

REGIONAL DISTRICT OF CENTRAL OKANAGAN

BY-LAW NO. 197

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A by-law to authorize the entering into of an Agreement respecting financing between the Regional District of Central Okanagan and the Municipal Finance Authority of British Columbia

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WHEREAS the Authority may provide financing of capital requirements for Regional Districts and for their member municipalities by the issue of debentures, or other evidence of indebtedness of the Authority and lending the proceeds therefrom to the Regional District on whose request the financing is undertaken.

AND WHEREAS pursuant to the provisions of Section 797 of the "Municipal Act", the amount of borrowing authorized by each of the following loan authorization by-laws, the amount already borrowed under the authority thereof, the amount of authorization to borrow remaining thereunder and the amount being issued under the authority thereof by this by-law is as follows:

<u>R.D. L/A</u> <u>By-law</u> <u>Number</u>	<u>Purpose</u>	<u>Amount of</u> <u>Borrowing</u> <u>Authorized</u>	<u>Amount</u> <u>Already</u> <u>Borrowed</u>	<u>Borrowing</u> <u>Authority</u> <u>Remaining</u>	<u>Amount</u> <u>of</u> <u>Issue</u>	<u>Term</u> <u>of</u> <u>Issue</u>
130	West Kelowna Fire	\$ 100,000.	\$83,200.	\$ 16,800.	\$12,000.	20
168	Ellison Fire Protection	180,000.	110,000.	70,000.	59,000.	20
180	Westside Sanitary Landfill	40,000.	25,000.	15,000.	<u>10,000.</u>	10
Total Financing pursuant to Section 797					<u>\$81,000.</u>	

AND WHEREAS the City of Kelowna is a member municipality of the Regional District

AND WHEREAS the Regional District is to finance from time to time on behalf of and at the sole cost of the member municipalities, pursuant to the provisions of Section 798 of the "Municipal Act" the works to be financed pursuant to the following security issuing by-laws.

<u>Municipality</u>	<u>Security Issuing By-law No.</u>	<u>Amount</u>
City of Kelowna	4903-80	\$2,515,000.00
Total Financing pursuant to Section 798		<u>\$2,515,000.00</u>
Grand Total Financing pursuant to Sections 798 & 797		<u>\$2,596,000.00</u>

AND/

AND WHEREAS the Regional Board, by this by-law, hereby requests that such financing shall be undertaken through the Authority.

NOW THEREFORE the Regional Board of the Regional District of Central Okanagan in open meeting assembled enacts as follows:

1. The Authority is hereby requested and authorized to finance from time to time the aforesaid undertakings at the sole cost and on behalf of the Central Okanagan Regional District and its member municipalities hereinbefore referred to, in Canadian dollars or in such other currency or currencies as the Authority shall determine so that the amount realized does not exceed Two Million Five hundred Ninety-Six thousand -----(\$2,596,000.00)----Dollars, in Canadian Dollars and/or the equivalent thereto and at such interest and with such discounts or premiums and expenses as the Authority may deem consistent with the suitability of the money market for the sale of securities of the Authority.
2. Upon completion by the Authority of financing undertaken pursuant hereto, the Chairman and Treasurer of the Regional District, on behalf of the Regional District and under its seal shall, at such time or times as the Trustees of the Authority may request, enter into and deliver to the Authority one or more agreements which said agreement or agreements shall be substantially in the form annexed hereto as "Schedule 'A'" and made part of the By-law (such Agreement or Agreements as may be entered into, delivered or substituted hereinafter referred to as the "Agreement") providing for payment by the Regional District to the Authority of the amounts required to meet the obligations of the Authority with respect to its borrowings undertaken pursuant hereto, which Agreement shall rank as debenture debt of the Regional District.
3. The Agreement in the form of Schedule 'A' shall be dated and payable in the principal amount or amounts of money in Canadian Dollars or as the Authority shall determine and subject to the Municipal Act, in such other currency or currencies as shall be borrowed by the Authority pursuant to Section 1 and shall set out the schedule or repayment of the principal amount together with interest on unpaid amounts as shall be determined by the Treasurer of the Authority.
4. The obligation incurred under the said Agreement shall bear interest from a date specified therein, which date shall be determined by the Treasurer of the Authority and shall bear interest at a rate to be determined by the Treasurer of the Authority.
5. The Agreement shall be sealed with the seal of the Regional District and shall bear the signatures of the Chairman and Treasurer.
6. The obligations incurred under the said Agreement as to both principal and interest shall be payable at the Head Office of the Authority in Victoria and at such time or times as shall be determined by the treasurer of the Authority.
7. (a) If during the currency of the obligations incurred under the said Agreement to secure borrowings in respect of By-law Numbers 130, 168 and 180, the anticipated revenues accruing to the Regional District from the operation of the West Kelowna Fire Protection, Ellison Fire Protection and Westside Sanitary Landfill, are at any time insufficient to meet the annual payment of interest and the repayment of principal in any year, there shall be requisitioned an amount sufficient to meet such insufficiency.  
  
