

### CERTIFICATION

Pursuant to Section 86, Indian Act RSC 1985 C.I-5 and amendments thereto, I certify that the attached copy of the Westbank First Nation Capital Expenditure By-law No. 02-TX-04 dated October 21, 2002 is a true copy of the said by-law.

A handwritten signature in black ink, appearing to read 'Thomas Howe', is written above a horizontal line.

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Thomas Howe  
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  
by-law made by the Westbank First Nation, in the Province of British  
Columbia, at a meeting held on the 21<sup>st</sup> day of October 2002.

- **Westbank First Nation**  
**Capital Expenditure By-law No. 02-TX-04**

A handwritten signature in black ink, appearing to read 'R. D. ...'.

Dated at Ottawa, Ontario this 30<sup>th</sup> day of November 2002.

Canada



# WESTBANK FIRST NATION

## WESTBANK FIRST NATION CAPITAL EXPENDITURE BYLAW NO. 02-TX-04

To authorize the expenditure of up to Two Hundred Thousand and Two Hundred Dollars (\$200,200.00) from money raised pursuant section 83(1) of the 2<sup>nd</sup> Act on Tsinstikeptum I.R. #9 as part of the Westbank First Nation Water Distribution Local Service.

### WHEREAS:

- A. The Westbank First Nation has established a Water Utility to provide for water distribution to the reserve lands of the Westbank First Nation.
- B. 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**");
- C. Pursuant to section 12(3)(l) of the Taxation Bylaw, the Westbank First Nation is authorized annually to deposit 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 bylaw;
- D. In accordance with section 12(3)(l) of the Taxation Bylaw, the Westbank First Nation has established a Cumulative Fund.
- E. Pursuant to section 83(2) of the *Indian Act* and section 12 of the Taxation Bylaw, any expenditure of moneys raised pursuant to the Taxation Bylaw must be made under the authority of a separate bylaw;
- F. 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;
- G. 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 water systems within Tsinstikeptum Indian Reserve No.9;
- H. The Westbank First Nation proposes to expend a sum estimated the cost to be Two Hundred Thousand and One Hundred Seventy Four Dollars (\$200,174) for the purpose of constructing a water main extension on Boucherie Road from the IR # 9 water pump station to Gellatly Road for eventual extension up Gellatly Road to Carrington Road , pursuant to the Project Summary attached as Schedule "A" to this Bylaw;
- I. Urban Systems Ltd. has estimated the total cost of construction of the system outlined in Schedule "A" to be \$200,174 including expenses incidental thereto. A summary of the Project Cost Estimates is attached as Schedule "B" to this Bylaw;

- J. The Westbank First Nation will be installing this water line jointly with a line installed by MKS Resources as part of an initiative to serve their own lands with water supplied off-reserve by Westbank Irrigation District. Costs for project management, excavation, backfill, and pavement restoration will be shared equally between the two parties. Each party will responsible for the supply of its own material;

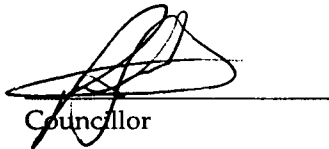
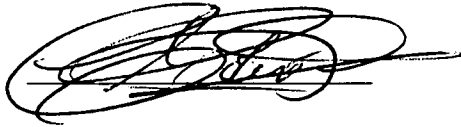
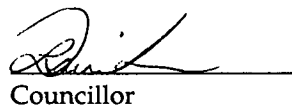
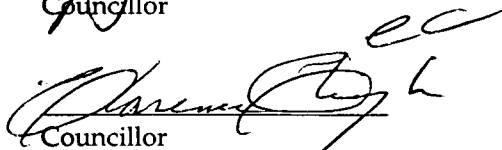
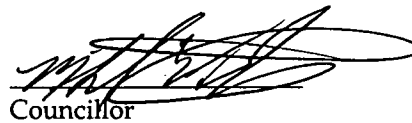
**NOW THEREFORE**, the Council of the Westbank First Nation hereby enacts the following bylaw 02-TX-04 to section 83(2) of the Indian Act for the purposes of the expenditure of monies collected by the Westbank First Nation pursuant to enabling bylaws of the Westbank First Nation made in accordance with section 83(1) of the Indian Act;

