

**WESTBANK FIRST NATION  
SELF-GOVERNMENT AGREEMENT**

# **ANNUAL REPORT**

**ON IMPLEMENTATION**

**2016–2019**







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Photo: siya? Celebration 2016



## CONTINUING THE WORK OF THE INTERGOVERNMENTAL IMPLEMENTATION COMMITTEE

Under the terms of the Westbank First Nation Self-government Agreement (SGA) an Intergovernmental Implementation Committee (IIC) was established (PART XXVI). The IIC was mandated for a period of ten years from the Effective

Date of self-government (until fiscal year 2015/2016) or as otherwise agreed to by the Parties. One of the duties and responsibilities of the ICC is to provide an annual report on implementation of the SGA to the Parties. It was agreed by

Canada and Westbank that the IIC should continue its work beyond ten years. Accordingly, this Report covers the fiscal years 2016/2017, 2017/2018 and 2018/2019.





New Council,  
September 2016







## MESSAGE FROM THE YÍLMIX<sup>WM</sup> (CHIEF)

I was honoured to be given the opportunity to serve as yílmix<sup>WM</sup> for Westbank First Nation for the 2016-2019 term. I can attest that it is a challenging position with a steep learning curve, but overall I am proud of the accomplishments that my Council and I achieved. It gives me great pleasure to offer opening remarks for this Annual Report on Implementation which is an accumulation of the activity highlights for the three-year period 2016-2019.

WFN continues to be a trailblazer in leadership and good governance practices for other indigenous communities across this country. We have made incredible strides since the implementation of self-government which clearly shows that indigenous people will succeed and flourish when there is the vision, will and opportunity.

My vision for Westbank First Nation is, and will continue to be, the teaching and reemergence of our knowledge and practices of the rich and vibrant syilx culture. In view of this, I made this a priority during my term. In addition to strong governance, a healthy and proud community is incumbent upon knowing who you are and where you came from.

I give my thanks and gratitude to all those including the community members, staff and leadership who contribute to make Westbank First Nation a beautiful place to live and grow.

Way' límləmt

yílmix<sup>WM</sup> (Chief) Roxanne Lindley  
Westbank First Nation



Minister Bennett



Active Transportation Plan



# 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 WFN Membership every three years)

**LAND BASE:** 5 land parcels totaling 5,340 acres

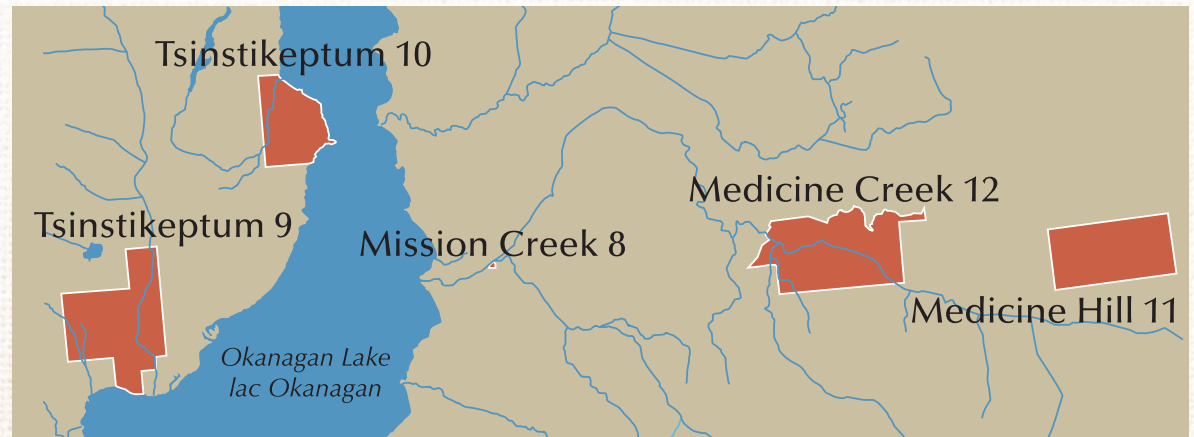
**BAND MEMBERSHIP:** 849

**RESIDENTS:** Approximately 9,000 non-member residents reside on WFN lands

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

**NUMBER OF GOVERNMENT EMPLOYEES:** 218

As of 2019, \$117 million in annual fiscal revenue is generated for Canada and B.C. through sales tax, personal income tax and corporate tax on Westbank lands



**WESTBANK FIRST NATION LANDS**  
**TERRES DE LA PREMIÈRE NATION DE WESTBANK**



**OKANAGAN NATION (SYILX) TERRITORY**  
**TERRITOIRE DE LA NATION OKANAGAN (SYILX)**



## Westbank First Nation Elects its First Woman Chief

On September 15, 2016, the Westbank First Nation ("WFN") held its election for Council in accordance with the WFN Constitution. Roxanne Lindley, was elected as Chief, the first woman to hold this office, and two new Councillors (Fernanda Alexander and Thomas Konek) were elected by the WFN Membership for the 2016-2019 three-year term. Two sitting Councillors (Chris Derickson and Brian Eli) were re-elected.

## Continuing the Practice of Strategic Planning

The WFN government has, by convention, since 2008 adopted a WFN Government Strategic Plan, the purpose of which is to reflect the aspirations of the WFN community and guide decision-making towards meeting Council's goals and objectives. The Plan clearly sets out Council's strategic priorities and goals and what Council intends to accomplish during its term in office which then informs budgeting and is aligned with departmental workplans. Accordingly, and to coincide with the new Council term, the WFN Government Strategic Plan 2016-2019 was updated.

