

WESTBANK FIRST NATION
IR No.10 LINDLEY ROAD REALIGNMENT CAPITAL EXPENDITURE
BY-LAW NO. 12-TX-08

To authorize the expenditure of a maximum of One Hundred and Twenty-Three Thousand and Two Hundred and Fifty- Two Dollars (\$123,252) from money raised pursuant to section 83(1) of the *Indian Act*, for the purpose of completing the realignment of Lindley Road within the Tsinstikeptum Indian Reserve No. 10.

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 By-law, 95-TX-08 (the "**Taxation By-law**");

- B. In accordance with section 12(3)(1) of the Taxation By-law, the 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**"), the 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. Westbank First Nation deems it desirable and in the best interest of the community to advance funds to complete the Lindley Road Realignment on Tsinstikeptum Indian Reserve No.10.

- E. The Westbank First Nation has concluded the total cost of realignment of Lindley Road on Tsinstikeptum Indian Reserve No.10 to be not more than \$123,252 as outlined in Schedule "A" 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 IR No. 10 Lindley Road Realignment Project Capital Expenditure By-law No. 12-TX-08.

EXPENDITURE AUTHORIZATION

2. The Westbank First Nation hereby acknowledges that it is in the best interests of all community and band members of the Westbank First Nation to proceed with the Lindley Road Realignment Project as summarized in Schedule "A" to this By-law.
3. The Westbank First Nation hereby approves the expenditure of not more than One Hundred and Twenty-Three Thousand Two Hundred and Fifty Two (\$123,252) Dollars from the Cumulative Fund for the purposes of the Lindley Road Realignment Project (the "Project Funds").
4. The 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 IR No.10 Lindley Road Realignment Project.
5. Any of the Project Funds not expended on the IR No.10 Lindley Road Realignment Project or incidental costs related thereto, will be reimbursed to and deposited in the Cumulative Fund upon completion of the IR No. 10 Lindley Road Realignment Project.
6. All revenue collected related to this By-law will be reimbursed to "the Cumulative Fund".

EFFECTIVE

7. This By-law comes into full force and effect upon approval by the Minister of the Department Aboriginal Affairs Canada and Northern Development.

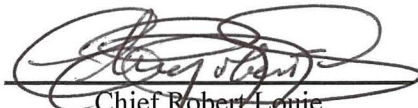
BE IT HEREBY RESOLVED AND AGREED:

That this By-law, entitled the IR No. 10 Lindley Road Realignment Project WFN By-law No.12-TX-08 being read for the first, second and third and final time by the Council of the Westbank First Nation held at a duly convened meetings.

Read a first time by the Council of Westbank First Nation at a duly convened meeting held on the 17th day of December, 2012.

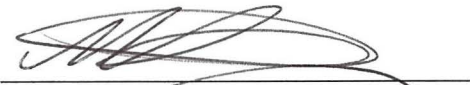
Exempt from a second reading pursuant to section 60.9 of the Westbank First Nation Constitution.


Read a third time, and enacted as a Westbank Law, by Council of the Westbank First Nation at a duly convened meeting held on the 14th day of January, 2013.


Chief Robert Louie


Councillor Michael De Guevara


Councillor Lorrie Hogaboam


Councillor Mickey Werstuik


Councillor Christopher Derickson

SCHEDULE "A"

BUDGET FOR PROPOSED IR NO.10 Lindley Road Realignment Project	COST	FUNDING SOURCE
Engineering – Design, Tender and Construction Costs	\$ 8,015.00	WFN, Local
Environmental Management Plan and monitoring	\$ 7,637.00	Government Services
EMP estimate (restoration works)	\$ 10,050.00	(LGS)
Landscape Restoration (Private Property)	\$ 7,000.00	
Tender Price including 15% Contingency	\$ 90,550.00	
	\$ 123,252.00	WFN, LGS
TOTAL	\$ 123,252.00	WFN, LGS