

**WESTBANK FIRST NATION
SELF-GOVERNMENT AGREEMENT**

**ANNUAL
REPORT**
ON IMPLEMENTATION
2015–2016





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Sur La Mise En Œuvre

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Photo: WCDC Daycare Graduation

LETTER FROM THE INTERGOVERNMENTAL IMPLEMENTATION COMMITTEE

The Intergovernmental Implementation Committee (IIC) is pleased to present this 2015/2016 Implementation Report on Self-Government.

Significant achievements this year was the completion of phase 2 of the constitutional amendments to WFN Membership rules, the movement on the land exchange and the completion of the community plan review.

Kim Thompson
Director of Treaty Management West
Indigenous and Northern Affairs Canada

Mike De Guevara
Councillor
Westbank First Nation







MESSAGE FROM CHIEF ROBERT LOUIE

April 1, 2015 marked the tenth anniversary since the implementation of self-government at Westbank First Nation. I can unequivocally say that this community is stronger and healthier as a result. As a government, we have implemented sound financial management and put in place excellent planning tools to ensure accountability and stability. Members have increased employment and education opportunities and services are much improved, particularly in the health and wellness area. Non-member residents indirectly have a voice through the Advisory Council as to the expenditure of their property tax dollars. Visitors who have not been back in ten years or more often comment on the growth and remarkable changes to the community.

Many projects and initiatives have taken place this year but one of the more exciting ones was the commencement of a multi-million dollar construction project for a new youth centre and sports court in the community core. Council very much appreciated the feedback and input from the youth,

the support of the Advisory Council and the hard work from the Development Services staff to get the project off the ground. The building incorporates many green initiatives and is expected to be completed in the fall of 2016. Once complete, other improvements in this area will take place including walkways, trails and improved parking. This is just one of many initiatives Westbank has undertaken this year as you will see from reading this report.

Westbank First Nation continues to be a leader in First Nation governance across this country and, once again, it gives me great pride to report on our activities for the 2015/16 fiscal year.

Way' līmlāmt

Chief Robert Louie
Westbank First Nation



Allotment Homes



Westbank First Nation Youth Centre

NOTEWORTHY FACTS ABOUT WESTBANK FIRST NATION

HISTORICALLY KNOWN AS stqaʔtkʷniwt

LANGUAGE: nsyilxcən

AFFILIATION: One of eight member bands that comprise the Okanagan Syilx Nation (includes Colville Confederated Tribe from Washington State)

LOCATION: South central interior of British Columbia, Canada

GOVERNMENT: Self-governing First Nation

LEADERSHIP: 1 Chief and 4 Councillors (elected by the membership every three years)

LAND BASE: 5 land parcels totaling 5,340 acres

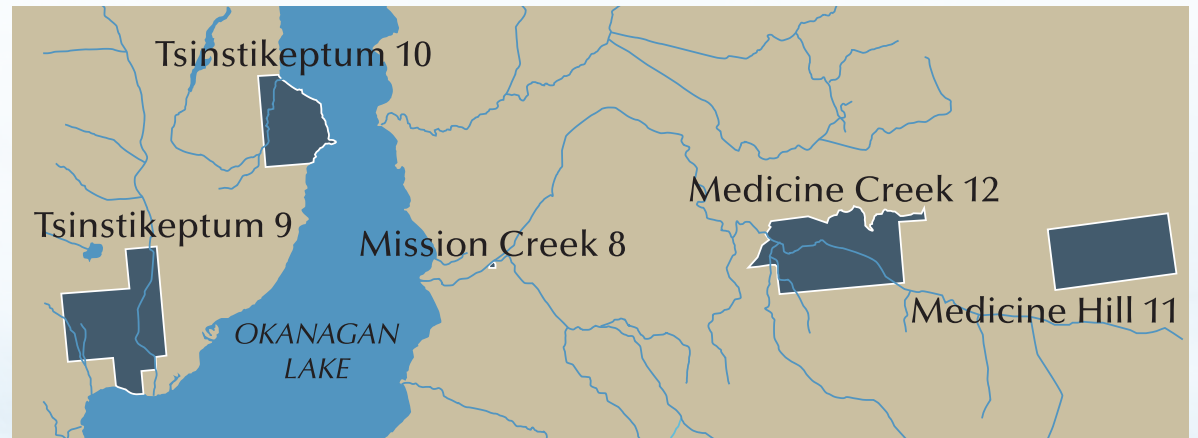
BAND MEMBERSHIP: 831

RESIDENTS: Approximately 10,000 non-member residents reside on WFN lands

ADVISORY COUNCIL: A five member advisory council elected every three years to represent the interests of non-members residing on, or having interests in, WFN lands