## An Evolving Constitution and the Determination of WFN Membership

The WFN Constitution is a living document and has been amended a number of times since the Effective Date in order to address matters that have arisen since self-government. On August 13, 2015 the WFN Membership approved revisions to the WFN Membership Rules as set out in Part III of the WFN Constitution to address concerns raised by Members. This revision included a new section 8.3 to clarify who can

be a Member and a new 8.4 that required Council, within three years, to conduct a further review of the Membership Rules, including consultation with the WFN Membership and the preparation of a report that could include proposed amendments to the Membership Rules. This community engagement took place in 2018 and as a result it was determined that WFN would make no additional changes to the Membership Rules or undertake any further work on the Membership Rules over the short to medium term. In part, this was because on February 2, 2018, Prime Minister Justin Trudeau announced that Canada would begin a nation-to-nation consultation process to seek input from First Nations to help guide its ongoing policy review of Indian registration under the *Indian Act* and, at this time, Membership at Westbank still requires a person to be registered as an "Indian" under the *Indian Act*. This federal review came about as a result of the ruling from the courts in the *Descheneaux* case which found that gender-based inequities still existed in eligibility for Indian registration rules provided for under the *Indian Act* despite previous amendments to the *Indian Act* to address discrimination. WFN has deemed it prudent to wait for the outcome of the federal process before considering further action in relation to potential further amendments to the Membership Rules in the WFN Constitution.

## The Role of Policy Development

WFN continues to improve and develop policy and set governance standards throughout the organization through the ongoing Policy Development Project. During this reporting period, 78 new policies were developed and implemented and 28 existing policies were revised and updated.

## Exercising Jurisdiction and Developing New Laws

Under the SGA, Westbank assumes and takes over jurisdiction from Canada by enacting laws. Much of the jurisdiction recognized under the SGA has been drawn down. As WFN evolves as a self-governing nation so do the laws of the Nation. A new WFN *Advisory Council Law 2017* received third reading on April 24, 2017 and was enacted on this date. This law is the mechanism through which non-member residents have a voice through their elected Advisory Council in matters that directly and significantly affect them. The WFN *Advisory Law 2005* was the first law enacted by WFN following the Effective Date of self-government. This third iteration of this law includes provisions for ensuring proper representation by enhancing nomination procedures and also a process for removal of an Advisory Council member from office should it be warranted.



2017 Advisory Council AGM



Fire Agreement Signing  
May 24, 2016



The *WFN Freedom of Information and Protection of Privacy Law 2018* was enacted after receiving third reading on February 26, 2018. This law addresses the provision of reasonable access to information held by the WFN Government and ensures an accessible, accountable and transparent process.

The following laws are under review with the process for development and approval substantially completed: *WFN Business License Law*, *WFN Residential Premises Law*, *WFN Animal Control Law*, *WFN Outdoor Events Law*, and *WFN Second-Hand Dealers and Pawn Brokers Law*. These laws are expected to receive third reading in the latter part of 2019.

### **Ensuring WFN Laws Are Enforced**

WFN, as with all Self-governing Indigenous Governments (SGIGs), must ensure that its laws are enforced and this remains a critical area for implementation. How Indigenous governments "police" their lands remain an ongoing issue between all orders of government. Currently, three WFN Law Enforcement Officers (LEOs) work closely with local and regional partners such as the RCMP, the Fire Department, the Conservation Office, the Regional District of Central Okanagan and other local organizations to uphold WFN laws and ensure a safe and healthy community. Council receives regular reports on law enforcement activities.

### **Planning and Development and Investment in Infrastructure**

Development of Westbank lands is still outpacing the growth in the surrounding area. According to the Statistics Canada 2016 census, the population growth rate for WFN is three times higher than the average for the Central Okanagan. The growth rate of 28% over the previous five years compared to an 8.5% rise in population for the greater Kelowna area, 5.6% in B.C and 5% in Canada. WFN property tax assessments increased from \$1.87 billion in 2018 to \$2.05 billion in 2019. WFN continues to plan and coordinate infrastructure



and development on its lands and to ensure sustainability, environmental consciousness and alignment with WFN's priorities and strategic goals. WFN continues to improve the safety of pedestrians and to encourage active transportation through the annual budgeting and construction of new sidewalks, bike lanes and streetlights.

Master Servicing Plans address water, wastewater, transportation, and asset management. They are used to assess existing infrastructure and determine what long-term upgrades will be required and help provide direction on future infrastructure and the funding strategies needed to deliver these services to the community.

The following Master Plans and guiding documents were completed: Parks and Trails Masterplan; Sanitary Masterplan; Asset Management Investment Plan; Pavement Management Survey; and Storm Water Maintenance Plan.

Other projects underway include: The Active Transportation Plan; Abel Reservoir Project; HVAC upgrades for WFN's water pumphouses; and the Campbell Road Sanitary improvements. Anticipated completion dates for these projects are in the latter part of 2019.

With respect to capital investment in the community a number of major projects were completed in the reporting period. A community core improvement project was completed in June of 2016. Sidewalks, landscaping, multi-use pathways, construction of an access road, improved traffic flow, and drop-off areas were constructed.

In January 2017, the grand opening of the WFN Youth Centre took place. At a cost of \$5.5 million, the 13,000 square foot building in the community core houses ten offices, a space for WFN's after school program, youth programming, early years, and a multi-use area.

The Westbank Child Development Centre ("WCDC"), which services 49 children ages 6 months to 5 years, was

renovated. Indoor and outdoor renovations were completed in March 2017 with further improvements planned in the near future. Planning is also underway for the WCDC to move to the community core in close proximity to WFN's school, the sən̓s̓yustən House of Learning and other amenities. This will provide for easier access and support for families with children in the early years programming.

In keeping with WFN's Housing Strategy, six new single family homes were completed in 2017 and four homes in early 2019. These homes were allotted through the process set out in the WFN *Allotment Law* 2006-03. Indigenous Services Canada provided \$608,000 for the Falcon Lane Phase 2 Servicing Work which consisted of road and utility extensions for WFN housing projects. This work was completed in 2018.

Expansion and renovation of the sən̓s̓yustən House of Learning, began during the summer of 2018. This \$8.8 million project was made possible with 84% funding from the Innovation Fund provided by Canada and \$1.45 million from WFN's reserve funds. WFN Members, as required by section 82 of the WFN *Constitution*, gave their approval for expenditure of these funds to support this project. In addition, WFN was a successful applicant for funding from the First Nations Clean Energy Business Fund through the Province of BC which enabled the renovation to include rooftop solar panels.

Finally, a community core multi-purpose sports court was completed in August 2018. Adjacent to the Youth Centre, the sports court includes a skate bowl, basketball hoops, hockey nets, player box seats and a pump track.