**EXPENDITURE AUTHORIZATION**

1. This Bylaw may be cited for all purposes as the I.R.#10 Water Distribution System Capital Expenditure Bylaw No. 02-TX-04.
2. The Westbank First Nation is hereby empowered and authorized to expend a sum not exceeding \$200,200 to undertake and carry out or cause to be carried out the construction of a water main extension on Tsinstikeptum #9 in the Regional District of Central Okanagan as part of the Westbank First Nation Water Distribution Local Service area.
3. The Westbank First Nation hereby authorizes the expenditure of \$200,200 from moneys collected pursuant to the Taxation Bylaw for the purposes of constructing water works in accordance with the Project Summary and Project Cost Estimates, attached as Schedule "A" and "B" to this Bylaw, respectively.
4. The Westbank First Nation acknowledges and agrees that it will use its best efforts to recover costs associated with the works from owners and developers of lands on reserve, and other sources of funding.
5. In an effort to recover the costs expended by the Westbank First Nation, the Westbank First Nation may, but is not obligated or limited to, do any of the following:
  - (a) Impose a charge, fee, or tax on owners or occupiers of lands on reserve related to the benefit provided such owners or occupiers;
  - (b) Make application for contributions from the Government of Canada; and
  - (c) Identify and make application to outside agencies with available resources to contribute to the construction of the works.
6. This Bylaw comes into full force and effect upon approval by the Minister of the Department of Indian Affairs and Northern Development.
7. The Westbank First Nation is authorized to acquire all such real property, easements, rights-of-way, licenses, right or authorities as may be requisite or desirable for or in connection therewith.

**BE IT KNOWN** that this Bylaw, entitled the I.R.#9 Water Distribution System Capital Expenditure Bylaw No. 02-TX-04 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 OCTOBER, 2002.

Passed and adopted by the Council of the Westbank First Nation at a duly convened meeting of the Band council held at the Westbank First Nation Administration Offices, Kelowna, British Columbia, this 21 day of OCTOBER, 2002.

  
Councillor  
Councillor  
Councillor  
Councillor

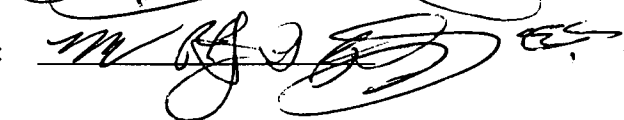
1<sup>st</sup> Reading:



2<sup>nd</sup> Reading:



3<sup>rd</sup> Reading:



## **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 from the IR#9 Boucherie Rd Pump Station to Gellatly Rd works for the IR #9 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 #9. 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:

- Watermain
- Gate valves
- Hydrants
- Fittings
- Removal & Replacement of Asphalt
- Base & Sub-base
- Connection to existing

