

	<p style="text-align: center;"><b>stqa?txw4n'iwat sqilx<sup>wi</sup></b>  <b>WESTBANK FIRST NATION</b>  515 Highway 97 South  Kelowna, B.C. V1Z 3J2  Phone: (250) 769-4999 Fax: (250) 769-4377  <a href="http://www.wfn.ca">www.wfn.ca</a>  <i>Community. Leadership. Pride.</i></p>	<p style="text-align: center;"><b>MINUTES</b>  <b>ADVISORY COUNCIL</b>  s?aslásq'ət<sup>ii</sup>, míktú?tin<sup>iii</sup>  <b>(Tuesday, May) 10,</b>  <b>2022</b>  <i>Approved on June 6, 2022</i></p>
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Meeting took place via Zoom digital meeting platform.

**ADVISORY COUNCIL MEMBERS IN ATTENDANCE:**

Ludwig Teichgraber – sux <sup>w</sup> q <sup>w</sup> əlq <sup>w</sup> ilt <sup>iv</sup> (Acting Chair)	East Boundary District
Steve Gilroy	Lakeridge District
Rick Ould	Old Okanagan District
Michael Trenn	Lakeshore District
Terry Turcan	Prairie District

**WFN STAFF MEMBERS IN ATTENDANCE:**

Jeniffer Bellingham	Acting Director of Intergovernmental Affairs/Title & Rights
Mike De Guevara	Self-Government Implementation Researcher
Laurie Bowen	səx <sup>w</sup> k'ətq'əq'aym <sup>v</sup> (Acting Recording Clerk)
Jim Bauer	Chief Financial Officer
Ernest Jack	xatus i? k'í sxaqəq' (Surveyor of Taxes)

**DELEGATES:**

Alix Larsen	Consultant
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<b>CALL TO ORDER</b>	<b>Agenda is attached to these minutes as Exhibit “A.”</b>
<i>L. Teichgraber</i>	Called the meeting to order at 9:29 a.m.  Note: The meeting was delayed due to technical issues on the part of WFN.
	<b><u>Motion to Adopt the Agenda</u></b>
<b>MOTION</b>	<b>MOVED BY R. OULD</b> <b>THAT</b> the Advisory Council hereby approves the agenda with the following additions: <ul style="list-style-type: none"> <li>• WFN IR (Indian Reservation) No.9/No.10 Water Distribution Control System Upgrade Project Local Revenue Law 22-LRL-01</li> <li>• Appointment of Chair and Vice-Chair</li> </ul> <b>CARRIED</b>
<b>OLD BUSINESS</b>	<b><u>Motion to Adopt the Minutes of spíłm̄tən<sup>vi</sup> (April) 12, 2022</u></b>



<b>MOTION</b>	<p><b>MOVED BY S. GILROY</b>  <b>Seconded by R. Ould</b>  <b>THAT</b> the Advisory Council hereby approves the minutes of sʔiłm̓tən (April) 12, 2022.  <b>CARRIED</b></p>
<b>NEW BUSINESS</b>	<p><b><u>Westbank First Nation IR NO.9 IR NO.10 Trackless Machine Purchase Project Capital Expenditure By-law 22-TX-03</u></b>  <b>(Staff Report to the Advisory Council prepared by E. Jack on May 4, 2022 is attached to these minutes as Exhibit “B.”)</b></p>
<i>J. Bauer</i>	<p>Overviewed the staff report with the Advisory Council.</p> <p>In response to a question regarding why Public Works decided to amend the lease to a purchase, indicated that due to some confusion at the vendor’s end, the demo machine to be leased to WFN was sold to another party.</p> <p>To make up for this, the vendor agreed to provide WFN with a brand-new machine at the same price as the demo on the condition that WFN purchase the machine. The end result is that WFN obtained a brand-new machine at a very attractive cost.</p> <p>The Contingency Fund currently has a very healthy balance.</p> <p>In response to a question regarding the amount to be drawn from the Contingency Fund to balance the budget, indicated he believes it is between \$600,000 and \$700,000.</p>
<i>A. Larsen</i>	<p>In response to a question regarding whether this withdrawal is reflected in the current balance, indicated the current balance of the Contingency Fund, before the budgeted withdrawal, is around \$17,150,000.</p> <p>In response to a question regarding whether the lease was part of the operating budget, indicated that because of the delays by the vendor, the lease was not included in the 2023 budget or taken out of the Contingency Fund.</p>
<i>E. Jack</i>	<p>The posting for Third Reading was posted on May 6.</p>
	<p>The Advisory Council was satisfied with the explanation provided and agreed unanimously to recommend approval of Capital Expenditure</p>