### **The Importance of Relationship Building and Key Partnerships**

WFN has always maintained that its success is tied to building good relationship and establishing key partnerships. During the reporting period a number of critical agreements and MOUs were updated and extended.

In May 2016, WFN and the City of West Kelowna (CWK) signed a 15-year Fire Protection Services Agreement with an optional 5-year extension. This is a mutually-beneficial agreement committed to providing stable and effective fire protection for both communities.

With respect to education, Council executed a new 5-year Local Education Agreement ("LEA") with representatives of School District No. 23 ("SD23") in May 2016. The LEA affirms and recognizes shared responsibilities, accountability and the benefits of WFN and the SD23 Board of Education working together for the success of First Nation students. WFN is one of the highest achieving First Nation communities in BC as evidenced by the number of students graduating with a Dogwood Diploma.

WFN also revisited its Partnership and Aboriginal Education Memorandum of Understanding ("MOU") with Okanagan College. This three year MOU was signed in March 2017 and supports Indigenous education through a collaborative approach to planning and developing services and programs.

For Westbank it is important that the culture and heritage of the syilx people is protected and celebrated. In June 2017, WFN and the Regional District of Central Okanagan signed



Community Core Path Between CS and YC



an MOU that ensures the protection and conservation of cultural heritage sites within regional parks.

With respect to children and families, a Service Delivery Agreement between WFN and the BC Ministry of Children and Family Development was updated and signed in October 2018. This Agreement ensures that WFN is involved in the planning and delivery of services to aboriginal families and children. It is important to note that WFN, as part of self-government, has not exercised jurisdiction over child and families as this remains a matter for future negotiations.

Finally, it is important for persons wishing to invest or provide services to persons investing on Westbank lands to understand how WFN government functions and how the process for lands management and development works. As has been done in previous years, an Economic Development Lands Conference was hosted in March 2017 with over 120 people attending. The conference provided key information and showcased WFN's economic strengths, plans for future growth and cultural orientation.

### **sncəwips Heritage Museum**

sncəwips Heritage Museum, owned and operated by WFN, is dedicated to collecting, preserving, restoring and interpreting



sncəwips Heritage Museum

art and artefact collections that reflect the heritage and natural history of the syilx/Okanagan People. It continues to form strong partnerships with various organizations and institutions. It is a respectful and inclusive environment that offers tours, training and education for local and international visitors, students, teachers, artists, historians and others. The museum continues to thrive and gain recognition throughout the Province of BC with the number of visitors reaching 7,000 annually. It is working collaboratively with the Province and other First Nation based museums on a Repatriation Policy.

### **Federal Fiscal Policy**

WFN together with other Self-governing Indigenous Governments ("SGIGs") have been involved with Canada in a collaborative process to develop a modern and improved Federal Fiscal Policy for Canada including negotiating fair and equitable fiscal arrangements between SGIGs and Canada based on "expenditure need". A new federal Policy was adopted by Canada in August 2019 which resulted in a significant increase in funding to most SGIGs for core governance. WFN funding in this area increased by approximately 26.86%. However, as agreed by SGIGs and Canada, a number of other matters to be set out in the annexes to the Policy remain to be concluded on a range of areas of jurisdiction as well as the consideration of own source revenue once the expenditure needs have been determined. Collaboration is ongoing between SGIGs and Canada to complete the annexes to the Policy on these other matters. One significant achievement of these negotiations was Canada enacting a 3 year moratorium on its Own Source Revenue ("OSR") while a review of the policy was undertaken. WFN and other SGIGs saw the policy as a disincentive for economic development. During the moratorium revenues generated outside of federal transfers will be retained by SGIGs and not used to offset federal transfers to WFN until the expenditure needs have been identified.

### **An Expanding Land Base**

The SGA includes provisions for additions to Westbank lands. There are two ways land can be added. First through an exchange of lands where the Crown initiates the exchange because it requires Westbank lands for a public purpose. This occurred at Westbank where the Province required Westbank lands for a highway improvement project to provide a safe travel corridor for the travelling public. This triggered section 92 of the SGA where WFN receives lands of equal size or value to replace the lands lost. WFN and Canada is currently adding 874.84 acres of land to Westbank lands. This process is covered in sections 92-95 of the SGA.

The second way is where Westbank initiates and requests an addition for lands acquired through fee simple and reversionary interest. This process is subject to Canada's policy for additions to reserve as set out in section 102 of the SGA.

### **Ongoing Work to Support Self-determination and the Recognition of Title and Rights**

WFN is a member community of the Okanagan Nation Alliance ("ONA") and the only self-governing community in the syilx Nation. WFN is working with other member bands of the ONA to advance collective title and rights through bilateral discussions with both Canada and BC including recognition and implementation of self-government by the syilx Nation. In addition to discussions on self-government, WFN is participating with other members of the syilx Nation concerning shared projects, natural resources, lands and water. One important project concerns BC Hydro's plan to construct a new transmission line through the syilx territory. WFN continues to be involved in these comprehensive negotiations to identify a potential route and ensure training opportunities, protection of environmental and cultural sites for the syilx peoples, as well as employment and other benefits for syilx Nation members.



## 2016 – 2017 FINANCIAL MANAGEMENT REPORT

### Surplus Up 80% from Previous Year

Consolidated revenues declined \$5.2 million (-12%) to \$37.1 million in 2017, while expenses declined by \$7.5 million or 19%. The difference of the two led to a bottom-line surplus of close to \$5 million; an 80% increase over the 2016 surplus of \$2.8 million.

Revenues were down in 2017 due primarily to the fact that in 2016, WFN received a one-time contributed asset (a portion of Sneena Road) valued at \$8 million. Expenses were also reduced substantially in 2017 as a one-time \$8.1 million business loss on the Lake Okanagan Wellness Centre (LOWC) lands was fully expensed in 2016. Of note too in 2017, \$300,000 was recovered from one of the LOWC principals in response to legal action taken by WFN.

Pine Acres Intermediate Care facility also contributed to the improved bottom line by moving from a \$650,000 loss in 2016 to a \$19,000 surplus in 2017.