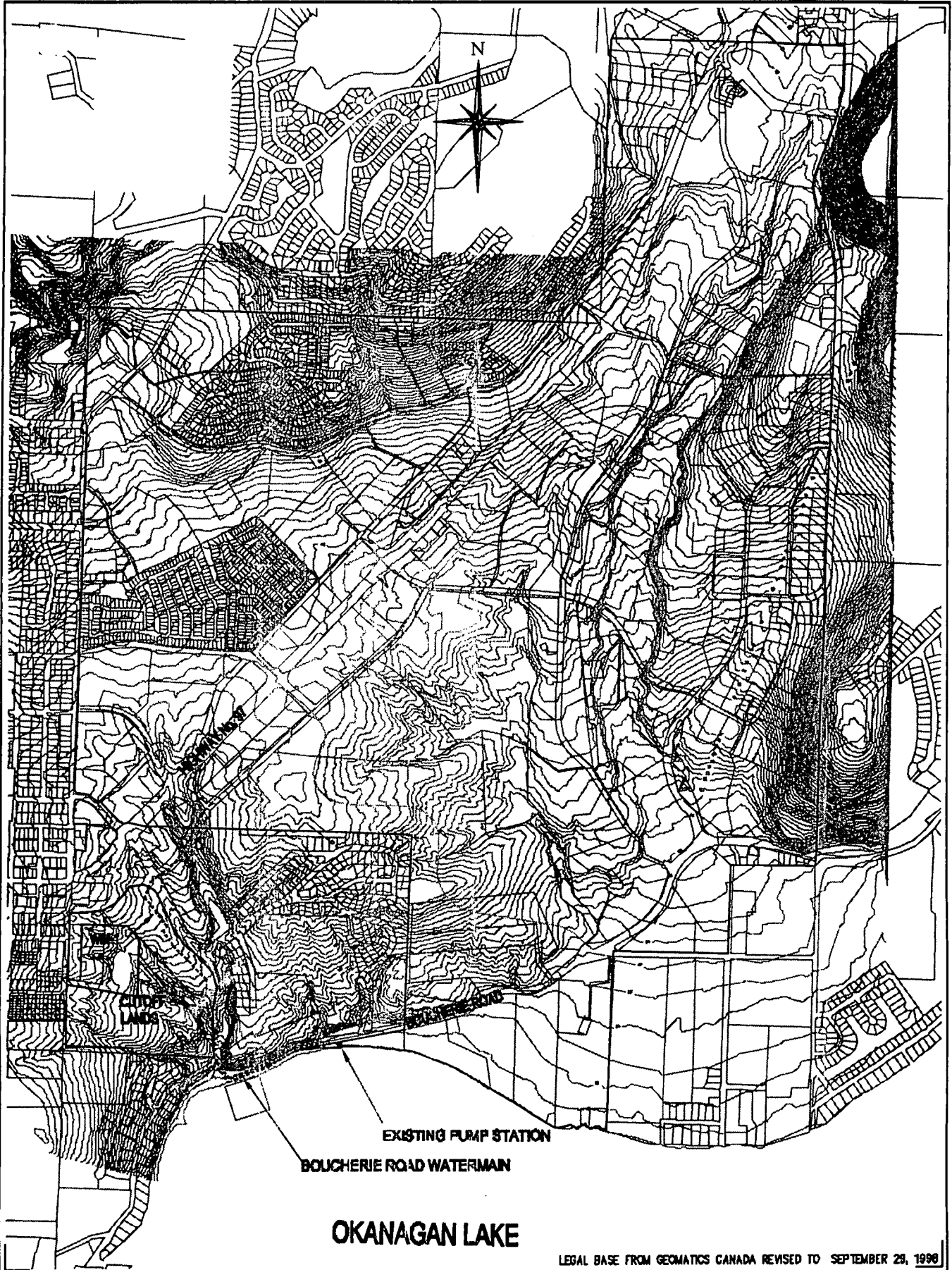
## **SCHEDULE "B"**

### **PROJECT COST SUMMARY**

#### **WATERMAIN**

1. Watermain (300 mm dia. Class 52 DI)	\$ 93,600
2. Gate Valves (300 mm dia.)	3,500
3. Fittings 300 mm dia. Bends (c/w thrust block)	2,000
Tees (c/w thrust block)	3,400
4. Hydrants and Leads	3,200
5. Asphalt Removal (520 m x 3.3m)	4,730
6. Asphalt Replacement (75 mm)	22,360
7. Base (100 mm x 520 m x 2.7m)	4,563
8. Sub-base (400mm)	8,424
9. Connect to Existing	2,500
<b>SUBTOTAL</b>	<b>148,277</b>
<b>ENGINEERING AND CONTINGENCY (35%)</b>	<b><u>51,897</u></b>
<b>TOTAL CAPITAL COST</b>	<b>\$200,174</b>

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## OKANAGAN LAKE

LEGAL BASE FROM GEOMATICS CANADA REVISED TO SEPTEMBER 29, 1998

URBANSYSTEMS



WESTBANK  
FIRST NATION

**TSINSTIKEPTUM I.R. No. 9**  
**PROPOSED 2002-3 WATERMAINS**

Date AUG 13, 2002  
Drawing # IR8-10.dwg

ISS. Job # 1.0704.11.8  
Scale N.T.S.