

WESTBANK FIRST NATION
IR NO.09 CARRINGTON ROAD WATER MAIN REPAIR PROJECT
CAPITAL EXPENDITURE BY-LAW NO. 21-TX-06

To authorize the expenditure of a maximum of Four Hundred and Three Thousand Dollars (\$403,000.00) from money raised pursuant to section 83(1) of the *Indian Act*, for the purpose of completing the Carrington Road Water Main repair project within the Tsinstikeptum Indian Reserve No.09.

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)(m) of the Taxation By-law, the Westbank First Nation annually deposits Ten (10%) percent of annual gross taxes in an income contingency fund (the "**Contingency Fund**") to be used from time to time for such capital projects as may be authorized by separate by-law;
- C. In accordance with section 4.4 of the WFN Expenditure By-law 1995, all surplus monies remaining in the Taxation Fund at the end of the Fiscal Year specified in the Expenditure By-law Annual Budget Schedule may be transferred into the Stabilization Fund, and may be applied towards the operation and administration costs for the next Fiscal Year, overruns on existing Capital projects or for any other contingencies, (the "**Stabilization Fund**");
- D. Westbank First Nation deems it desirable and in the best interest of the community members to advance funds to complete the Carrington Road Water Main Repair Project on Tsinstikeptum Indian Reserve No.09.
- E. The Westbank First Nation has concluded the total cost of Development Services Lease Purchase of the on Tsinstikeptum Indian Reserve No.09 to be not more than Four Hundred and Three Thousand Dollars \$403,000.00 as outlined in Schedule "A" to this By-law.

NOW THEREFORE, the Council of the Westbank First Nation hereby enacts the following by-law;

SHORT TITLE

1. This By-law may be cited for all purposes as the IR No.09 Carrington Road Water Main Repair Project Capital Expenditure By-law No. 21-TX-06.

EXPENDITURE AUTHORIZATION

2. The Westbank First Nation hereby acknowledges that it is in the best interests of all community and band members of the Westbank First Nation to proceed with the Carrington Road Water Main Repair Project as summarized in Schedule "A" to this By-law.
3. The Westbank First Nation hereby approves the expenditure of not more than Four Hundred and Three Thousand Dollars (\$403,000.00) from the Contingency Fund for the purposes of the Carrington Road Water Main Repair Project (the "Project Funds").
4. The Westbank First Nation also authorizes the expenditure of all or a portion of the Project Funds to acquire all such lands, easements, rights-of-way, licences, permits, rights and authorities as may be required or desirable for or in connection with the IR No.09 Carrington Road Water Main Repair Project.
5. Any of the Project Funds not expended on the IR No.09 Carrington Road Water Main Repair Project or incidental costs related thereto, will be reimbursed to and deposited in the Contingency Fund upon completion of the IR No.09 Carrington Road Water Main Repair Project.

EFFECTIVE

6. This By-law comes into full force and effect upon approval by the Minister of Indigenous Affairs and Northern Development Canada.

BE IT HEREBY RESOLVED AND AGREED:

That this By-law, entitled the “IR No.09 Project By-law No.21-TX-06” has been read for the first, second (if required), third and final time by the Council of the Westbank First Nation at duly convened council meetings.

Read a first time by the Council of Westbank First Nation at a duly convened meeting held on the 4th day of October, 2021.

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

Read a third time, and enacted as a Westbank Law, by Council of the Westbank First Nation at a duly convened meeting held on the 18th day of October, 2021.

Chief Christopher Derickson

Councillor Andrea Alexander

Councillor Fernanda Alexander

Councillor Jordan Coble

Councillor Lorrie Hogaboam

SCHEDULE "A"

BUDGET FOR PROPOSED IR NO.09 Carrington Road Water Main Repair Project 21-TX-06	COST	FUNDING SOURCE
Geotechnical services	\$ 36,700.00	WFN, Local
Contractor	338,000.00	Government Services
Contingency 7%	28,210.00	
Total Cost	\$ 403,000.00	WFN Contingency
(100%) of total cost	\$ 403,000.00	WFN, LGS