Since self-government and as usual, WFN operated well within its approved budget. Actuals for operations budgeted to cost \$33.2 million came in \$1.1 million less at \$32.1 million. The biggest single item in the WFN budget is Wages, Salaries, and Benefits where a budget of \$14.8 million came in with actuals of \$14.6 million.

### Development Increase

2017 was one of the four busiest years ever for WFN for building permit approvals. 169 building permits were processed with a total construction value of \$45 million representing a 23% increase in the number of building

permits approved, and a 96% increase in total construction value, compared to 2016. The total construction value included \$38 million of residential construction, \$6 million commercial, and \$1 million of institutional construction.

### Net Financial Assets

Net Financial Assets is a key indicator of the financial health of a government. It is the net of all financial assets less all financial liabilities, including the current value of long term debt. Many, if not most governments, have more debt than they do financial assets creating a net financial liability. WFN, with its continuous run of surpluses, and low borrowing, is an exception, with net financial assets of \$33.8 million, an increase of \$2.2 million (7%) over the prior year.

### Tangible Capital Assets

Net (Tangible) Capital Assets include all the physical assets and infrastructure within the WFN community. They include buildings, housing, roads, sidewalks, water and sewer infrastructure, equipment, and vehicles, net of accumulated depreciation. Net Capital Assets increased close to \$2.9 million in 2017: \$5.3 million of new assets were added, offset by \$2.4 million of depreciation. The most substantial new item was the WFN Youth Centre.

### Accumulated Surplus

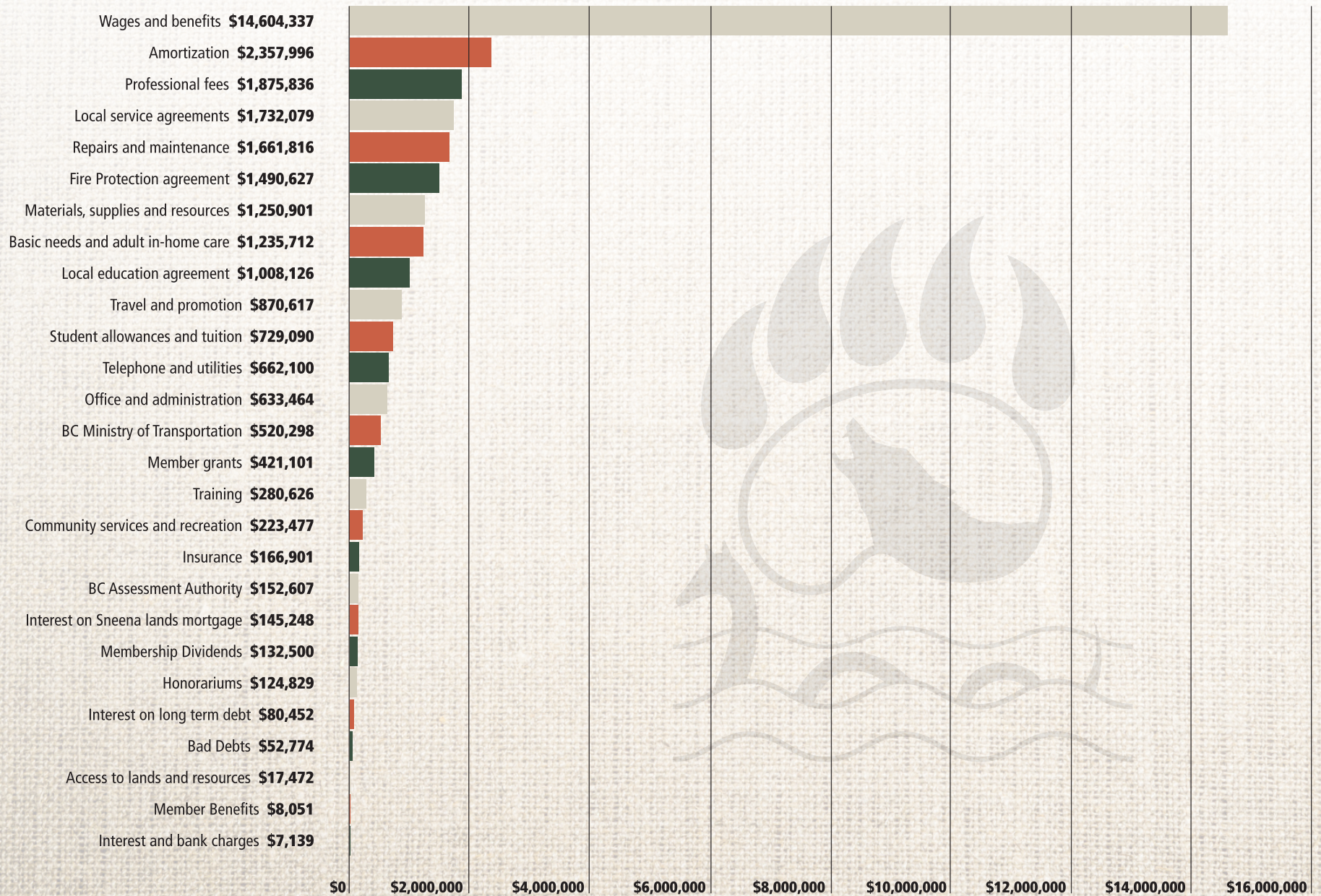
The Accumulated Surplus is the combination of the Financial Assets and Capital Assets along with some miscellaneous assets. WFN's accumulated surplus increased 5% to \$107.6 million in 2017.



