



C36A-23

January 28, 2021

Chief Administrative Officer  
City of West Kelowna  
2760 Cameron RD  
West Kelowna BC V1Z 2T6

Enclosed is a Certificate of Approval for Bylaw No. 281, cited as "City of West Kelowna Rose Valley Water Treatment Plant Loan Authorization No. 281, 2020".

Sincerely,

Barrie Nicholls  
Governance Analyst



## *Certificate of Approval*

Under the authority of the *Local Government Act*, I certify that Bylaw No. 281, cited as the "City of West Kelowna Rose Valley Water Treatment Plant Loan Authorization No. 281, 2021" of the City of West Kelowna has been lawfully and validly made and enacted, and that its validity is not open to question on any ground in any court of British Columbia.

Dated this                      25th                      day  
Of                      January                      , 2021

A handwritten signature in black ink, consisting of a stylized 'A' followed by a long horizontal stroke.

*Deputy Inspector of Municipalities of British Columbia*



C36A-23

August 26<sup>th</sup>, 2020

Chief Administrative Officer  
City of Kelowna  
1435 Water Street  
Kelowna BC V1Y 1J4

**Re: "City of West Kelowna Rose Valley Water Treatment Plant Loan Authorization  
Bylaw No. 281, 2020"**

Enclosed is one copy of the above bylaw approved under the provisions of section 179 of the *Community Charter* (Charter).

Now that the provisions of section 179 and section 213 [local area service on council initiative-subject to petition against] of the Charter have been met, Council may adopt the bylaw.

Upon expiration of the statutory quashing period, which extends for one month commencing after the date of adoption, application may be made for a Certificate of Approval. At the time of submission, one adopted copy of the bylaw and a completed copy of the Corporate Officer's Certificate are required.

Sincerely,

Rebecca Elliott  
Administrative Assistant

Signed on behalf of

Barrie Nicholls  
Governance Analyst





# ***Statutory Approval***

***Under the provisions of section*** \_\_\_\_\_ **179**

***of the*** \_\_\_\_\_ **Community Charter**

***I hereby approve Bylaw No.*** \_\_\_\_\_ **281**

***of the*** \_\_\_\_\_ **City of West Kelowna** ,

***a copy of which is attached hereto.***

***Dated this***      **12th**      ***day***

***of***      **August**      ***, 2020***

A handwritten signature in black ink, appearing to be "J. H. Smith", written over a horizontal line.

**Deputy Inspector of Municipalities**



C36A-23

August 26<sup>th</sup>, 2020

Chief Administrative Officer  
City of Kelowna  
1435 Water Street  
Kelowna BC V1Y 1J4

**Re: "City of West Kelowna Rose Valley Water Treatment Plant Loan Authorization  
Bylaw No. 281, 2020"**

Enclosed is one copy of the above bylaw approved under the provisions of section 179 of the *Community Charter* (Charter).

Now that the provisions of section 179 and section 213 [local area service on council initiative-subject to petition against] of the Charter have been met, Council may adopt the bylaw.

Upon expiration of the statutory quashing period, which extends for one month commencing after the date of adoption, application may be made for a Certificate of Approval. At the time of submission, one adopted copy of the bylaw and a completed copy of the Corporate Officer's Certificate are required.

Sincerely,

Rebecca Elliott  
Administrative Assistant

Signed on behalf of

Barrie Nicholls  
Governance Analyst



**CORPORATE OFFICER'S CERTIFICATE** (Form CO1)

The \_\_\_\_\_ **City of West Kelowna** \_\_\_\_\_ (the "Local Government")

The undersigned, Corporate Officer, as the person responsible for corporate administration of the Local Government under section 148 of the *Community Charter* (the *Charter*) or section 236 of the *Local Government Act*, hereby certifies as follows:

1. That Loan Authorization Bylaw No. 281 (the "Loan Authorization Bylaw") was duly and properly enacted in accordance with the provisions of the applicable legislation at a duly constituted meeting of the Local Government in accordance with the requirements of the Local Government's applicable procedure bylaw and at which a quorum was present and acting throughout. **Attached is an adopted copy of the Loan Authorization Bylaw.**
2. That the Loan Authorization Bylaw has not been amended or repealed and is in full force and effect as at the date hereof.
3. That the Local Government has obtained the approval of the electors under section 180 of the *Charter* or section 407 of the *Local Government Act* for the adoption of the Loan Authorization Bylaw by one of the following methods:

☐ **Assent of the electors** was obtained by a vote held on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ and the chief election officer published notice of the voting in a newspaper on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_. Or, if publication in a newspaper was not practicable, the notice was given to the public by alternative means being \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_. **A copy of the notice is attached, or;**

☐ An **alternative approval process** and for that purpose notice was published in two separate issues of a newspaper and the date of the last publication of the notice was the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_. Or, if publication in a newspaper was not practicable, the notice was given by alternative means being \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_. **A copy of the notice is attached, or;**

☐ A **petition** in relation to a municipal local area service or in relation to a regional district electoral area service that was requested by the area electors and the petition contemplated the borrowing or;



A **council initiative** in relation to a municipal local area service and for that purpose notice was published in two separate issues of a newspaper and the date of the last publication of the notice was the 2nd day of September, 2020. Or, if publication in a newspaper was not practicable, the notice was given by alternative means being

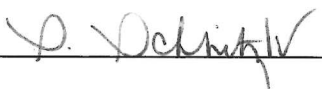
on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_. **A copy of the notice is attached.**



For municipal participating area that is all of the municipality, consent given in accordance with section 346 [*consent on behalf of municipal participating area*] of the *Local Government Act*.