NUMBER OF GOVERNMENT EMPLOYEES: 180

As of 2011, \$80 million in annual fiscal revenue is generated for Canada and B.C. through sales tax, personal income tax and corporate tax on Westbank Lands (Canada-\$50 million and B.C. \$30 million)



WESTBANK FIRST NATION LANDS



WESTBANK FIRST NATION YEAR IN REVIEW HIGHLIGHTS

Milestone SGA Ten Year Celebration

April 1, 2015 marked the tenth anniversary since the implementation of self-government at Westbank First Nation. A community gathering and dinner was held at which keynote speaker Grand Chief Mike Mitchell of the Mohawk Council of Akwesasne gave an inspiring address.

Constitutional Amendment on WFN Membership

On August 13, 2015, via the referendum process, the Membership approved several amendments to the WFN Constitution. The most significant amendment, and the primary reason for revisiting the Constitution, was to the Membership Rules set out in Part III. Following months of Community Working Group meetings, engagement and communication, the Membership Rules were changed to ensure that descendency be the main factor in determining entitlement to WFN Membership. The section titled "Transfer of Membership to Westbank" was repealed so that the possibility of becoming a Westbank Member through a Membership vote is no longer possible. Three conditions must now be met in order to gain WFN Membership:

1. Registration as an Indian under the *Indian Act*
2. Must have a biological parent who is or was a WFN Member or entitled to be a WFN Member; and
3. At least one of the parents of the biological parent of the person under 2 is or was a WFN Member or entitled to be a WFN Member.

The other significant change to this section is that a person can no longer be enrolled with WFN and a Tribe in the United

States. As well, new wording in this section sets out that a review of the Membership Rules will be done by no later than three years' time to revisit the entitlement criteria and the requirement that a person must be a registered status Indian under the *Indian Act* in order to be a WFN Member.

5 Year Health Plan

To address the health needs in our community, Council approved a new five year health plan that was required to secure funding for 2015 – 2020.

Service Delivery Protocol

After 7 years of meetings and negotiations between WFN and the B.C. Ministry of Children and Family Development, a new service delivery protocol was signed to collaborate and strengthen the working relationship with respect to WFN children and families.

Reconciliation Agreements

WFN as part of the Okanagan Nation Alliance, have been working collaboratively on a Letter-of-Understanding between representatives of the Okanagan Nation Alliance and Canada with a goal to move towards a reconciliation agreement. A Memorandum-of-Understanding is also in progress between representatives of the Okanagan Nation Alliance and the Province of BC to move towards a reconciliation agreement.

Laws and Policies

No new laws were implemented or revised for the fiscal period 2015/16.

One new policy was implemented titled WFN Self-Government Agreement Review and 2 policies were amended and include changes to the Terms of Reference for the WFN Sensisysten School Board and the Terms of Reference for the Public Art Committee. The Policy Development Project (PDP) continues to move forward led by a Working Group. This project involves creating, issuing, revising and rescinding WFN policies to ensure uniformity of all governance instruments in relation to cultural, operational and administrative obligations and mandates.



Youth Centre Ground-Breaking Ceremony



Advisory Council Law

The process is underway for amending the Advisory Council Law. The Advisory Council Law was enacted in 2008 and establishes the procedural framework under which the Advisory Council operates. It governs the relationship between the Advisory Council, in their role as elected representatives of non-Member residents residing on WFN lands, and the WFN government. The proposed amendments would revise nomination and election procedures, as well as provide a mechanism for the removal of an Advisory Council member found to be acting in a manner contrary to their oath of office.

WFN Community Plan Review

As set out in the WFN Community Plan Law, a community consultation process took place to review the Community Plan since its implementation in 2010. Amendments to the Plan were approved in November 2015.

Property Taxation

WFN saw an increase of 5% in property tax revenues to \$13 million (2.4% increase in taxes payable and 2.6% taxes on new development).

Infrastructure and Utility

Major initiatives for this year include the construction of a youth center and outdoor court, sidewalks and trails, parking, a public beach, government office renovations and an on-going annual contribution to the sncəwips museum.

The Membership voted in support of adopting the 2015 WFN Community Development Plan which was developed through the Community Planning Committee. The plan was last updated in 2010 and guides the community planning within reserve lands and traditional territory of WFN.

The WFN Parks and Trails Plan was completed in early 2016. The plan provides a strategy to guide the development of the emerging parks and trails in the Okanagan Valley and will guide the continuing developments on IR 9 and IR 10.