Salmon Release

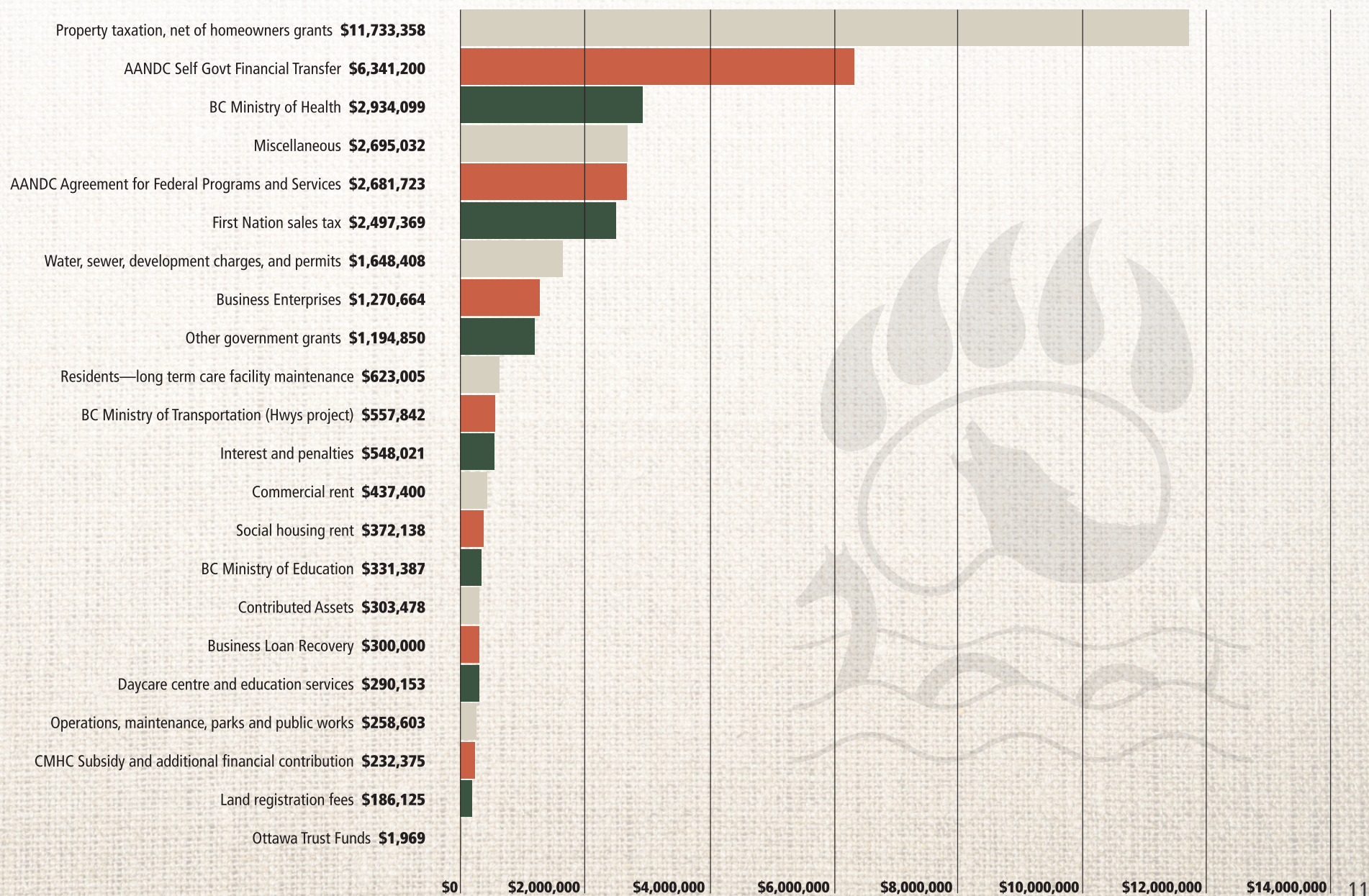


# W F N GOVERNMENT EXPENSES, 2016 – 2017





# WFN CONSOLIDATED GOVERNMENT REVENUES, 2016–2017









## 2017 – 2018 FINANCIAL MANAGEMENT REPORT

### 2018 was a Financially Stable Year Similar to 2017

2018 continued the trend of strong financial results achieved in 2017. Consolidated revenues increased by \$1 million (+2.8%) to \$38.2 million in 2018, largely due to growth in property taxes and increased funding for self-government from the Aboriginal Affairs and Northern Development Canada ("AANDC"). The hardworking WFN Finance Department collected over \$14 million in Property Tax revenues from 4,310 property owners in 2018.

As revenues grew, so did the related operating expenses by \$2.3 million (7.0%), leading to a bottom-line surplus of \$3.8 million in 2018 compared to \$5 million in 2017. Increased spending in 2018 included new investments in the Local Government Services, Education and Social Development

Pine Acres Intermediate Care Facility incurred a loss of \$209,000 in 2018 largely due to decreased occupancy stemming from the loss of use of beds following flooding that occurred in 2017.

As in 2017, in 2018, WFN operated well within its approved operating budget of \$35.9 million. Total spending on operational costs amounted to \$34.4 million, which was \$1.5 million less than approved in the budget. Again, the largest single line item in the WFN budget is for Wages and Benefits. \$16 million was budgeted for remuneration expenses. \$15.6 million was actually spent.

### Net Financial Assets

WFN, with its continuing run of surpluses over the years, and low amount of borrowing had net financial assets of \$36.4 million in 2018. This represents a healthy annual increase in net financial assets of \$2.7 million, or 7.9%, over the prior year.

### Tangible Capital Assets

Net Capital Assets increased by over \$700,000 in 2018 (\$3.2 million of new assets were added, offset by \$2.5 million of depreciation). Notable capital asset items completed in 2018 included: Shannon Lake Road sidewalk, Falcon

Lane housing and the design of the sēnsisyustēn School expansion. The community core multi-use park, the school expansion construction and further Falcon Lane housing were the significant drivers of further capital spending in 2018, and will be beyond as WFN continues on its growth trajectory as planned.

