

CERTIFICATION

Pursuant to section 86 Indian Act RSC 1989 C.I-5 and amendments thereto, I certify that the attached copy of the Westbank First Nation I.R. #10 Water Distribution System Expenditure Bylaw a true copy of the said by-law.



KUMAR DHIR

Director, Lands and Trust Services,
A Superintendent as defined in
Section 2 (1) Indian Act RSC 1985

Minister of Indian Affairs
and Northern Development



Ministre des Affaires
indiennes et du Nord canadien

Ottawa, Canada K1A 0H4

I, the Minister of Indian Affairs and Northern Development, HEREBY
APPROVE, pursuant to section 83 of the *Indian Act*, the following bylaw
made by the Westbank First Nation, in the Province of British Columbia, at a
meeting held on the 29th day of March 2001.

- **Westbank First Nation**
I.R. #10 Water Distribution System
Expenditure Bylaw No. 01-TX-02

A handwritten signature in black ink, appearing to read "Robert D. Nault".

Dated at Ottawa, Ontario this 5th day of *May* 2001.

Canada

**WESTBANK FIRST NATION
IR#10 WATER DISTRIBUTION SYSTEM
CAPITAL EXPENDITURE BYLAW NO. 01-TX-02**

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 Bylaw, 95-TX-08 (the "**Taxation Bylaw**");
- B. In accordance with section 12(3)(l) of the Taxation Bylaw, the Westbank First Nation annually deposits Ten (10%) per cent 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 bylaw;
- C. Pursuant to the Westbank First Nation Expenditure Bylaw, 1995, amended by Bylaw 97-TX-03 (the "**Expenditure Bylaw**"), the Westbank First Nation is authorized to expend moneys raised pursuant to the Taxation Bylaw 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 interests of the members of the Westbank First Nation to design and construct a water distribution system, which includes water intake systems and a pump house, on Tsinstikeptum Indian Reserve No.10, pursuant to the Project Cost Summary attached as Schedule "A" to this Bylaw;
- E. The Westbank First Nation has estimated the total cost of construction of the water distribution system to be One Million Seven Hundred Ninety-Six Thousand Eight Hundred Fifty (\$1,796,850.00) Dollars, including expenses incidental thereto, as outlined in Schedule "B."

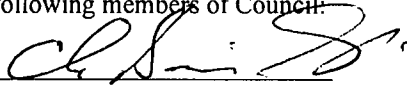
NOW THEREFORE, the Council of the Westbank First Nation hereby enacts the following bylaw:

- 1. This Bylaw may be cited for all purposes as the I.R.#10 Water Distribution System Capital Expenditure Bylaw No. 01-TX-02.
- 2. The Westbank First Nation hereby acknowledges that it is in the best interests of the Westbank First Nation to construct the water distribution system, as identified in Schedule "A," to improve and extend water service to lands within Tsinstikeptum Indian Reserve No. 10.
- 3. The Westbank First Nation hereby approves the expenditure of One Million Seven Hundred Ninety-Six Thousand Eight Hundred Fifty (\$1,796,850.00) Dollars from moneys collected pursuant to the Taxation Bylaw for the purposes of constructing the water distribution system in accordance with Schedule "B."
- 4. The Westbank First Nation also authorizes the expenditure of all or a portion of the moneys identified in section,3 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 construction of the water distribution system within Tsinstikeptum Reserve No. 10.
- 5. The Westbank First Nation acknowledges and agrees that any moneys not expended on the water distribution system as identified in Schedule "B," or incidental thereto, will be reimbursed to and deposited in the Cumulative Fund.


6. This Bylaw comes into full force and effect upon approval by the Minister of the Department of Indian Affairs and Northern Development.

BE IT KNOWN that this Bylaw, entitled the I.R.#10 Water Distribution System Capital Expenditure Bylaw No. 01-TX-02 is hereby read for the first, second and third and final time and is hereby enacted as Bylaw No. 01-TX-02 by the Council of the Westbank First Nation at a duly convened meeting of Council held on the 21 day of March, 2001.


Voting in favour of the Bylaw are the following members of Council:


Chief Brian Eli

Councillor Deanna Hamilton


Councillor Raf DeGuevara

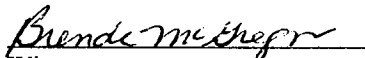
Councillor Michael Werstuik


Councillor Chad Paul

being a majority of those members of the Council of the Westbank First Nation present at the aforesaid meeting of the Council.

The Quorum of council is three (3) members.

I, Brian Eli, Chief of the Westbank First Nation, do hereby certify that a true copy of the foregoing Bylaw was mailed to the Minister of Indian Affairs and Northern Development pursuant to section 83 of the Indian Act the 21 day of March, 2001.


Witness


Chief Brian Eli

SCHEDULE "A"

WATER DISTRIBUTION SYSTEM PROJECT SUMMARY

This project includes the finalization of design, tendering, engineering services during construction, contracted construction services, and purchased services to complete the intake works and pump house for the IR #10 water system.

The improvements will provide security of supply and additional water to meet existing demand as well as capacity to meet future development needs for IR #10. The system is designed to accommodate modifications to allow for additions to capacity as need arises. The core infrastructure developed by this project will allow developers to extend infrastructure at their cost to service their developments. Contributions from developers will be required to offset portions of the cost attributable to their development.

Developers will be responsible for constructing water infrastructure to WFN standards to service their developments.

Additional core infrastructure will be required as growth occurs. This additional core infrastructure includes water mains and reservoir capacity. The costs shown do not include water treatment facility costs which may be required in the future.

Works to be completed under this bylaw include:

- Water intake and
- Pump station

SCHEDULE "B"

INTAKE AND
WATER PUMP STATION
Phase 1

1.	Intake Structure	\$ 100,000
2.	Intake Pipe (750m of 750mm dia. PVC x \$1,000/m.)	750,000
3.	Building (100 sq.m. x \$500/sq.m.)	50,000
4.	Pumps (2 x 200 kW)	180,000
5.	Piping	100,000
6.	Power Supply	10,000
7.	Electrical	116,000
8.	Telemetry	20,000
9.	HVAC	<u>5,000</u>
	SUBTOTAL	1,331,000
	ENGINEERING AND CONTINGENCY (35%)	<u>465,850</u>
	TOTAL ESTIMATED CAPITAL COST	\$1,796,850