	Bylaw 22-TX-03.
	<b>Financial Update</b> <b>(Advisory Council - Local Government Services - Notes on February 28, 2022 and Local Government Services Statement of Financial Position as of February 28, 2022 are attached to these minutes as Exhibit “C.”)</b>
<i>J. Bauer</i>	<p>We are changing how we make financial presentations, transitioning from the Four Food Chiefs format to one that instead reflects twenty (20) segments.</p> <p>Due to some personnel changes in Financial Services, such as the resignations of the Deputy Financial Officer and Procurement Officer, our reporting is not as robust as I would like it to be. We are currently triaging and focusing on the most critical things. Alix has graciously stepped in to provide an increased level of assistance, especially with regard to finalizing year end in consultation with the auditors.</p> <p>Overviewed the financial update with the Advisory Council.</p> <p>In response to a comment complimenting WFN on its ability to not assume debt, at least on the local government services side, indicated that though WFN does hold some debt for things like housing projects, most of the debt is short term.</p> <p>In response to a question regarding what the deferred revenue refers to, provided the example of property taxes: they are collected in one lump sum but that the revenue is only recognized in the period it becomes due.</p> <p>In the current statement before you, only 11 months of property taxes are reflected even though the full amount is sitting in the bank.</p>
<i>L. Teichgraber</i>	On behalf of the Advisory Council, thanked J. Bauer for a very transparent presentation.
Delegate left:	A. Larsen left the meeting.
	<b><u>WFN IR (Indian Reservation) No.9/No.10 Water Distribution Control System Upgrade Project Local Revenue Law 22-LRL-01</u></b> <b>(Staff Report to the Advisory Council prepared by E. Jack on May 9, 2022 is attached to these minutes as Exhibit “D.”)</b>



<p><i>J. Bauer</i></p>	<p>Overviewed the staff report with the Advisory Council.</p> <p>The cost would be sourced from the Utility Fund, which, as of March 31, 2021, was sitting at around \$3.6 million.</p> <p>The Utility Fund is likely sitting at around \$4.5 million now.</p> <p>In response to a question regarding whether it is typical for the contingency amount to constitute around 40% of the cost, indicated that in his experience, it would usually be between 20% and 25% but that because of the significant uncertainty and challenge in obtaining firm prices in these current times, the contingency has been set at a fairly sizeable amount.</p>
<p><i>E. Jack</i></p>	<p>One of the operators was called out again over this past weekend to deal with this. Utilities staff were aware of this issue about a year ago and requested an estimate back in October 2021 but were unable to obtain an estimate until just recently. Because of supply issues it will take around 26 weeks to get the system. Because of the onset of warm weather, we are hoping to expedite this bylaw and have Third Reading enacted on it on May 30, 2022.</p>
<p><i>J. Bellingham</i></p>	<p>As the Advisory Council Law requires the Advisory Council to provide their recommendation after First Reading, you are unable to formally provide the recommendation at this meeting. However, you can have it on record that you have reviewed the documents and have no issue with the bylaw proceeding to First Reading.</p> <p>In response to a question regarding whether the Advisory Council can provide formal approval by email, indicated that can be done if the Advisory Council is supportive of that.</p> <p>If there are any questions or concerns, however, there would need to be an opportunity to raise those. Providing formal support by email is something that we would not encourage as standard operating procedure but as an exception in this case.</p>
	<p>Given the seriousness of the situation, the Advisory Council expressed unanimous support for the bylaw proceeding to First Reading, and to providing their formal support for the bylaw after First Reading in whatever manner is most appropriate, on the understanding that if there</p>



	is significant change to what has been presented to the Advisory Council today, they will need to review the documents again.
<i>J. Bellingham</i>	After the bylaw has received First Reading, we will send out the question by email. When you respond, please “reply all” so that your response is copied to everyone on the email. Providing formal approval in this manner will expedite the purchase in this instance but this will not become the regular way of doing business.
<b>OLD BUSINESS (Continued)</b>	<b><u>Outstanding Action Items</u></b> <u>Taxation of Lands</u>
<i>L. Teichgraber</i>	There are properties on Westbank Lands being operated as recreation vehicle parks even though they are actually long-term residences. There are tax implications – current and future - if these kinds of properties expand. We wanted you to look at this.
<i>J. Bauer</i>	This is a large and fairly complex issue, which is not easily addressed. There is a fair bit of work we need to do to understand the impacts, what leverage we have, and what we can do. Jen is leading some work regarding federal legislation that may have some impacts.
<i>J. Bellingham</i>	The new norm is for people to live in their trailers. Your request to have this matter addressed has not gone unnoticed. We have been working through the property tax law, assessment law, and fiscal management act to see how we can fix this situation. It cannot, however, be effectively addressed until certain legislation is adopted by Council and we are not yet at the place where we can bring that legislation forward for adoption due to still needing to work through some things. The process does not move quickly but it has not been forgotten; we are working on resolving the issue.
<i>E. Jack</i>	This is an issue that all municipalities in B.C. are dealing with and trying to resolve.
	The Advisory Council appreciated the update as they are concerned that everyone is taxed equitably. They requested further updates as they become available.
	<b><u>Museum Budget and Expenses</u></b>
<i>L. Teichgraber</i>	Requested more detail on the museum budget and inquired whether anything can be done to obtain outside funding, whether through



