

Ministre des Affaires indiennes et
du Nord canadien et interlocuteur fédéral
auprès des Métis et des Indiens non inscrits



Minister of Indian Affairs and
Northern Development and Federal Interlocutor
for Métis and Non-Status Indians

Ottawa, Canada K1A 0H4

I, the Minister of Aboriginal 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 20th day of June 2011.

- **Westbank First Nation**
IR No. 9 Old Okanagan Highway
Sidewalk Development Project Phase IV
Capital Expenditure By-law No. 11-TX-06

A handwritten signature in blue ink, appearing to be 'M. Man...'.

Dated at Ottawa, Ontario, this 17th day of August 2011.

**WESTBANK FIRST NATION
IR NO.9 OLD OKANAGAN HIGHWAY SIDEWALK DEVELOPMENT
PROJECT PHASE IV
CAPITAL EXPENDITURE BY-LAW NO. 11-TX-06**

To authorize the expenditure of a maximum of Five Hundred Thousand Dollars (\$500,000.00) from money raised pursuant to section 83(1) of the *Indian Act*, for the purpose of constructing the Old Okanagan Highway Sidewalk Development Project Phase IV within the Tsinstikeptum Indian Reserve No.9.

WHEREAS:

- A. 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**");
- B. In accordance with section 12(3)(1) of the Taxation By-law, Westbank First Nation annually deposits Ten (10%) percent 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 by-law;
- C. 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;
- D. The Council of Westbank First Nation deems it desirable and in the best interest of the Band members to advance funds to complete the Old Okanagan Highway Sidewalk Development Project Phase IV.
- E. Westbank First Nation has estimated the total cost of construction of the IR No.9 Old Okanagan Highway Sidewalk Development Project Phase IV to be not more than \$500,000 as outlined in Schedule "A" to this by-law.

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 IR No.9 Old Okanagan Highway Sidewalk Development Project Phase IV Capital Expenditure By-law No. 11-TX-06.

EXPENDITURE AUTHORIZATION

2. Westbank First Nation hereby acknowledges that it is in the best interests of the members of Westbank First Nation to construct the IR No.9 Old Okanagan Highway Sidewalk Development Project Phase IV as summarized in schedule "A" to this by-law.
3. Westbank First Nation hereby approves the expenditure of not more than Five Hundred Thousand (\$500,000.00) Dollars from the Cumulative Fund for the purposes of designing and constructing the IR No.9 Old Okanagan Highway Sidewalk Development Project Phase VI. (the "Project Funds").
4. 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 construction of the IR No.9 Old Okanagan Highway Sidewalk Development Project Phase IV.
5. Westbank First Nation also authorizes the expenditure of all or a portion of the Project Funds to engage consultants, enter into such private sector partnerships, and carry out negotiations with the Province of British Columbia as deemed appropriate and as may be required for or in connection with the construction of the IR No.9 Old Okanagan Highway Sidewalk Development Project Phase IV.
6. Any of the Project Funds not expended on the IR No.9 Old Okanagan Highway Sidewalk Development Project Phase IV or incidental costs related thereto, will be reimbursed to and deposited in the Cumulative Fund upon completion of the IR No.9 Old Okanagan Highway Sidewalk Development Project Phase IV.

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 the IR No.09 Old Okanagan Highway Sidewalk Development Project Phase IV WFN By-law No. 11-TX-06 being read for the first, and third and final time by the Council of Westbank First Nation held at duly convened meetings.

Read for the first time by council of Westbank First Nation at a duly convened meeting held on the 6th day of June 2011.

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

Read a third time, and enacted as Westbank Law, by Council of the Westbank First Nation at a duly convened meeting held on the 20th day of June 2011.


Chief Robert Louie


Councillor Mike De Guevara


Councillor Loretta Swite-Ghostkeeper


Councillor Mickey Werstuik


Councillor Lorrie Hogaboam

SCHEDULE "A"

IR No.9 Old Okanagan Highway Sidewalk Development Project Phase IV

ITEM Phases III	WFN (LGS) LOCAL GOVERNMENT SERVICES	YEAR OF EXPENDITURE
Stage I – planning	\$ 30,000.00	2011
Stage II – detail design	\$ 40,000.00	
Stage III - land acquisition		
Stage IV- construction	\$ 430,000.00	
<u>TOTAL</u>	<u>\$500,000.00</u>	