### Accumulated Surplus

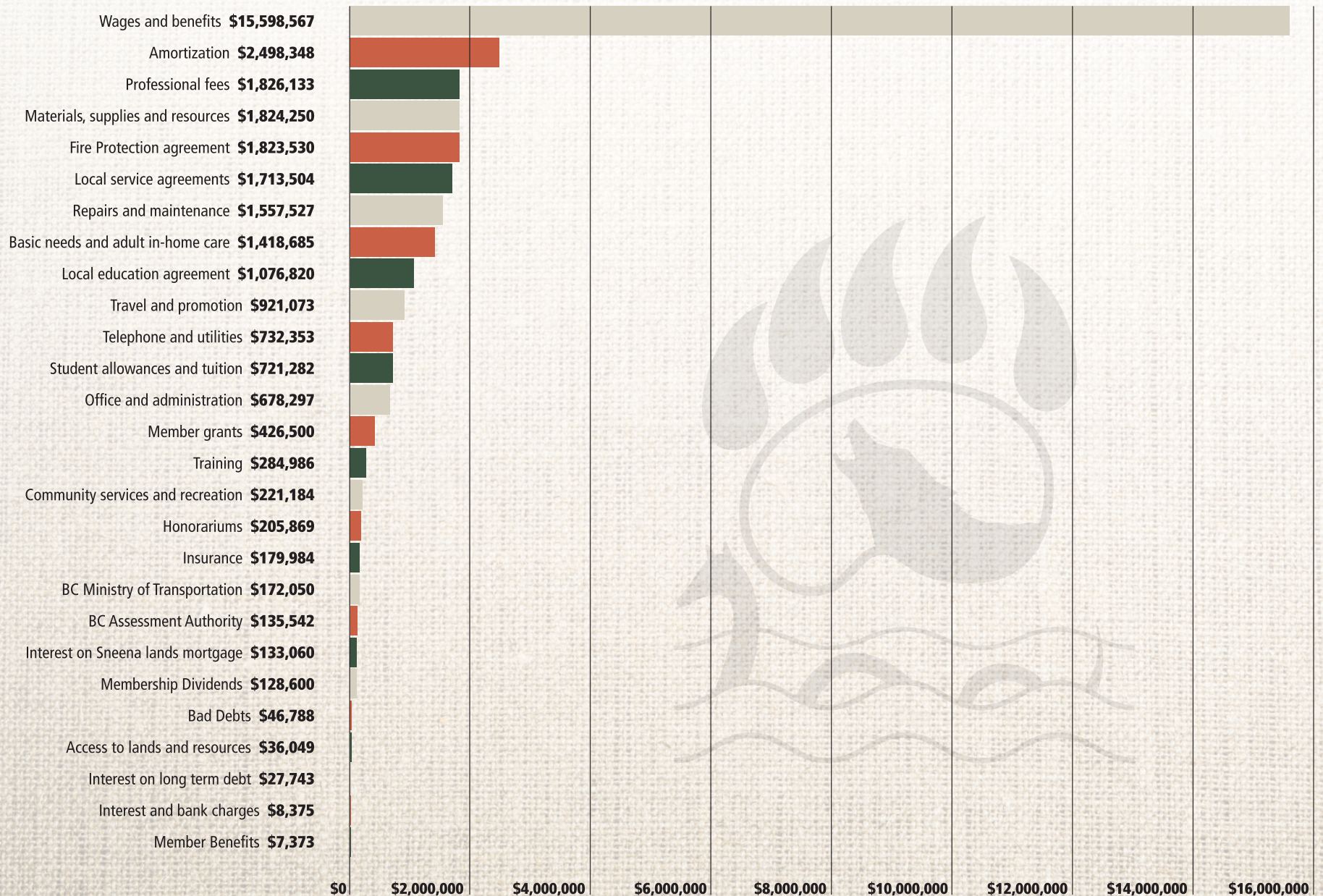
WFN's accumulated surplus increased 3.5% to \$111.3 million in 2018.