4. No application has been made or action or proceeding brought to quash or to set aside the Loan Authorization Bylaw under section 623 of the *Local Government Act* or otherwise and the validity of the Loan Authorization Bylaw has not been attacked, questioned or adjudicated in any court and to the best of the knowledge of the undersigned no such action is pending or has been threatened and the undersigned knows of no objections to the validity of the Loan Authorization Bylaw.

DATED this 11th day of January, 2021.

 [signature]

Name: Shelley Schnitzler

Title: Corporate Officer



CITY OF WEST KELOWNA

BYLAW NO. 281, 2020

A BYLAW TO AUTHORIZE THE BORROWING OF THE ESTIMATED COST OF  
CONSTRUCTING THE ROSE VALLEY WATER TREATMENT PLANT

WHEREAS it is deemed desirable and expedient to construct the Rose Valley Water Treatment Plant; and,

WHEREAS the estimated cost of constructing the Rose Valley Water Treatment Plant including expenses incidental thereto is the sum of \$75,000,000 of which the sum of \$23,500,000 is the amount of debt intended to be borrowed by this bylaw; and,

WHEREAS the borrowing proposed by council initiative in accordance with sections 217 (1)(b) and 213 of the *Community Charter*, and no sufficient petition against the Rose Valley Water Treatment Plant or the borrowing has been received by Council within the required timeframe;

NOW THEREFORE, the Council of the City of West Kelowna in open meeting assembled enacts as follows:

1. Title

This Bylaw may be cited as the "CITY OF WEST KELOWNA ROSE VALLEY WATER TREATMENT PLANT LOAN AUTHORIZATION BYLAW NO. 281, 2020."

2. The Council is hereby empowered and authorized to undertake and carry out or cause to be carried out the construction of the Rose Valley Water Treatment Plant generally in accordance with general plans on file in the municipal office and to do all things necessary in connection therewith and without limiting the generality of the foregoing:
  - a) To borrow upon the credit of the Municipality a sum not exceeding \$23,500,000.
  - b) To acquire all such real property, easements, rights-of-way, licenses, rights or authorities as may be requisite or desirable for or in connection with the construction of the Rose Valley Water Treatment Plant.
3. The maximum term for which debentures may be issued to secure the debt created by this bylaw is 25 years.

READ A FIRST, SECOND AND THIRD TIME THIS 14<sup>TH</sup> DAY OF JULY, 2020.

RECEIVED the approval of the Inspector of Municipalities this 12<sup>TH</sup> DAY OF AUGUST, 2020.

ADOPTED THIS 13<sup>TH</sup> DAY OF OCTOBER, 2020.

I hereby certify this document to be a true copy of

Bylaw No. 0281, 2020

Dated this 11<sup>th</sup> day of January, 2021

P. Schmitz  
Corporate Officer  
City of West Kelowna

[Signature]  
MAYOR

[Signature]  
CITY CLERK



# LIABILITY SERVICING LIMIT CERTIFICATE

The City of West Kelowna (the "Municipality")  
In relation to City of West Kelowna Borrowing Bylaw 281 for the construction of the Rose Valley Water Treatment Plant

The undersigned Financial Officer assigned responsibility for financial administration under section 149 of the Community Charter, SBC 2003, Chapter 26 (the "Charter") or Auditor appointed for the Municipality under section 169 of the Charter hereby certifies as follows:

Calculation revenue for the previous year (section 4 & 5, BC Reg 254/2004)	<u>\$62,658,511.00</u> a
Liability Servicing Limit (a x 25%) (section 2, BC Reg 254/2004)	<u>\$15,664,627.75</u> b
Annual Servicing cost for previous year	<u>\$2,620,054.00</u> c

Plus: New liabilities incurred, other than current request

Liability Type and reference	Annual servicing cost
Borrowing Bylaw 272 City Hall	<u>\$599,235.00</u> d
	<u></u> e
	<u></u> f
	<u></u> g
	<u></u> h
	<u></u> i
	<u></u> j
	<u></u> k
	<u></u> l
Total of lines d through l	<u>\$599,235.00</u> m

Less: Liabilities which have matured

Liability type and reference	Annual servicing cost
MFA Issue 73	<u>\$4,109.93</u> n
MFA Issue 73	<u>\$85,635.64</u> o
	<u></u> p
	<u></u> q
	<u></u> r
Total of lines n through r	<u>\$89,745.57</u> s
Amount of new liability (section 3, BC Reg 254/2004)	<u>\$23,500,000.00</u> t
Annual servicing cost of new liability (section 3, BC Reg 254/2004)	<u>\$1,297,680.30</u> u
Total liability servicing cost including current request (lines c+m-s+u)	<u>\$4,427,223.73</u> v

☒ which is less than the annual liability servicing limit stated on line b.

OR

☐ which exceeds the annual liability servicing limit stated on line b, and the undersigned hereby requests approval of the Inspector of Municipalities under section 174 of the Charter to exceed the limit established under the section.

In accordance with section 179(5) or section 175(1)(b) of the Charter, as applicable, the debt to be contracted under the loan authorization bylaw, or other liability for which certification is being made, referred to above will not exceed the lesser of 30 years and the reasonable life expectancy of the capital asset, activity, work or service, or the remaining term of the applicable agreement, as the case may be, for which the debt is to be contracted.

The undersigned Financial Officer or Auditor also hereby authorizes Legal Counsel of the Municipal Finance Authority of British Columbia to rely on this Certificate in giving any opinion in connection with any borrowing by the Municipal Finance Authority of British Columbia ("MFA") and the issuance of bonds, debentures, and other securities by the MFA in respect of the loan authorization bylaw, or other liability for which certification is being made, referred to above.

DATED this 15 day of July, 2020.

Warren Everton OR  
Financial Officer

Auditor

Warren Everton  
(Please print full name)

(Please print full name & company)