

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 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 10th day of October 2006.

- **Westbank First Nation**
I.R. No. 9 Water Reservoir Expansion Project
Capital Expenditure By-law No. 06-TX-03

A large, stylized handwritten signature in black ink, consisting of several loops and a long horizontal stroke.

Dated at ~~Ottawa, Ontario~~ this 16th day of November 2006.
Calgary, Alberta

Canada

**WESTBANK FIRST NATION
IR No. 9 WATER RESERVOIR EXPANSION
CAPITAL EXPENDITURE BYLAW NO. 06-TX-03**

To authorize the expenditure of a maximum of One Million Eight Hundred Thousand Dollars (\$1,800,000.00) from money raised pursuant to section 83(1) of the *Indian Act*, for the purpose of constructing the Water Reservoir Expansion Project 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 an expansion to the IR No. 9 water storage system (the "I.R. No. 9 Water Reservoir Expansion Project").
- E. Westbank First Nation has estimated the total cost of construction of the IR No. 9 Water Reservoir Expansion Project to be not more than \$1,800,000 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 I.R. No. 9 **Water Reservoir Expansion Project** Capital Expenditure By-law No. 06-TX-03.

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 Water Reservoir Expansion Project as summarized in schedule "A" to this by-law.
3. Westbank First Nation hereby approves the expenditure of not more than One Million Eight Hundred Thousand (\$1,800,000.00) Dollars from the Cumulative Fund for the purposes of designing and constructing the IR No. 9 Water Reservoir Expansion 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, licences, permits, rights and authorities as may be required or desirable for or in connection with the construction of the IR No. 9 Water Reservoir Expansion Project.
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 authorities as deemed appropriate and as may be required for or in connection with the construction of the IR No. 9 Water Reservoir Expansion Project.
6. Any of the Project Funds not expended on the IR No. 9 Water Reservoir Expansion Project or incidental costs related thereto, will be reimbursed to and deposited in the Cumulative Fund upon completion of the IR No. 9 Water Reservoir Expansion Project.

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. 9 Water Reservoir Expansion Project Westbank First Nation By-law No. 06-TX-03 being read for the first, third and final time by the Council of Westbank First Nation held at duly convened meetings.

1st Reading

Kelowna, British Columbia, this 18th day of September 2006.

2nd Reading

Exempt from second reading as per section 60.9 of the Westbank First Nation Constitution pertaining to enactment of a Local Revenue Law.

3rd Reading

Kelowna, British Columbia, this 10th day of October 2006.

Chief Robert Louie



Councillor Mickey Werstuik



Councillor Mike De Guevara



Councillor Loretta Swite

SCHEDULE "A"

IR No. 9 Water Reservoir Expansion Project

ITEM	WFN (LGS) LOCAL GOVERNMENT SERVICES	YEAR OF EXPENDITURE
Stage I – planning	\$ 20,000.00	2006 to 2007
Stage II – predesign	\$ 24,981.78	
Stage III – soft costs	\$ 124,271.00	
Stage IV- construction - contingency	\$1,501,911.00 128,836.22	
<u>TOTAL</u>	<u>\$1,800,000.00</u>	