The grand opening of the IR 9 WFN Private Member's beach was on September 14, 2015. Park upgrades included a new parking lot, landscaping, new fencing, underground irrigation, new trees, a beach volleyball court, a concrete pathway, and a new dock and gazebo.

The Boucherie Road Community Public Beach Improvement Plan on IR 9 had \$325,000 upgrades paid for by funds from the WFN Development Cost Charges that was identified in WFN's 5 year plan. Upgrades included a retaining wall, trees, plants, park furniture, irrigation, turf and new sand.

As part of WFN's initiative to improve our roadways and pedestrian safety in our community, the construction of approximately 850m of new sidewalks, street lighting and bike lanes were completed on Daimler Road, Elk Road, and East Boundary Road.

Council endorsed a WFN water conservation plan and authorized proceeding with IR 9 domestic water supply (ultra violet) disinfection treatment project. WFN's share was \$4.74 million which came from IR9 water transmission and distribution, Development Cost Charges and utility reserves. Total cost of the project was \$13.7 million.

LANDS

Boucherie Road/Westside Road Interchanges

In March 2016, WFN participated in a community engagement process led by the Ministry of Transportation and Infrastructure by hosting one of two public open houses on reserve lands. Following the community engagement process, the concept drawings will be revised considering public input before advancing to the Preliminary Design phase.

The fourth and final parcel from the Old Ferry Wharf Road Additions-to-Reserve project added 6.82 acres to WFN reserve lands.

Foreshore Headlease

The negotiations for the Foreshore Headlease between WFN and the Province of BC are finalized and are yet to be signed. The negotiation is for the water fronting on Tsinstikeptum Indian Reserves 9 and 10 will extend 300 meters into Okanagan Lake which will cover total land at 126.89 hectares.

PROPERTY MANAGEMENT AND HOUSING

There were eight new homes built in 2015-2016 and two home renovations within the community core.



Big White 2015



Okanagan College WFN MOU Signing



IR 9 Beach and Dock



Pink Shirt Day at Sensisysten with RCMP



Remembrance Day
Ceremony

WFN Government Continues to Operate within Budget and with a Surplus

The government of Westbank First Nation continues to operate within a balanced budget and generate an annual surplus.

Operations for 2016 were budgeted to cost \$31.8 million and ended up almost \$1.2 million under budget at \$30.6 million. The single biggest line item for the WFN Government remains “Wages, Salaries and Benefits” which in 2016 cost \$14.2 million. While this line item came in on budget, most other operational expense items came in under budget.

However, while WFN continues to operate within budget and with a surplus and after a very strong 2015, consolidated revenues in 2016 were down \$1.5 million (4%) to \$42.4 million while total expenses increased to \$39.6 million (1%). Accordingly, at fiscal year-end 2016 the surplus was \$2.8 million, down from the \$4.8 million surplus recorded in 2015.

With respect to the WFN financial position (balance sheet), there was also a 22% decline in net financial assets to \$31.5 million, primarily due to a business loss. This was in significant part offset by a 20% increase in tangible capital assets due to the contribution of leased land assets, in addition to other WFN capital projects, including a new youth centre, member housing, and sidewalks.

WFN Remains Financially Strong

While the decline in net financial assets in 2016 due to a business loss is unfortunate, WFN remains financially very sound. Prior to 2016, net financial assets increased almost every year, reaching \$40.1 million in 2015. In 2016 some

\$11.2 million of capital assets were added to the balance sheet including roads, sidewalks, buildings, and infrastructure all of which provide improved services to Members and others residing or doing business on Westbank Lands. These capital investments are the basis of future prosperity as they make WFN a better place to live and conduct business.

As a matter of good governance and in accordance with WFN laws, reserves are annually set aside by the WFN government for future community benefit as directed by Council. The reserves remain a source of financial strength and flexibility for WFN that helps WFN to achieve its strategic priorities for the community. This includes building new housing, providing improved education programs, and delivering other programs and services to meet the increasing needs of a growing community that is implementing self-government. The reserves also strengthen the balance sheet, which means WFN can absorb any unexpected changes in financial position as occurred in 2016.

Finally, and reflecting WFN’s strong financial position, at year-end the accumulated surplus, (including financial, capital, and other net assets) was up \$2.8 million in 2016 to \$102.6 million.

The Upcoming Year

As in previous years, education, training, and capacity building for Westbank Members remain a top priority. So to is the priority of building infrastructure that supports economic growth and quality of life. To ensure Westbank can deliver on its strategic priorities the WFN government continues to look at ways of increasing its revenues from all sources.

