

# REGIONAL DISTRICT OF CENTRAL OKANAGAN

## BYLAW NO. 1070

A bylaw 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.

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 to the Regional District on whose request the financing is undertaken.

AND WHEREAS pursuant to the provisions of Section 833 of the "Local Government Act", the amount of borrowing authorized by each of the following loan authorization bylaws, 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 bylaw is as follows:

RD L/A Bylaw	Purpose	Amount of Borrowing Authorized	Amount Already Borrowed	Borrowing Authority Remaining	Amount of Issue	Term of Issue
1034	Westbank Sewer #203	\$ 101,125.00	\$ nil	\$ 101,125.00	\$ 60,000.00	20 yrs
946/ 997	Lakcview Sewer #701	5,800,000.00	nil	5,800,000.00	952,125.00	20 yrs
907	Traders/Pine Point Jenny Creek Fire	250,000.00	nil	250,000.00	199,430.00	10 yrs
1045	Brent Rd. Fire	56,700.00	nil	56,700.00	<u>50,824.00</u>	5 yrs
<b>TOTAL FINANCING pursuant to Section 833</b>					<b>\$ 1,262,379.00</b>	

AND WHEREAS the Regional Board, by this bylaw, 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 Regional District of Central Okanagan 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 One Million Two Hundred Sixty Two Thousand Three Hundred Seventy Nine Dollars (\$1,262,379.00), in Canadian dollars and/or the equivalent there to and at such interest and with such discounts or premiums and expense as the Authority may deem consistent with the money market for the sale of securities of the Authority.

2. Upon completion by the Authority of financing undertaken pursuant hereto, the Chair and the Treasurer of the Regional District, on behalf of the Regional District and under its seal shall, at such time or times that 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 Bylaw (such Agreement or Agreements as may be entered into, delivered or substituted hereinafter referred to as "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 Local Government Act, in such other currency or currencies as shall be borrowed by the Authority pursuant to Section 1 and shall set out the schedule of 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 Chair 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. If during the currency of the obligation incurred under the said Agreement to secure borrowings in respect of Bylaws 1034, 946 as amended by 997, 907 and 1045 the anticipated revenues accruing to the Regional District from the operation of Westbank Sewer #203, Lakeview Sewer #701, Traders/Pine Point/Jenny Creek Fire, and Brent Road Fire are insufficient to meet the annual repayment of interest and the repayment of principal in any year, there shall be requisitioned an amount sufficient to meet any such insufficiency.

8. The Regional District shall provide and pay over to the Authority such sums as 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, and 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 15 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 Section 15 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.

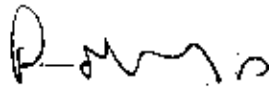
10. This bylaw may be cited as "Regional District of Central Okanagan Security Issuing Bylaw No. 1070, 2004".

READ A FIRST TIME THIS 26<sup>th</sup> DAY OF JULY, 2004.

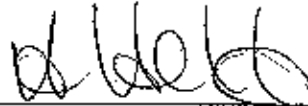
READ A SECOND TIME THIS 26<sup>th</sup> DAY OF JULY, 2004.

READ A THIRD TIME THIS 26<sup>th</sup> DAY OF JULY, 2004.

RECONSIDERED AND ADOPTED THIS 26<sup>th</sup> DAY OF JULY, 2004.



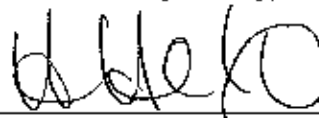
**CHAIRPERSON**



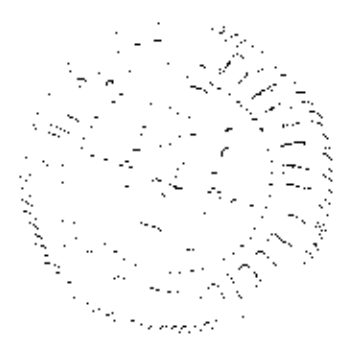
**DIRECTOR OF CORPORATE SERVICES**

I hereby certify the foregoing to be a true and correct copy of Bylaw No. cited as the "Regional District of Central Okanagan Security Issuing Bylaw No. 1070, 2004" as read a first, second and third time and adopted by the Regional Board on the 26<sup>th</sup> day of July, 2004.

Dated at Kelowna, B.C. this  
27<sup>th</sup> day of July, 2004.



**DIRECTOR OF CORPORATE SERVICES**



**SCHEDULE 'A'**

**CANADA**

**PROVINCE OF BRITISH COLUMBIA**

**AGREEMENT**

**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 (the "Authority") at its Head Office in Victoria, British Columbia the sum of One Million Two Hundred Sixty Two Thousand Three Hundred Seventy Nine Dollars (\$1,262,379.00) in lawful money of Canada, together with interest thereon from the day of 2004, at varying rates of interest calculated semi-annually in each and every year during the currency of this Agreement; and payments of principal and interest shall be as specified in the table appearing on the reverse hereof commencing on the day of 2004, provided 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 satisfy the obligations of the Regional District to the Authority.

Dated at Kelowna, British Columbia, this            day of            , 2004.

IN TESTIMONY WHEREOF and under the authority of Bylaw No. 1070 cited as "Regional District of Central Okanagan Security Issuing Bylaw No. 1070, 2004". This Agreement is sealed with the Corporate Seal of the Regional District of Central Okanagan and signed by the Chairperson and Treasurer thereof.

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**CHAIRPERSON**

\_\_\_\_\_  
**TREASURER**

Pursuant to the "Local Government Act", I hereby certify that the within Agreement has been lawfully and validly made and issued and that its validity is not open to question on any ground whatever in any court of the Province of British Columbia.

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**INSPECTOR OF MUNICIPALITIES**

{Security Bylaw}