

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 15th day of July 2019.

- ***Westbank First Nation
Public Works Equipment Replacements
Capital Expenditure By-law No. 19-TX-03***

Dated at Ottawa, Ontario, this 30th day of August 2019.

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

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



Westbank First Nation Staff Report to Council

This report is going to be presented at a:
General or Special Council Meeting

DATE PREPARED*
09-Jul-19

DATE OF MEETING*
15-Jul-19

PREPARED BY*
Ernest Jack

DEPARTMENT
Financial Services

POSITION
Surveyor of Taxes

email
ejack@wfn.ca

SUBJECT OR TITLE*
Third and final reading of Public Works Equipment Replacements Capital Expenditure By-law 19-TX-03.

ISSUE* (?)
Third and Final Reading of Public Works Equipment Replacements Capital Expenditure By-law 19-TX-03, for the purchase of equipment replacements for a total expenditure of \$358,000.00.
Also include secondary issue (if applicable)

REPORT WRITER - CONSULTED WITH FINANCE DEPARTMENT
 Required
 Not Required

REPORT WRITER - CONSULTED WITH OTHER WFN DEPT
 Required
 Not Required

Select Applicable Department(s)

- Community Services
- Development Services
- Economic Development & Communications
- Intergovernmental Affairs
- Records & Information Management
- Council Committee Chief Spring Salmon
- Council Committee Chief Bitterroot

- Council Secretariat
- Financial Services
- Human Resources & Administration
- Information Technology
- Council Committee Chief Black Bear
- Council Committee Chief Saskatoon Berry
- *Not Listed Here

RESOLUTION (if required)
THAT Council resolves hereby to approve third reading of Local Revenue Law Public Works Equipment Replacements Capital Expenditure By-law 19-TX-03, for a total expenditure of \$358,000.00, to be funded from the Property Tax Cumulative Fund (Capital Fund).

BACKGROUND*
The Projects and Equipment list has been prepared by the Public Works Superintendent and reviewed and recommended for approval by the Manager of Engineering and Director of Development Services in accordance with the attached Staff Report dated June 11, 2019 and entitled "Public Works 2019/2020 Capital Purchase 19-TX-03".

The Local Revenue Law was presented to Council on July 2, 2019 and was given first reading. The Local Revenue Law was presented to the Advisory Council on July 9, 2019 and was recommended for approval.

OPTION and RECOMMENDATION

OPTION 1*
Council support and approve Local Revenue Law Public Works Equipment Replacements Capital Expenditure By-law 19-TX-03 in the amount of \$358,000.00.

OPTION 2*

That Council choose a different course of action.

OPTION 3 (if applicable)

RECOMMENDATION* (?)

- Option 1
- Option 2
- Option 3
- Option 4

ADDITIONAL RECOMMENDATION COMMENTS (if applicable)

Review Attachments

Add supporting documentation here

19-TX-03 Third Reading Public Works Equipment Replacements
By-law Capital Purchase 07-09-19 (07-15-19).pdf 1.43MB

I have located and read any applicable policies or procedures that may be related or applicable to this report to council.

Yes

Manager 1 Signature

Manager 1
Pat Leitch

Pat Leitch

Approved by Legal



Director of Operations Approval*
Approve and Sign

Director of Operations Signature*

Pat Asberry



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

DATE PREPARED: June 11, 2019

DATE OF GENERAL COUNCIL MEETING: July 2, 2019

PREPARED BY: Brad Steele

DEPARTMENT: Development Services

**Public Works 2019/20 Capital Purchase
19-TX-03**

ISSUE: To receive council approval for the Public Works 2019/20 Capital Purchases.

RECOMMENDATION:

Option #1. Council support and approve the proposed 2019/20 Public Works Capital Purchases in the amount of \$358,000.00

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

FUNDING SOURCE: Funds are proposed to be sourced from 2019/20 Taxation Capital revenues.

RESOLUTION (if required):

THAT Council hereby approve the proposed 2019/20 Capital Purchases in the amount of **\$358,000.00**

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.