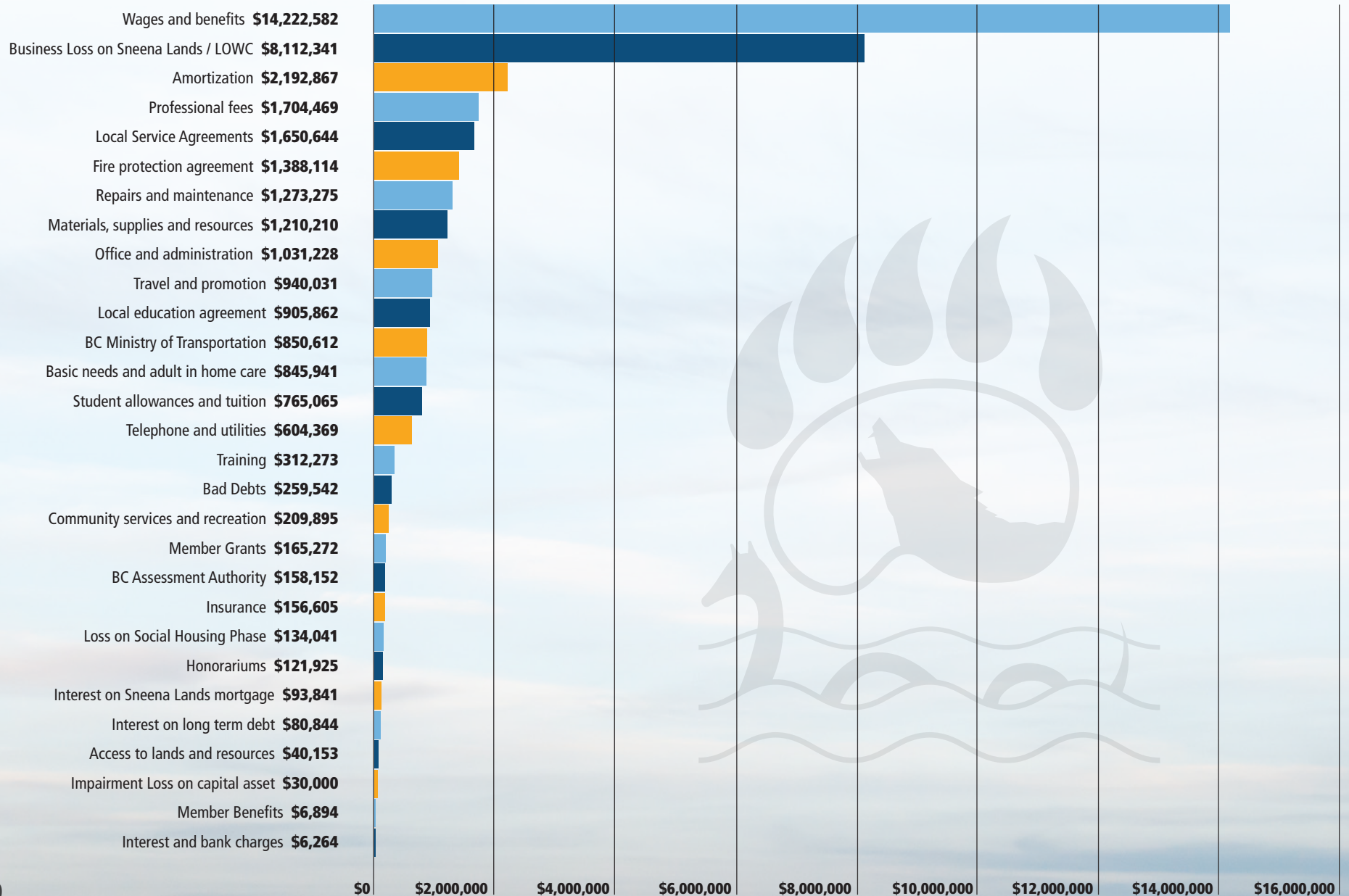
Accordingly, Westbank has been participating in a collaborative fiscal policy development process with Canada and other self-governing Indigenous groups. The objective of this work is to further a new fiscal relationship between Indigenous Governments and the Crown and specifically to assist Canada in reworking its existing policy set out in “Canada’s Fiscal Approach for Self-Government Arrangements.”

Additionally, Westbank has also been engaged with federal officials to develop a regulation to be made under the *Westbank First Nation Self-Government Act* that would adapt or restrict the application of the *First Nations Fiscal Management Act* to enable Westbank to benefit from that Act. As a result WFN would have access to additional revenue raising tools, a strengthened property tax system, as well as access to public debt financing through the First Nations Finance Authority.

