

DATE: December __, 2020

FILE: 1750-25

TO: Chair and Directors
Regional District Board

FROM: Russell Dyson
Chief Administrative Officer

Supported by J. Warren Acting
Chief Administrative Officer

J. Warren

RE: Long Term Borrowing Security Issue Spring 2021

Purpose

To provide the Board with information regarding the Comox Valley Regional District's (CVRD) participation in the Municipal Finance Authority's (MFA) long-term borrowing spring 2021 issue.

Recommendation from the Chief Administrative Officer:

THAT Bylaw number 634, being "Comox Valley Regional District Security Issue Bylaw No. 634, 2021", be forwarded to the Comox Valley Regional Board for first, second and third readings and final adoption.

Executive Summary

- In 2014 the CSWM Board adopted a loan authorization bylaw to borrow up to \$45,295,000 for the completion of three strategic capital projects:
 - Comox Valley Waste Management (CVWM) – historical landfill closure \$10,620,000
 - Comox Valley Waste Management (CVWM) – new engineered landfill and leachate treatment \$21,550,000
 - Campbell River Waste Management (CRWM) – historic landfill closure \$13,125,000
- In the spring of 2020, the CSWM entered into long term debt in the amount of \$8,126,263 as the CVWM had completed the historical landfill closure project. The CVWM new engineered landfill for cell 1 and leachate treatment project has also been completed and is entering into long term debt in the spring 2021 MFA debt issue in the amount of \$14,419,192. Per the *Local Government Act, section 411 (1)*, a security issuing bylaw is required before the CVRD can enter into a long-term debt agreement with MFA.
- The CRWM historical landfill closure project will be completed during 2021 and is planning on entering into long term debt in the fall 2021 MFA long term debt issue for just under \$12,000,000. This will complete the utilization of this borrowing bylaw.

Through careful project management, annual operating surpluses that provided additional funding to the capital reserves in recent years, lower than anticipated debt interest rates, the total amount of long debt needed will be approximately \$11,000,000 less than what was approved. This results in a significant reduction in the amount of long term debt entered into, and will also reduce the future debt servicing costs.

- The solid waste service has been undertaking a significant capital plan for the closure of historical landfills across the region and the building of a new landfill in the Comox Valley, of which the funding is being balanced between reserves and debt to ensure fairness between current and future taxpayers in addition to future stability in the requisition and tipping fees.

- The adoption of Comox Valley Regional District Security Issuing Bylaw No. 634, 2020 will provide the authority to enter into the spring 2021 MFA debenture issue in the amount of \$14,419,192 with terms of 20 years as outlined in Appendix A.

Prepared by:

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Concurrence:

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Concurrence:

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Attachments:

Appendix A – Authorized and issued borrowing for MFA Spring 2021 Issue
Bylaw No. 634, being “Regional District Security Issuing Bylaw No. 634, 2021”

Authorized and Issued Borrowing for MFA Spring 2020 Issue

Appendix A

L/A Bylaw No.	Purpose	Amount of Borrowing Authorized	Amount Already Borrowed	Borrowing Authority Remaining	Term of Issue	Amount of Issue	MFA Indicative Market Rate (at Dec 9, 2020)	Debt Issue Expense (one time)	Annual Principal Payment	Annual Interest Payment
351	Capital projects in the Comox Strathcona Waste Management Service	\$45,295,000	\$8,126,263	\$37,167,737	20 years	\$14,419,192	1.64%	\$144,192	\$608,363	\$236,474
	Total	\$45,292,000	\$8,126,263	\$37,167,737		\$14,419,192		\$144,192	\$608,363	\$236,474

COMOX VALLEY REGIONAL DISTRICT

BYLAW NO. 634

A bylaw to authorize the entering into an agreement respecting financing between the Comox Valley Regional District and the Municipal Finance Authority of British Columbia

WHEREAS the Municipal Finance Authority of British Columbia (the Authority) may provide financing of capital requirements for regional districts 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 under the provisions of Section 411 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;

AND WHEREAS the table contained in this bylaw is to provide clarity and information for the purposes of this bylaw;

AND WHEREAS the Board, by this bylaw, hereby requests such financing shall be undertaken through the Authority;

