


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 I.R. #10 Westside Road Lift Station Project Capital Expenditure By-Law No. 04-TX-01 dated April 26, 2004 is a true copy of the said by-law.



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 26th day of April 2004.

- **Westbank First Nation**
I.R. #10 Westside Road Lift Station Project
Capital Expenditure By-law No. 04-TX-01

A handwritten signature in black ink, appearing to be 'A. Martin'.

Dated at Ottawa, Ontario this 10th day of May, 2004.

Canada

**WESTBANK FIRST NATION
IR#10 WESTSIDE ROAD LIFT STATION
CAPITAL EXPENDITURE BYLAW NO. 04-TX-01**

To authorize the expenditure of a maximum of Six Hundred Fifty Thousand Dollars (\$650,000.00) from money raised pursuant to section 83(1) of the Indian Act, for the purpose of constructing the Westside Road Lift Station within the Tsinstikeptum Indian Reserve No.10.

WHEREAS:

- A. Pursuant to Section 83(1) of the Indian Act and 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)(l) of the Taxation By-law, the Westbank First Nation annually deposits Ten (10%) percent of the 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 money 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 Westside Road Lift Station Project, which funds may be recovered by Westbank First Nation through fees or development charges levied against benefiting properties.
- E. Westbank First Nation has estimated the total cost of construction of the Westside Road Lift Station Project to be not more than \$650,000.00 as outlined in Schedule "B" 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 I.R. #10 Westside Road Lift Station Project Capital Expenditure By-law No. 04-TX-01.

EXPENDITURE AUTHORIZATION

2. Westbank First Nation hereby acknowledges that it is in the best interests of the members of Westbank First Nation to construct Westside Road Lift Station Project as summarized in schedule "A" to this by-law.
3. Westbank First Nation hereby approves the expenditure of not more than Six Hundred Fifty Thousand (\$650,000.00) Dollars from the Cumulative Fund for the purpose of designing and constructing the Westside Road Lift Station Project (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, licenses, permits, rights and authorities as may be required or desirable for or in connection with the construction of Westside Road Lift Station Project.
5. Any of the Project Funds not expended on the Westside Road Lift Station Project or incidental costs related thereto, will be reimbursed to and deposited in the Cumulative Fund upon completion of the Westside Road Lift Station Project.
6. All revenue collected through fees or development charges relating to this by-law 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 the IR #10 Westside Road Lift Station Project WFN By-law No. 04-TX-01 being read for the first, second, third and final time by the Council of the Westbank First Nation held at a duly convened meetings.

1st Reading

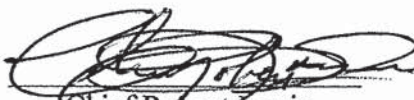
Kelowna, British Columbia, this 5th day of April 2004.


2nd Reading

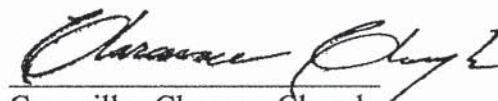
Kelowna, British Columbia, this 15th day of April 2004.


3rd Reading

Kelowna, British Columbia, this 20th day of April 2004.


Chief Robert Louie


Councillor Raf De Guevara


Councillor Clarence Clough


Councillor Mickey Werstuik

SCHEDULE 'B'

Cost estimates for the Westside Road lift station are outlined in Tables 5.1.

TABLE 5.1
Preliminary Cost Estimates
Westpoint Lift Station

WESTPOINT SEWER LIFT STATION AND FORCEMAIN		
Item	Description	Estimated Cost
1.0	General requirements	\$15,000
2.0	200mm diameter forcemain c/w site restoration (700m @ \$130/m)	\$91,000
3.0	Auger 350mm diameter casing for Highway 97 crossing	\$30,000
4.0	40m – 300mmØ SDR 35 gravity sewer main	\$8,500
5.0	Connect 38mm water service to existing works	\$3,000
6.0	Premium to cross Keefe Creek	\$25,000
7.0	Dewatering	\$10,000
8.0	Connection and buried valve allowance	\$10,000
9.0	Site work (grading, access road, security fence, etc.)	\$15,000
10.0	Flowmeter chamber	\$5,000
11.0	Lift station c/w pumps and valving	\$82,000
12.0	Odour control system	\$15,000
13.0	Control panel and electrical kiosk	\$70,000
14.0	BC Hydro connection and service fees	\$6,000
15.0	Back-up electrical genset	\$40,000
16.0	Programming and commissioning of program	\$7,000
	Sub-Total	\$432,500
	Engineering	\$58,500
	Contingency (20%)	\$86,500
	Sub-total of TOTAL ESTIMATED COST	\$577,500
	Band Admin, Legal, etc.	\$72,500
	Total	\$650,000