Youth Centre Grand Opening

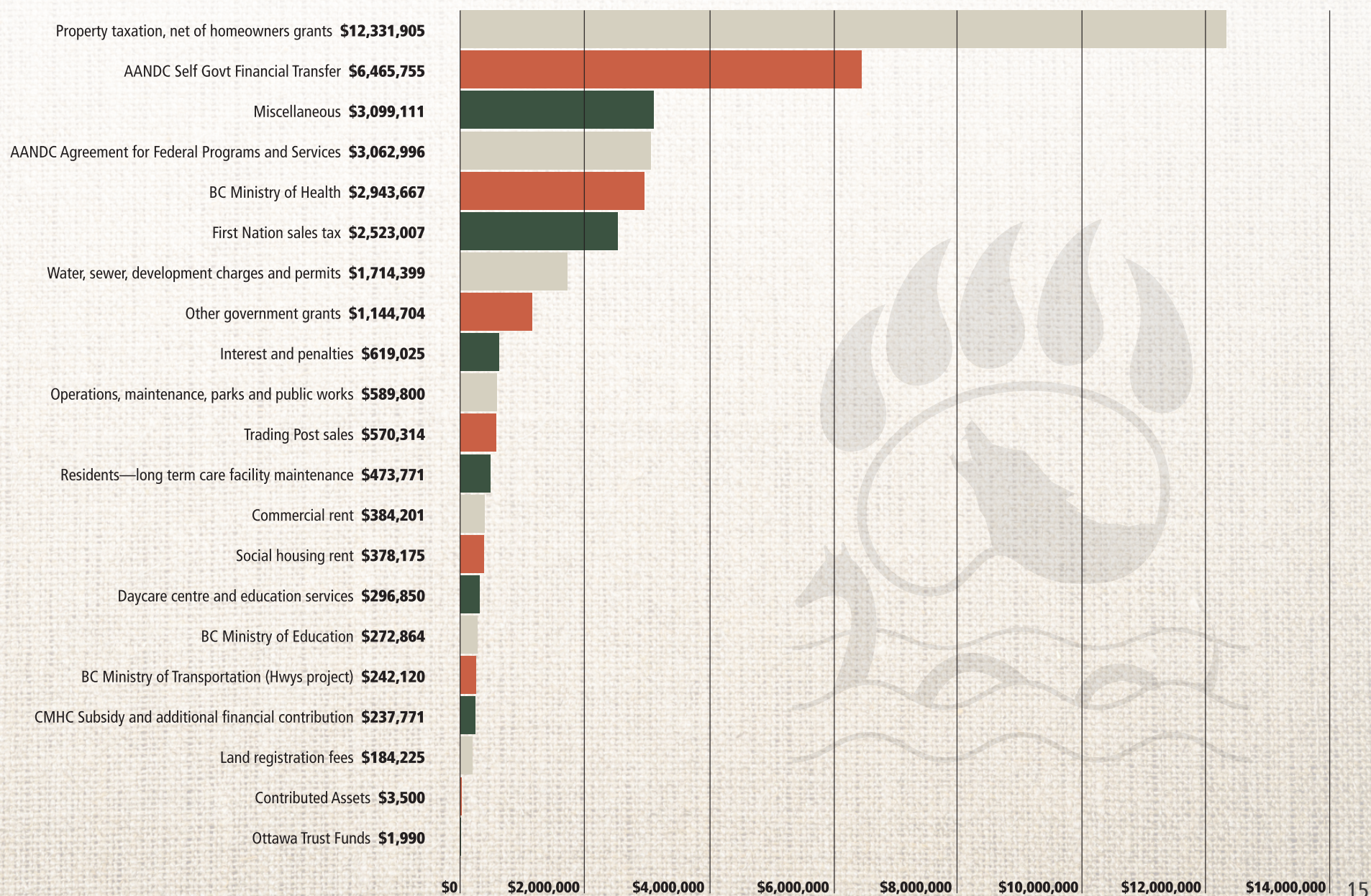


# W F N GOVERNMENT EXPENSES, 2017 – 2018





# 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 7 – 2 0 1 8









### Surplus Up from Previous Year

Financially, 2019 was a strong year for WFN Government, with large increases in revenue significantly surpassing the financial results achieved in 2018. While consolidated revenues increased \$11.9 million (+31%) to \$50.08 million, expenses increased by \$3.59 million or 10%. The difference between the two led to a bottom line surplus of just over \$12 million; an increase of \$8.31 million over 2018.

WFN's revenue increase in 2019 was largely due to some non-recurring and non-cash items. It is important to note that the non-cash items of \$3.4 million contribute to the revenue and surplus reported on the financial statements but do not provide cash flow for WFN. The contributed assets of \$1.1 million are recorded as assets and increase WFN's equity in capital assets since they were contributed by developers. The Federal Government also forgave the accumulated debt to support treaty negotiations (Treaty Debt) of \$2.3 million that has been on the balance sheet for years. This reduced WFN's overall liabilities, with no increase in cash.

The majority of the increase in the Federal grant funding was for the s̓ansisyust̓en School Renovation, which is not recurring funding, although it will continue into the 2020 fiscal year. This is reported as an increase in revenue but where the actual cash is used to add to the WFN capital assets increasing the equity in those capital assets.

WFN operated slightly over its budgeted operating expenses of \$37.2 million in 2019. Expenditures were \$.75 million more at \$37.99 million. This was largely due to increased expenses funded from additional grant revenues received

during the year. Overall, there was an increase in expenses of \$3.6M (10.43%) in 2019 compared to 2018. Overall the net surplus increase in 2019 was \$12.09 million.

### Net Financial Assets

WFN, with its history of surpluses and low borrowing, had net financial assets of \$42.4 million in 2019; an increase of \$6 million (17%) over the prior year. This is mostly due to the large investment in capital assets funded primarily by Federal grants.

### Tangible Capital Assets

Net Capital Assets increased by over \$6.04 million in 2019, \$8.68 million of new assets were added, offset by \$2.65 million of depreciation. Additional capital spending is expected to continue as WFN remains on its trajectory of growth.

### Accumulated Surplus

WFN's accumulated surplus increased 9.8% to \$123.44 million in 2019. The Accumulated Surplus is the combination of the Financial Assets and Capital Assets along with some miscellaneous assets. The majority of WFN's surplus is in equity in tangible capital assets (\$73.13 million) and reserves (\$29.32 internally restricted surplus).

### Strategic Planning

The priorities for the WFN Government are set out in the strategic plan and budget for the year. Council identifies the priorities in the Strategic Plan and the operating and capital budgets are based on that plan. WFN continues to look

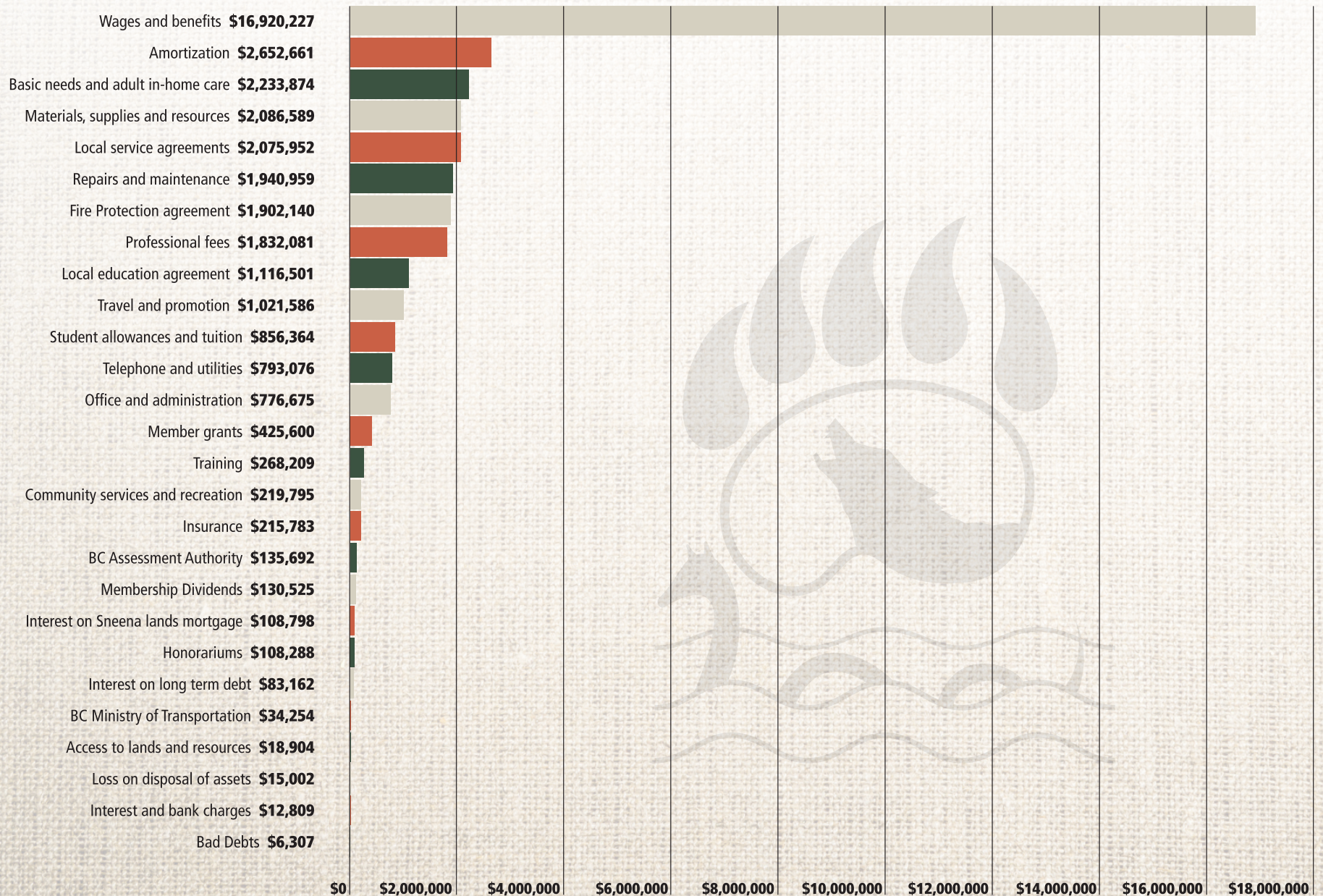
forward and prepares a five year capital plan to ensure the identification of any key capital projects in the future. WFN continues to improve on its internal governance, standards, efficiency and policies. Strong governance and strategic planning is key to the success of WFN.