	benefactors or community fund raising programs.
<i>J. Bauer</i>	<p>Though I do not have more information on this today for you, I have not lost sight of the request for more breakdown. Due to staffing vacancies, we are focusing on the most critical issues right now. However, we do want to bring more information back to you so you are satisfied that you are getting the most for your tax dollars.</p> <p>Across the whole organization we are looking to see if there are untapped funding sources to help cover the cost of programs and services.</p>
<i>J. Bellingham</i>	Museum staff are constantly on the lookout for grants rather than just depending on WFN's budget; this is one of their main priorities. They are looking at holding some fundraising gala events but that is challenging in the face of staffing shortages and COVID-19-related issues. If you would like a presentation from the Acting Sncewips Operations & Cultural Administrator, we can arrange that for you.
<i>S. Gilroy</i>	We are totally on board with the museum, and funding it partly from taxation is an absolute necessity. I would like to see it double in size, which is one of the reasons we push for the pursuit of other funding.
<i>L. Teichgraber</i>	Requested further updates as they become available.
Staff left:	J. Bauer left the meeting.
	<u>Update on Potential Road</u>
<i>S. Gilroy</i>	Angelika McKinley was planning on attending today's meeting, assuming she would be on the first part of the call. She had other commitments, therefore is not available now. She resides in West Harbour Phase 3.
<i>M. De Guevara</i>	WFN Manager of Planning & Development, Graeme Dimmick, spoke to Angelika and addressed her concerns, explaining to her that the surveying work being done was related to the extension of the IR #10 road network. It was explained to her that this work has always been part of the plan for WFN's road network, prior to development of the West Harbour development, and intended to provide services to WFN Members. I reached out to her as well to hear her concerns and reiterated what Graeme had conveyed to her. I can appreciate that she



	likes the view from her backyard and that she is sensitive to the wildlife but I assured her that whenever any development occurs, there are archaeological and environmental studies that are done on and around the subject lands. She appeared to be satisfied with the response.
<i>S. Gilroy</i>	I will call Angelika and let her know we discussed this matter further and reiterate that this is all part of what needs to be done for services and roads to go in. She understood what Mike said; she just wanted to know that things were being taken care of. I do not think there is anything more the Advisory Council can do.
	The Advisory Council considered the matter now closed.
	<u>Butt Road / Old Okanagan Highway Sidewalk Issue</u>
<i>R. Ould</i>	I requested that plans for the installation of a sidewalk on Old Okanagan Highway where Louie Drive (not Butt Road) intersects with it be moved up as it is considered a low priority in the 5-year sidewalk plan. We were told that sidewalk installation would be a requirement as part of the future development of the property at this location, but there are children walking along that stretch of roadway now. However, I understand there is likely infrastructure that will need to go under the ground whenever that property is developed, which makes sense therefore to hold off on the sidewalk installation until that time. Graeme mentioned they would be reviewing that budget imminently but we have not heard back, which is why I was requesting an update.
<i>M. De Guevara</i>	Due to financial issues, the capital sidewalk plan is on hold for the 2022-2023 budget.
	The Advisory Council was satisfied with the update and considers this matter now closed.
	<u>AGM (Annual General Meeting)</u>
<i>L. Teichgraber</i>	Is it possible to have an in-person AGM in the fall?
<i>J. Bellingham</i>	Due to budgetary constraints, we have not budgeted for an in-person AGM. Due to COVID-19 concerns, Council is making the odd accommodation for in-person meetings but, for the most part, we do not have in-person meetings nor are staff traveling. Having an AGM in the fall would be problematic due to this being an election year for Council.