NOW THEREFORE the Board of the Comox Valley Regional District in open meeting assembled enacts as follows:

Comox Valley Regional District Loan Authorization Bylaws:

L/A Bylaw Number	Purpose	Amount of Borrowing Authorized	Amount Already Borrowed	Borrowing Authority Remaining	Term of Issue	Amount of Issue
351	Capital projects in the Comox Strathcona Waste Management Service	\$45,295,000	\$8,126,263	\$37,168,737	20 years	\$14,419,192
	Total	\$45,295,000	\$8,126,263	\$37,167,737		\$14,419,192

1. The Authority is hereby requested and authorized to finance from time to time the above noted undertakings, and further described in the Regional District Loan Authorization Bylaws table, at the sole cost and on behalf of the Regional District and its member municipalities up to, but not exceeding Fourteen Million, Four Hundred Nineteen Thousand, One Hundred and Ninety Two Dollars **(\$14,419,192)**, in lawful money of Canada (provided that the Regional District may borrow all or part of such amount in such currency as the Trustees of the Authority shall determine but the aggregate amount in lawful money of Canada and in Canadian Dollar equivalents so borrowed shall not exceed \$14,419,192 in Canadian Dollars) at such interest and with such discounts or premiums and expenses as the Authority may deem appropriate in consideration of the market and economic conditions pertaining.

2. Upon completion by the Authority of financing undertaken pursuant hereto, the Chair and officer assigned the responsibility of financial administration 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 this bylaw (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 monies and in Canadian dollars or as the Authority shall determine and subject to the *Local Government Act*, in such currency or currencies as shall be borrowed by the Authority under 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 signature of the Chair and the officer assigned the responsibility of financial administration of the Regional District.
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 Saanich and at such time or times as shall be determined by the Treasurer of the Authority.
7. During the currency of the obligations incurred under the said Agreement to secure borrowings in respect of the Comox Valley Regional District Loan Authorization Bylaw No:
 - 351 being "Comox Strathcona Regional Solid Waste Management Service" Loan Authorization Bylaw No. 351, 2014

if the anticipated revenues accruing to the Regional District from the operations of the:

- Comox Strathcona Regional Solid Waste Management Service

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.

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 Board of the Regional District shall make due provision to discharge such liability.

9. The Regional District shall pay over to the Authority at such time or times as the Treasurer of the Authority so directs such sums as are required pursuant to Section 15 of the *Municipal Finance Authority Act* to be paid into 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.

Citation

This Bylaw No. 634 may be cited as “Regional District Security Issuing Bylaw No. 634, 2021”.

Read a first and second time this	day of	2020.
Read a third time this	day of	2020.
Adopted this	day of	2021.

Chair

Corporate Legislative Officer

I hereby certify the foregoing to be a true and correct copy of Bylaw No. 634 being “Comox Valley Regional District Security Issuing Bylaw No. 634, 2020” as adopted by the Board of the Comox Valley Regional District on the _____ day of _____, 2021.

Corporate Legislative Officer

Schedule A to Bylaw No. _____

CANADA
PROVINCE OF BRITISH COLUMBIA
AGREEMENT

Comox Valley Regional District

The Regional District of _____ (the “Regional District”) hereby promises to pay to the Municipal Finance Authority of British Columbia (the “Authority”) at its Head Office in Saanich, British Columbia, the sum of _____ DOLLARS (\$_____) in lawful money of Canada, together with interest thereon from the ____ day of _____ 20__, 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 schedule attached commencing on the ____ day of _____ 20__, 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 _____, 2020.

IN TESTIMONY WHEREOF and under the authority of

Bylaw # _____ cited as

“ _____

_____”

this Agreement is sealed with the Corporate Seal of signed by the Chair and Treasurer thereof.

Chair

Treasurer

Pursuant to the *Local Government Act*, I 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 whatsoever in any court of the Province of British Columbia.

Deputy Inspector of Municipalities of British Columbia

PRINCIPAL AND/OR SINKING FUND DEPOSIT AND INTEREST PAYMENTS

Date of Payment	Total Payment	Principal/Sinking Fund Deposit	Interest
	\$	\$	\$
	\$	\$	\$
	\$	\$	\$