Public Works Equipment		
Equipment	DESCRIPTION	ESTIMATE
MultiLift Hooklift Truck	New truck to replace PW55006. PW55006 is 12 years old (2007), and has required annual maintenance of ~\$7,000.00. This truck will not only replace truck PW55006, but it will also add capacity to our fleet by the addition of multiple attachments (see below).	\$200,000
	Sanding unit for winter operations	\$25,000
	Pre-wet system (PWS) for Sanding unit	\$8,000
	10' Front Plow for winter operations	\$20,000



	Liquid Application System (LAS) for winter operations and dust control.	\$55,000
	Garbage Bin on Sub frame	\$12,000
Total		\$320,000

Public Works Capital Purchase Summary for Taxation LRL 2019/2020	
Category	ESTIMATE
Equipment	\$320,000.00
Subtotal	\$320,000.00
Contingency	\$38,000.00
TOTAL	\$358,000.00

Financial Implications:

This project has been on the capital list for approximately 3 years and is a replacement vehicle to our existing large sand/snowplow unit which is 15 years old. The old unit will be retained and used as a secondary unit if required.

The Capital plan was adjusted for 2019/20 to include the unit at the valued amount of \$358,000 based on industry quotes which were received.

Budgeted funding will be sourced from taxation for this capital purchase.

OPTIONS:

Option #1 - Council support and approve the proposed 2019/20 Public Works Capital Purchases in the amount of \$358,000.00

Option #2 - That Council approve an amended version of the 2019/20 Capital Purchase

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

Approved by Manager: <u><i>[Signature]</i></u>	Date: <u>June 26, 2019</u>
Reviewed by Council Secretariat: _____	Date: _____
Approved by Director of Operations: _____	Date: _____

WFN Hooklift Plow truck

2017-2018

HIAB/Multilift Hooklift with dedicated PTO/pump	\$ 35,000.00
Certified Power Hydraulics, controls, armrest 2nd PTO/pump, hoses fittings, oil	\$ 35,000.00
Certified Power SS service guard	\$ 2,500.00
Chain hooks, tool box etc	\$ 1,000.00
Lights & beacon	\$ 1,500.00
Tow apron	\$ 1,500.00
10' Henderson front plow	\$ 18,000.00
10' Monashee UB plow	\$ 7,000.00
Sub	\$ 101,500.00
Chassis (estimated)	\$ 123,500.00
Sub	\$ 225,000.00

Henderson 12' MARK E-SA dump body, electric tarp, high lift tailgate on sub frame	\$ 31,000.00
Henderson 12' Henderson FSH sander on sub frame	\$ 21,000.00
Henderson Sander mounted PWS pre-wet system	\$ 6,000.00
Henderson LAS Anti-Ice/water/street flush truck on sub frame	\$ 55,000.00
Falcon 14' flat deck with ramps on sub frame	\$ 11,500.00
Garbage bin on sub frame	\$ 8,000.00

**WESTBANK FIRST NATION
PUBLIC WORKS EQUIPMENT REPLACEMENTS CAPITAL
EXPENDITURE BY-LAW NO. 19-TX-03**

TO AUTHORIZE THE EXPENDITURE OF A MAXIMUM OF THREE HUNDRED AND FIFTY EIGHT THOUSAND DOLLARS (\$358,000.00) FROM MONEY RAISED PURSUANT TO SECTION 83(1) OF *INDIAN ACT*, FOR THE PURPOSE OF EQUIPMENT REPLACEMENTS FOR PUBLIC WORKS, WITHIN TSINSTIKEPTUM INDIAN RESERVES NO.09 & NO.10.

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 equipment replacements.
- E. The Westbank First Nation has concluded the total cost of Public Works equipment replacements to be not more than \$358,000.00 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 Public Works Equipment Replacements Capital Expenditure By-law No. 19-TX-03.

