



Ottawa, Canada K1A 0H4

I, Minister of Crown-Indigenous Relations and Northern Affairs, 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 26th day of March 2018.

- **Westbank First Nation**
Lindley Building Server Room Auxiliary AC Unit Installation
Capital Expenditure By-law No. 18-TX-03

Dated at Ottawa, Ontario, this 28 day of June 2018.

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

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

**WESTBANK FIRST NATION
AXUILIARY AC UNIT FOR SERVER ROOM LINDLEY BUILDING
CAPITAL EXPENDITURE BYLAW NO. 18-TX-03**

TO AUTHORIZE THE EXPENDITURE OF A MAXIMUM OF SIXTY THOUSAND DOLLARS (\$23,250.00) FROM MONEY RAISED PURSUANT TO SECTION 83(1) OF THE *INDIAN ACT*, FOR THE PURPOSE OF THE INSTALLATION OF AUXILIARY AC UNIT IN THE SERVER ROOM IN THE LINDLEY BUILDING AT 515 HIGHWAY 97 SOUTH, 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. In accordance with section 4.4 of the Expenditure By-law, "surplus monies remaining in the Taxation Fund at the end of the Fiscal Year...may be transferred into the Stabilization Fund, (the "**Stabilization Fund**") and may be applied toward...overruns on existing Capital projects or.. any other contingencies";
5. Westbank First Nation deems it desirable and in the best interest of the community to proceed with installation of the Auxiliary AC unit in server room in the Lindley Building, the "Lindley Building", located at 515 Highway 97 South, Kelowna, BC on Tsinstikeptum Indian Reserve No. 10 (the "Installation"). The Installation will be completed in accordance with a proposed estimated cost of Twenty Three Thousand and Two Hundred and Fifty Dollars (\$23,250) (see **Schedule "A"**);
6. 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 "Lindley Building server room Auxiliary AC Unit Installation Capital Expenditure Bylaw No. 18-TX-03".

EXPENDITURE AUTHORIZATION

2. Westbank First Nation hereby acknowledges that it is in the best interests of the community to proceed with the Installation in accordance with the schematics and plan attached (Schedule A).
3. Westbank First Nation hereby approves the expenditure of not more than Twenty Three Thousand Two Hundred and Fifty Dollars (\$23,250.00) on the Installation, 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 "Lindley Building Server Room Installation" 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 Indian Affairs and Northern Development.

BE IT HEREBY RESOLVED AND AGREED:

That this By-law, entitled Lindley Building AC Unit Server Room Installation Capital Expenditure Bylaw No. 18-TX-03", being read for the first, second and third and final time by the Council of Westbank First Nation held at duly convened meetings.

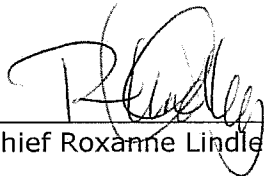
1st Reading

Kelowna, British Columbia, this 12th day of March 2018.

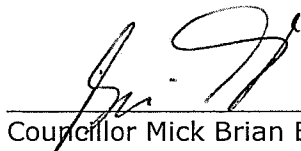
2nd Reading Exempt from second reading as per section 60.9 of Westbank First Nation Constitution pertaining to enactment of a Local Revenue La

3rd Reading

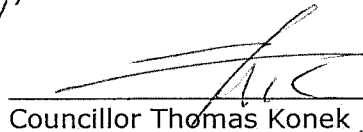
Kelowna, British Columbia, this 26th day of March, 2018.



Chief Roxanne Lindley



Councillor Mick Brian Eli



Councillor Thomas Konek



Councillor Christopher Derickson



Councillor Fernanda Alexander

SCHEDULE "A"

**Lindley Building Server Room AC Unit Installation Capital Expenditure Bylaw No.
18-TX-03**

COST SUMMARY

ITEM	AMOUNT	YEAR OF EXPENDITURE
36,000 BTU	\$ 20,925	2018
Contingency	\$ 2,325	2018
<u>TOTAL</u>	<u>\$23,250</u>	