(b) During the currency of the obligation incurred under the said Agreement to secure borrowings in respect of the City of Kelowna Security Issuing By-law No. 4903-80 there shall be requisitioned annually an amount sufficient to meet the annual payment of interest and the repayment of principal.

8. The Regional District shall provide and pay over to the Authority such sums as are required to discharge its obligations in accordance with the terms of the Agreement, provided however that if the sums provided for in the Agreement are not sufficient to meet the obligations of the Authority, any deficiency in meeting such obligations shall be a liability of the Regional District to the Authority and the Regional District shall make provision to discharge such liability.

9. At the request of the Treasurer of the Authority and pursuant to Section 13 of the Municipal Finance Authority Act, the Regional District shall pay over to the Authority such sums and execute and deliver such promissory notes as are required pursuant to said Section 13 of the Municipal Finance Authority of British Columbia Act, to form part of the Debt Reserve Fund established by the Authority in connection with the financing undertaken by the Authority on behalf of the Regional District pursuant to the Agreement.

10. This by-law may be cited as "Regional District of Central Okanagan Security Issuing By-law No. 197 , 1980".

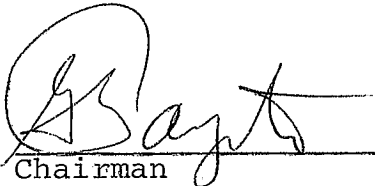
READ A FIRST TIME THIS 11th DAY OF August ,1980.

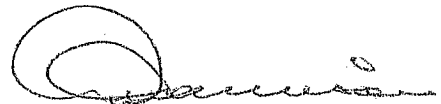
READ A SECOND TIME THIS 11th DAY OF August ,1980.

READ A THIRD TIME THIS 11th DAY OF August ,1980.

Received the approval of the Inspector of Municipalities this 22nd day of August ,1980.

RECONSIDERED, FINALLY PASSED AND ADOPTED THIS 8th DAY OF September ,1980.

  
Chairman

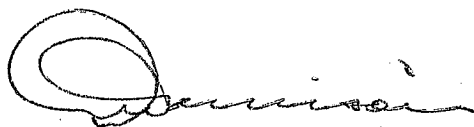
  
Secretary

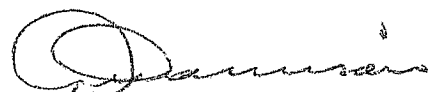
I hereby certify the foregoing to be a true and correct copy of By-law No. 197 , cited as "Regional District of Central Okanagan Security Issuing By-law No.197 , as read a third time this 11th day of August ,1980.

Dated at Kelowna, British Columbia, this 12th day of August 1980.

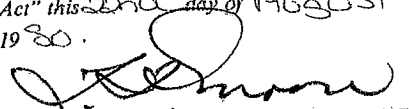
I hereby certify the foregoing to be a true and correct copy of By-law No. 197 cited as "Regional District of Central Okanagan Security Issuing By-law No. 197 , 1980 as reconsidered, finally passed and adopted this 8th day of September , 1980.

Dated at Kelowna, British Columbia this 10th day of September ,1980.

  
Secretary

  
Secretary

Approved pursuant to the provisions of section 337 of the "Municipal Act" this 22nd day of August 1980.

  
Assistant Deputy Inspector of Municipalities

C A N A D A

PROVINCE OF BRITISH COLUMBIA

A G R E E M E N T

REGIONAL DISTRICT OF CENTRAL OKANAGAN

The Regional District of Central Okanagan (The "Regional District") hereby promises to pay to the Municipal Finance Authority of British Columbia at its Head Office in Victoria, British Columbia (The "Authority") the sum of

Two Million Five Hundred Ninety-Six Thousand---(\$2,596,000.00)--Dollars

in lawful money of Canada, United States of America or United Kingdom together with interest thereon from the \_\_\_\_\_ day of \_\_\_\_\_ at varying rates of Interest calculated semi-annually in each and every year during the currency of this Agreement; and payments shall be as specified in the table appearing on the reverse hereof commencing on the \_\_\_\_\_ day of \_\_\_\_\_ provided that in the event the payments of principal and interest hereunder are insufficient to satisfy the obligations of the Authority undertaken on behalf of the Regional District, the Regional District shall pay over to the Authority such further sums as are sufficient to discharge the obligations of the Regional District to the Authority.

Dated at \_\_\_\_\_, British Columbia, this \_\_\_\_\_ day of \_\_\_\_\_, 1980.

IN TESTIMONY WHEREOF and under the authority of By-law No. 197 cited as "Regional District of Central Okanagan Security Issuing By-law No. 197 , 1980". This Agreement is sealed with the Corporate Seal of the Regional District of Central Okanagan and signed by the Chairman and Treasurer thereof.

\_\_\_\_\_  
Chairman

\_\_\_\_\_  
Treasurer

In pursuance of the "Municipal Act" I hereby certify that the within Agreement has been lawfully and validly made and issued and that its validity is not open to be questioned on any ground whatever in any of the Courts of the Province of British Columbia.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 1980.

\_\_\_\_\_  
Inspector of Municipalities.