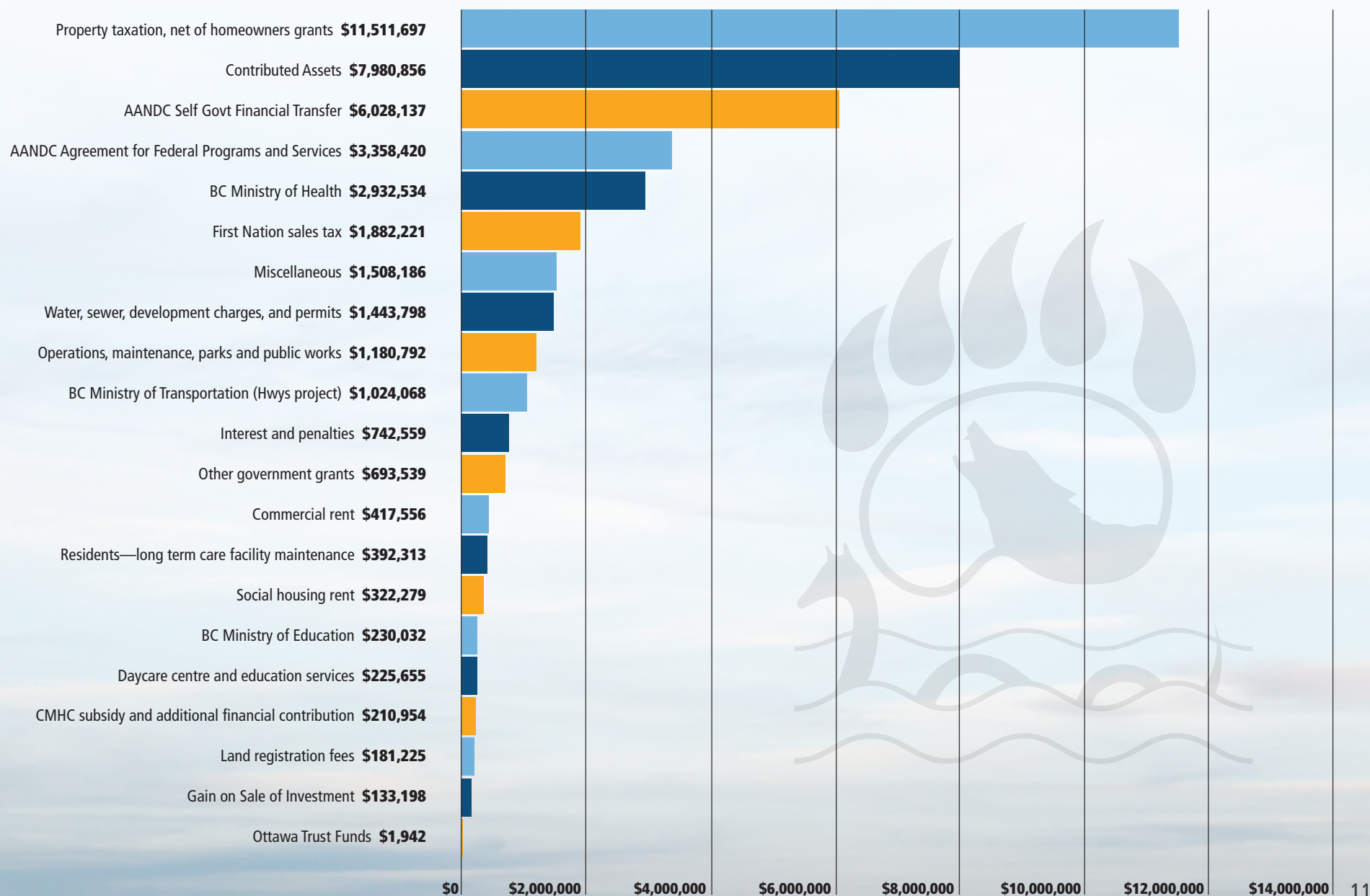


WFN SD23 Education Agreement Signing

W F N GOVERNMENT EXPENSES, 2015 – 2016



W F N C O N S O L I D A T E D G O V E R N M E N T R E V E N U E S , 2 0 1 5 – 2 0 1 6







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Barb Coble
Holly Mackenzie
Brian Conner
Councillor Mike DeGuevara
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Darrel Deverinchuk
Lorna Corman
Micha Menczer
Dr. Tim Raybould
Kim Thompson



Canada

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