Tsuut'ina Nation Liaison

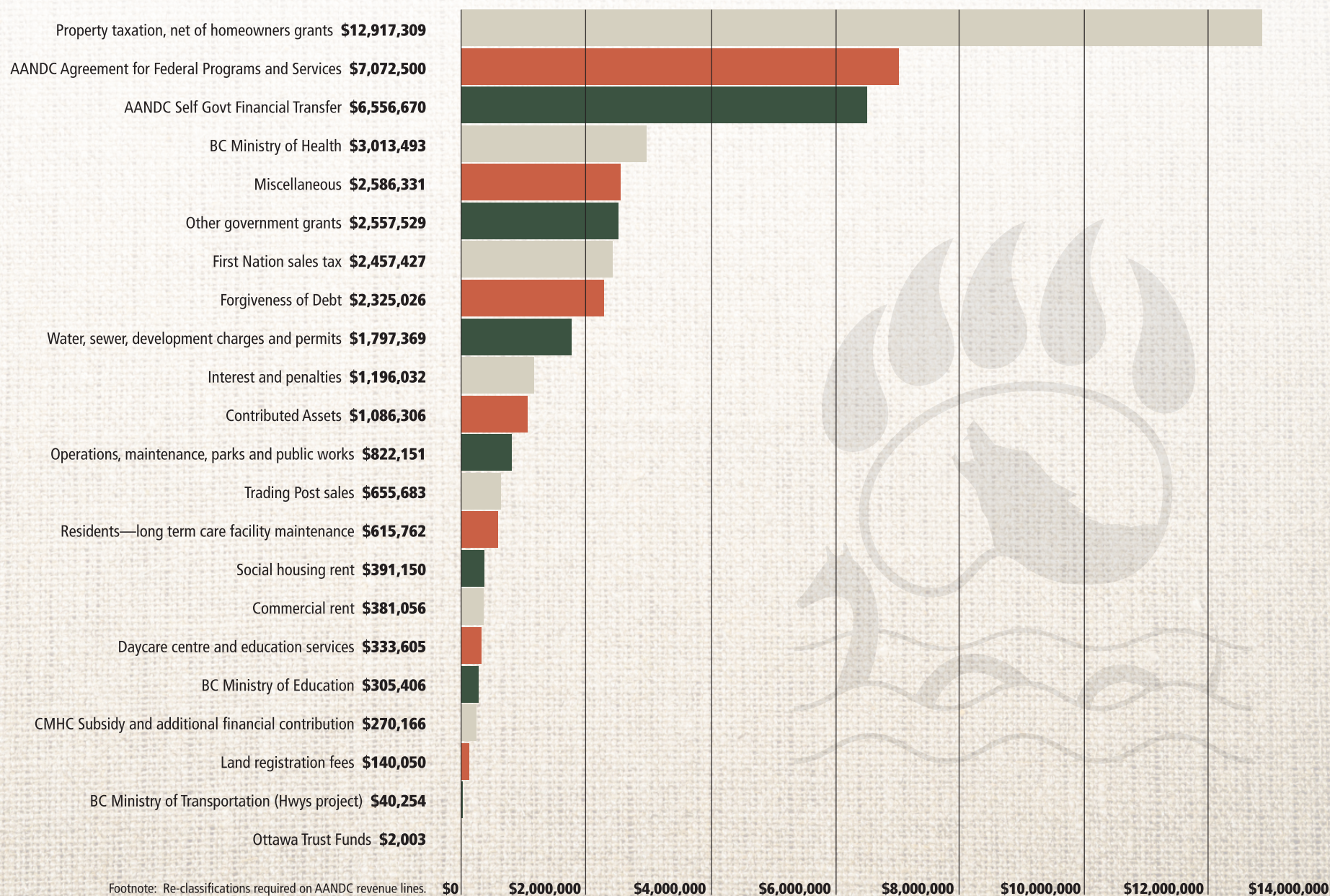


# WFN GOVERNMENT EXPENSES, 2018-2019





# WFN CONSOLIDATED GOVERNMENT REVENUES, 2018–2019











## ACKNOWLEDGEMENTS

Jeniffer Bellingham  
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Pat Leitch  
Micha Menczer  
Dale Peg  
Dr. Tim Raybould





Canada

Westbank First Nation Government | [www.wfn.ca](http://www.wfn.ca)

Government of Canada | [www.ainc-inac.gc.ca](http://www.ainc-inac.gc.ca)