

Ministre des
Relations Couronne-Autochtones



Minister of
Crown-Indigenous Relations

Ottawa, Canada K1A 0H4

I, Minister of Crown-Indigenous Relations, 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 8th day of February 2021.

- ***Westbank First Nation
Louie Drive Old Okanagan Highway Sidewalk Improvements
Capital Expenditure By-law No. 21-TX-01***

Dated at Ottawa, Ontario, this 16 day of May 2021.

A handwritten signature in blue ink that reads 'Carolyn Bennett'.

Hon. Carolyn Bennett, M.D., P.C., M.P.

Canada

**WESTBANK FIRST NATION
IR NO.9 LOUIE DRIVE OLD OKANAGAN HIGHWAY IMPROVEMENT PROJECT
CAPITAL EXPENDITURE BYLAW NO. 21-TX-01**

TO AUTHORIZE THE EXPENDITURE OF A MAXIMUM OF NINE HUNDRED THOUSAND DOLLARS (\$900,000.00) FROM MONEY RAISED PURSUANT TO SECTION 83(1) OF THE *INDIAN ACT*, FOR THE PURPOSE OF HIGHWAY WIDENING, AND INSTALLATION OF BIKE LANES, SIDEWALK, LED STREET LIGHTING, AND STORM WATER SYSTEM IMPROVEMENTS, WITHIN THE TSINSTIKEPTUM INDIAN RESERVE NO.9.

WHEREAS:

1. 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");
2. 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;
3. In accordance with section 12(3)(l) of the Taxation By-Law, Westbank First Nation annually deposits ten percent (10%) of annual gross taxes into the "a cumulative capital projects fund", (the "Cumulative Fund") to be used from time to time for such capital projects as may be authorized by a separate by-law;
4. Westbank First Nation deems it desirable and in the best interest of the community to proceed with highway widening, and installation of bike lanes, sidewalk, street lighting and storm water system improvements, on Tsinstikeptum Indian Reserve No.9 (the "Improvements"). The Improvements will be completed at a proposed estimated cost of Nine Hundred Thousand Dollars (\$900,000.00) (see Schedule "A");
5. Funding for the Installation will be drawn from the Cumulative Fund, raised pursuant to Section 83(1) of the *Indian Act*.

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 "Louie Drive Old Okanagan Highway Sidewalk Improvements Capital Expenditure By-law No. 21-TX-01".

EXPENDITURE AUTHORIZATION

2. Westbank First Nation hereby acknowledges that it is in the best interests of the community to proceed with the Improvements in accordance with the schematics and plan attached (Schedule A).
3. Westbank First Nation hereby approves the expenditure of not more than Nine Hundred Thousand Dollars (\$900,000.00) on the Improvements, to be drawn from the Cumulative Fund.
4. Westbank First Nation authorization of this capital expenditure includes all external expenditures related to the project including architects, designers, consultants, engineers, contractors, permits, and suppliers of all related goods and materials, but will not include any allocation of Westbank First Nation internal costs, overhead, or implicit interest.

5. Any of the project funds not expended on the improvements or incidental costs related thereto 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 Indigenous Affairs and Northern Development.

BE IT HEREBY RESOLVED AND AGREED:

That this By-law, Louie Drive Old Okanagan Highway Improvement Project Capital Expenditure By-law No. 21-TX-01", being read for the first, second and third and final time by the Council of Westbank First Nation held at duly convened meetings.

1st Reading


Kelowna, British Columbia, this 25th day of January 2021.

2nd Reading Exempt from second reading as per section 60.9 of Westbank First Nation Constitution pertaining to enactment of a Local Revenue Law.

3rd Reading

Kelowna, British Columbia, this 8th day of February, 2021.

ilmix^wam Christopher Derickson



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Louie Drive / Old Okanagan Hwy Improvement Project Budget	
Local Revenue Law 21-TX-01	
"Schedule A"	
Construction cost estimate per Class A AllNorth Nov 2020 estimate (includes 5% contingecy)	2,079,218.53
Old Ok Hwy / Bering Rd curb return + sidewalk	20,000.00
Engineering and Testing (~10%)	220,781.47
Total	2,300,000.00
Revenues	
Active Transportaion Grant- Prov of BC	500,000.00
WFN IR 9 Road Development Cost Charges	900,000.00
WFN Taxation	900,000.00
Total	2,300,000.00
Estimated Expenses up to March 31, 2021 (Design + less than 1 month of work)	150,000.00
Estimated Expenses up to March 31, 2022	2,150,000.00