EXPENDITURE AUTHORIZATION

2. The Westbank First Nation hereby acknowledges that it is in the best interests of its members to fund the Public Works equipment replacements project as summarized in Schedule "A" to this By-law ("the Project").
3. The Westbank First Nation hereby approves the expenditure of not more than Three Hundred Fifty Eight Thousand (\$358,000.00) 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:

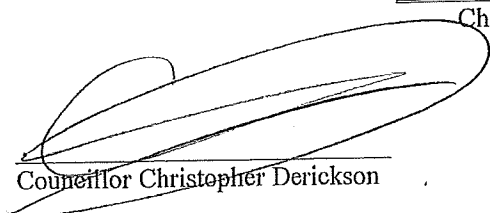
That this By-law, entitled the Public Works Equipment Replacements Project WFN By-law No.19-TX-03 having been:

Read a first time by the Council of Westbank First Nation at a duly convened meeting held on the 02nd day of July 2019.

Exempt from a second reading pursuant to section 60.9 of the Westbank First Nation Constitution.

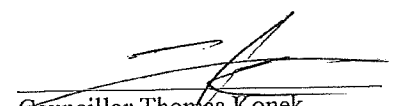
Read a third time by Council of the Westbank First Nation at a duly convened meeting held on the 15th day of July 2019, is hereby enacted as a Westbank Law.

Chief Roxanne Lindley

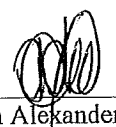


Councillor Christopher Derickson

Councillor Brian Eli



Councillor Thomas Konek



Councillor Fernanda Alexander

SCHEDULE "A"

**BUDGET FOR PROPOSED FOR PUBLIC WORKS EQUIPMENT REPLACEMENTS
CAPITAL EXPENDITURE BY-LAW 19-TX-03**

Equipment	Estimate	FUNDING SOURCE
MultiLift Hooklift Truck New truck to replace PW55006. PW55006 is 12 years old (2007), and has required annual maintenance of ~\$7,000.00. This truck will not only replace truck PW5500, but it will also add capacity to our fleet by the addition of multiple attachments (see below).	\$ 200,000.00	WFN, Local Government Services (LGS) All Work to be completed in 2019
Sanding Unit for winter operations Pre-wet system (PWS) for Sanding unit 10' Front Plow of winter operations Liquid Application System (LAS) for winter operations and dust control. Garbage Bin on Sub frame Subtotal Contingency Total	\$ 25,000.00 \$ 8,000.00 \$ 20,000.00 \$ 55,000.00 \$ 12,000.00 \$ 320,000.00 <u>\$ 38,000.00</u> \$ 358,000.00	WFN, LGS

Ernest Jack

From: Adam Nerger
Sent: Thursday, July 4, 2019 3:42 PM
To: Ernest Jack; Pat Leitch
Subject: First Reading - 19-TX-03

Hi Ernest and Pat,

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

RESOLUTION 190702-06	MOVED BY səxʷkʷinməʔam KONEK Seconded by yilmixʷm Lindley THAT yi səxʷkʷinməʔam resolves hereby to approve First Reading of Local Revenue Law Public Works Equipment Replacements Capital Expenditure By-law 19- TX-03, for a total expenditure of \$358,000.00, to be funded from the Property Tax Cumulative Fund (Capital Fund). CARRIED
---------------------------------	---

lilməmt

Adam Nerger
səxʷkʷətqʰəqʰaym (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: Tuesday, July 9, 2019 2:00 PM
To: Ernest Jack
Subject: By-law 19-TX-03

Hi Ernest,

Here is the motion passed by the Advisory Council at this morning's meeting.

MOTION	MOVED BY G. COUCH Seconded by J. Cole THAT the Advisory Council accepts and recommends Public Works Equipment Replacements Capital Expenditure By-law 19-TX-03. CARRIED
---------------	--

limləmt

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.



WESTBANK FIRST NATION

WESTBANK FIRST NATION Council Meeting

Date: Monday July 15th, 2019
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 PUBLIC WORKS EQUIPMENT REPLACEMENTS EXPENDITURE BY-LAW 19-TX-03 WILL BE READ AND CONSIDERED FOR ENACTMENT.

SUMMARY OF THE PUBLIC WORKS EQUIPMENT REPLACEMENTS EXPENDITURE BY-LAW 19-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 19-TX-03*, WFN will be empowered to expend Capital Projects funds up to \$358,000.00 to complete the purchase of Equipment Replacements for Public Works.

Council gave first reading of the By-law 19-TX-03 July 02nd, 2019, 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 15th, 2019.

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.