000.00	2018/2019
Total Cost	<u>\$850,000.00</u>	WFN, LGS IR #09 RD DCC
(50%) of total cost	<u>\$425,000.00</u>	WFN, LGS



MOTION

MOVED BY R. OULD

Seconded by L. Teichgraber

THAT the Advisory Council determined to support and recommend Capital Expenditure By-law 18-TX-08.

CARRIED

Ernest Jack

From: Adam Nerger
Sent: Wednesday, October 24, 2018 8:51 AM
To: Ernest Jack
Cc: Pat Leitch
Subject: Capital Expenditure By-law 18-TX-08

Hi Ernest,

Please find below a draft resolution regarding 18-TX-08. Two signed copies have been sent down in the mail as well.

RESOLUTION 181022-07	MOVED BY səxʷkʷinmaʔam ELI Seconded by səxʷkʷinmaʔam Alexander THAT yi səxʷkʷinmaʔam hereby resolves to give Third and Final Reading to Ridge Estates Drive Phase XVIII Sidewalk Project Expenditure By-law 18-TX-08. CARRIED
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Adam Nerger
səxʷkʷətqʷəqʷaym (Recording Clerk)

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

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Community. Leadership. Pride.



WESTBANK FIRST NATION

WESTBANK FIRST NATION Council Meeting

Date: Monday October 22nd 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 RIDGE ESTATES DRIVE PHASE XVIII SIDEWALK PROJECT CAPITAL EXPENDITURE BY-LAW 18-TX-08 WILL BE READ AND CONSIDERED FOR ENACTMENT.

SUMMARY OF THE IR NO.10 RIDGE ESTATES DRIVE PHASE XVIII SIDEWALK PROJECT CAPITAL EXPENDITURE BY-LAW 18-TX-08

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-08*, WFN will be empowered to expend Capital Projects funds up to \$425,000.00 to complete the Ridge Estates Drive Phase XVIII Sidewalk Project on IR No.10 for community purposes.

Council gave first reading of the By-law 18-TX-08 September 24, 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 October 22, 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.