	Perhaps we can discuss the possibility of an in-person AGM in January 2023.
	The Advisory Council suggested that similar to last year, a video greeting/presentation from the Chief and the Advisory Council Chair be placed online for residents to view.
<i>J. Bellingham</i>	I will start connecting with Communications and Office of Council to see what we can do.
<b>NEW BUSINESS (Continued)</b>	<b><u>Council to Council Meeting</u></b>
<i>M. De Guevara</i>	The Advisory Council's Council to Council meeting is scheduled for June 6, 2022 at Two Eagles.
<i>J. Bellingham</i>	Requested the Advisory Council's agenda items for that meeting by May 24, 2022 so that a staff report to Council can be prepared for the May 30, 2022 Council meeting. After that meeting, we will get back to you with an update on any items that Council wishes to add to the agenda.
	<b><u>Appointment of Chair and Vice-Chair</u></b>
	In response to the question regarding whether the Advisory Council would like to utilize a secret ballot for this item, the Advisory Council agreed that was unnecessary.
<i>M. De Guevara</i>	The positions of Chair and Vice-Chair will remain in effect until the next Advisory Council election, which is scheduled to occur in about 18 months.  Called for nominations for Chair.
<b>MOTION</b>	<b>MOVED BY R. OULD</b> <b>Seconded by S. Gilroy</b> <b>THAT</b> Ludwig Teichgraber be nominated as suxʷ qʷəlqʷilt/Chair of the Advisory Council. <b>CARRIED</b>
<i>L. Teichgraber</i>	Accepted the nomination.
	As there were no other nominations, L. Teichgraber was acclaimed as



	Chair of the Advisory Council, in accordance with the terms under the Advisory Council Law.
<i>M. De Guevara</i>	Called for nominations for Vice-Chair.
<b>MOTION</b>	<b>MOVED BY S. GILROY</b> <b>Seconded by L. Teichgraber</b> <b>THAT</b> Rick Ould be nominated as Vice-Chair of the Advisory Council. <b>CARRIED</b>
<i>R. Ould</i>	Accepted the nomination.
	As there were no other nominations, R. Ould was acclaimed as Vice-Chair of the Advisory Council, in accordance with the terms under the Advisory Council Law.
	<b><u>District Reports</u></b>
	There was nothing to report from the Lakeridge, Prairie, Lakeshore, or Old Okanagan districts.
	<u>East Boundary</u>
<i>L. Teichgraber</i>	I receive a call from a resident of Old McDougall Park asking if the Advisory Council would advocate for her as she is being required to move due to her rental agreement expiring soon. I told her that we could not help as this is a private matter. The owner of the property essentially compensated her twelve (12) months of free rent so I believe she was treated fairly.
<b>FOR YOUR INFORMATION</b>	<b><u>Next Meeting</u></b>
	The Advisory Council noted the next meeting date.
<b>ADJOURNMENT MOTION</b>	<b>MOVED BY T. TURCAN</b> <b>THAT</b> the Advisory Council meeting be adjourned. <b>CARRIED</b> The meeting adjourned at 11:10 a.m.
	<b><u>Items Requiring Closure</u></b>
	<ul style="list-style-type: none"> <li>The Advisory Council requests updates as they become available on the breakdown of the museum budget and expenses, including property tax allocations. (J. Bauer)</li> </ul>



- Financial Services to review credit card processing fees for possible reductions. (J. Bauer)
- The Advisory Council requests updates as they become available on the taxation of lands, particularly with regard to lands used for recreation vehicles, who is subject to taxes and who is not, and how the budget is split between Members and non-Members. (J. Bauer/Council to Council)
- Funding opportunities relating to the Advisory Council and the provisional budget (J. Bauer)

<sup>i</sup> **stqaʔtxʷn'iw t sqilxʷ (Westbank First Nation)** The people (sqilxʷ) living where wind blows (niwt) and forms swamps or puddles alongside a large lake (stqáʔtkʷt). Being a windy area, the winds would wash along the shore creating puddles which would either seep into the land, creating wet, marshy areas or wash back into the lake. This area has been identified as the portion of sylx territory from Hardy Falls to around the Gellatly/Green Bay area but in reality, it includes a few other areas, including xʷaʔ mnik, the area closer to IR#10 and many other areas that have specific place names.

<sup>ii</sup> **sʔaslásq'ət (Tuesday)** Two (2) days from Sunday (ʔasíl means two (2).)

<sup>iii</sup> **míktúʔtin (May)** Moon of sunflower seeds (smúkʷaʔxm means sunflower).

<sup>iv</sup> **suxʷ qʷəlqʷilt (Chair)** The spokesperson or the person responsible for (suxw) talking (qʷəlqʷilt).

<sup>v</sup> **səxʷk'ətq'əq'aym (Recording Clerk)** The person responsible for (səxʷ) working to (k'ət) write (q'aym).

<sup>vi</sup> **spíłm̓tən (April)** Moon of bitterroot (spíłm̓ means bitterroot).