

**DATE:** May 20, 2021

**FILE:** 1750-25

**TO:** Chair and Directors  
Regional District Board

**FROM:** Russell Dyson  
Chief Administrative Officer

Supported by R. Dyson  
Chief Administrative Officer

***R. Dyson***

**RE:** Long Term Borrowing Security Issue Fall 2021 - CVRD

### **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 Fall 2021 issue.

### **Recommendation from the Chief Administrative Officer:**

THAT Bylaw number 655, being "Comox Valley Regional District Security Issuing Bylaw No. 655, 2021", be forwarded to the Comox Valley Regional Board for first, second and third readings and final adoption.

### **Executive Summary**

- In 2017 the CVRD Board adopted a loan authorization bylaw to borrow up to \$29,000,000 for the construction of the Water Treatment facility which was identified as a strategic capital project for the Comox Valley providing potable water to 45,000+ residents in the region.
- The water treatment system's significant capital budget of \$126,000,000 is funded by a strategic mix of grants, reserves and long term debt. The \$59,820,319 in grant funding, \$37,179,681 from reserves and long term debt of \$29,000,000 ensure that both current and future users of the system fund the project costs equitably. The water treatment system will provide service life to the Comox Valley region for an estimated 50 or more years and eliminates previous ongoing boil water advisories in the region. The CVRD was fortunate to receive a significant grant to offset the costs to the residents for the construction of this integral community project.
- The water treatment system will be completed and fully commissioned during the 2021 fiscal year, therefore transferring \$20,000,000 of currently utilized short-term construction borrowing to long-term in fall 2021 allows the CVRD flexibility to capitalize on the lower interest rates for the expenditures already incurred, minimizes construction financing costs, while minimizing the exposure to possible future higher rates for the expenditures necessary to complete the project.
- The remaining debt funding of up to \$9,000,000 budgeted to fund the project to completion is targeted to be transferred to long-term in the spring 2022 MFA debt issue. The final amount will be based on final costs of project completion to a maximum project budget of \$126 million; if project costs were under the total project budget this would reduce this final debt transfer.
- 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 adoption of CVRD Security Issuing Bylaw No. 655, 2021 will provide the authority to enter into the fall 2021 MFA debenture issue in the amount of \$20,000,000 with a repayment term over 20 years as outlined in Appendix A.

- The fall issue funds will be released to the CVRD and will be utilized to pay off the short term construction financing. Semi-annual debt servicing payments will be paid to the MFA from the Comox Valley water service based on stated interest rates at the time of issue. Current long-term borrowing rates are 2.41 per cent, and are expected to be in a similar range in fall 2021 based on recent discussions with MFA.

Prepared by:

***K. Broughton***

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Kelly Broughton  
Senior Accounting Technician  
Financial Planning

Concurrence:

***K. Douville***

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Kevin Douville, B.Comm  
Manager of Financial  
Planning

Concurrence:

***M. Foort***

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Myriah Foort, BBA, CPA, CA  
Chief Financial Officer

**Attachments:**

Appendix A – Authorized and issued borrowing for MFA Fall 2021 Issue  
Bylaw No. 655, being “Regional District Security Issuing Bylaw No. 655, 2021”

**COMOX VALLEY REGIONAL DISTRICT****BYLAW NO. 655****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:**

<b>L/A Bylaw Number</b>	<b>Purpose</b>	<b>Amount of Borrowing Authorized</b>	<b>Amount Already Borrowed</b>	<b>Borrowing Authority Remaining</b>	<b>Term of Issue</b>	<b>Amount of Issue</b>
504, 2017	Water Treatment Facility Construction	\$29,000,000	\$0.00	\$29,000,000	20 years	\$20,000,000
	<b>Total</b>	\$29,000,000	\$0.00	\$29,000,000		\$20,000,000

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 Twenty Million Dollars **(\$20,000,000)**, 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 \$20,000,000 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:
  - 504 being “Comox Valley Water System” Loan Authorization Bylaw No. 504, 2017if the anticipated revenues accruing to the Regional District from the operations of the:
  - Comox Valley Water System Serviceare 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. 655 may be cited as “Regional District Security Issuing Bylaw No. 655, 2021”.

<b>Read a first and second time this</b>	<b>day of</b>	<b>2021.</b>
<b>Read a third time this</b>	<b>day of</b>	<b>2021.</b>
<b>Adopted this</b>	<b>day of</b>	<b>2021.</b>

\_\_\_\_\_  
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. 655, 2021” as adopted by the Board of the Comox Valley Regional District on the \_\_\_\_\_ day of \_\_\_\_\_, 202.

\_\_\_\_\_  
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.

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Deputy Inspector of Municipalities of British Columbia

**PRINCIPAL AND/OR SINKING FUND DEPOSIT AND INTEREST PAYMENTS**

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