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July 21, 2022

File: 3900-30

Mayor and Council
Attention: Emilie Gorman,
Corporate Officer
District of Central Saanich
1903 Mount Newton Cross Rd.
Saanichton BC V8M 2A9
Via email: municipalhall@csaanich.ca

Dear Ms. Gorman,

**RE: MUNICIPAL CONSENT FOR BYLAW NO. 4506
REGIONAL PARKS LOAN AUTHORIZATION BYLAW NO. 1, 2022**

On July 13, 2022 the Capital Regional District (CRD) Board gave three readings to Bylaw No. 4506, "Regional Parks Loan Authorization Bylaw No. 1, 2022".

The Capital Regional District is seeking municipal consent for **Bylaw No. 4506**, a bylaw to authorize the borrowing of twenty-five million dollars (\$25,000,000) for the purpose of acquiring land for regional parks.


Borrowing for land within the Regional Parks service has been planned as part of a land acquisition financing strategy approved by the Board on March 16, 2022, with adoption of Bylaw No. 4481, the "2022 to 2026 Financial Plan Bylaw, 2022". The Regional Parks service has identified land acquisitions of \$25 million; \$5 million in each of the five years within the approved financial plan. The estimated annual cost per \$5 million borrowing over 15 years is \$3.00 per average household based on the current MFA indicative rate of 4.24%. Approval of Bylaw 4506 constitutes a right to borrow only, as required to supplement the funds currently in the land acquisition fund of approximately \$6 million. Borrowing will still require adoption of a security issuing bylaw before debt funds can be drawn as set out in the Board-approved Financial Plan.

In order to adopt **Bylaw No. 4506**, municipal consent is required from two-thirds of participants which include all 13 member municipalities and the 3 electoral areas, by way of Electoral Area Director consent on behalf of electors.

Please have your Council consider the bylaw at an upcoming meeting and return a response to us no later than September 9, 2022. Your Council resolution may be worded as follows:

***That Council [consent/not consent] to the CRD adopting Bylaw No. 4506,
"Regional Parks Loan Authorization Bylaw No. 1, 2022".***

As background information, please find attached the proposed bylaw and staff report. In addition to municipal Council consideration, the bylaw will be forwarded to the Inspector of Municipalities for approval before returning to the CRD Board for adoption.

A decorative graphic at the bottom of the page consisting of several overlapping, wavy, horizontal bands in shades of blue and teal, creating a modern, flowing design.

If you have questions about the proposed bylaw, please contact Chief Financial Officer Nelson Chan at nchan@crd.bc.ca or by telephone at 250.360.3645. If you have questions about the approval process, please contact Deputy Corporate Officer Marlene Lagoa at mlagoa@crd.bc.ca or by telephone 250.360.3127.

Sincerely,

A handwritten signature in blue ink, appearing to read 'KMorley', with a stylized flourish at the end.

Kristen Morley, JD
Corporate Officer
General Manager, Corporate Services

Attachments: **Bylaw No. 4506**
Staff Report and Appendices

cc: Christine Culham, Chief Administrative Officer

CAPITAL REGIONAL DISTRICT

BYLAW NO. 4506

**A BYLAW TO AUTHORIZE THE BORROWING OF TWENTY FIVE MILLION DOLLARS
(\$25,000,000) FOR THE PURPOSE OF ACQUIRING LAND FOR REGIONAL PARKS**

WHEREAS:

- A. The Board of the Capital Regional District adopted Bylaw No. 1749, "Regional Parks Extended Service Establishment Bylaw No. 1, 1989" for the functions of acquiring, developing, operating, and maintaining Regional Parks, subject to the Park (Regional Act);
- B. The Board of the Capital Regional District requires financing for the future acquisition of Regional Park lands;
- C. The portion of the land acquisition cost to be funded by debt servicing is the sum of Twenty-Five Million Dollars (\$25,000,000), which is the amount of debt intended to be authorized by this bylaw;
- D. Pursuant to the *Regional District Liabilities Regulation*, BC Reg 261/2004, elector approval is not required if borrowing for a regional park service and consent on behalf of the participants shall be obtained pursuant to section 349(1)(b) of the *Local Government Act*;
- E. The approval of the Inspector of Municipalities is required under Sections 406 and 407 of the *Local Government Act*; and
- F. Financing is proposed to be undertaken by the Municipal Finance Authority of British Columbia pursuant to agreements between it and the Capital Regional District;

NOW THEREFORE the Capital Regional District Board in open meeting assembled hereby enacts as follows:

1. The Board is hereby empowered and authorized to undertake and carry out or cause to be carried out the acquisition of land 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 Capital Regional District a sum not exceeding Twenty-Five Million Dollars (\$25,000,000); and
 - b) to acquire all such real property, easements, rights-of-way, leases, licenses, rights or authorities as may be requisite or desirable for or in connection with the acquisition of land deemed necessary in connection with acquisition of Regional Park land.

2. The maximum term for which debentures may be issued to secure the debt intended to be created by this bylaw is fifteen (15) years.
3. This Bylaw may be cited as "Regional Parks Loan Authorization Bylaw No. 1, 2022".

READ A FIRST TIME THIS 13th day of July, 2022

READ A SECOND TIME THIS 13th day of July, 2022

READ A THIRD TIME THIS 13th day of July, 2022

APPROVED BY CONSENT ON BEHALF
OF THE PARTICIPATING AREAS PER
S.346 and S.347 OF THE
LOCAL GOVERNMENT ACT THIS

th day of 202__

APPROVED BY THE INSPECTOR
OF MUNICIPALITIES THIS

th day of 202__

ADOPTED THIS

th day of 202__

CHAIR

CORPORATE OFFICER

FILED WITH THE INSPECTOR OF MUNICIPALITIES THIS th day of 20__

**REPORT TO FINANCE COMMITTEE
MEETING OF WEDNESDAY, JULY 06, 2022**

SUBJECT **Bylaw No. 4506: Regional Parks Loan Authorization Bylaw No. 1, 2022**

ISSUE SUMMARY

Pursuant to the Capital Regional District (CRD) Bylaw No. 4481, “2022 to 2026 Financial Plan Bylaw, 2022”, this report brings forward the loan authorization Bylaw No. 4506 for the purpose of financing Regional Park land acquisition.

BACKGROUND

On March 16, 2022, the Board approved Bylaw No. 4481, “2022 to 2026 Financial Plan Bylaw, 2022”. The plan sets out capital expenditure for each service, including planned borrowings. As is the case each year following plan approval, staff prepare necessary loan authorization bylaws and security issuing bylaws. Borrowing for the Regional Parks Service was identified in the approved financial plan for up to \$25 million; \$5 million a year in each of the five years covered by the plan.

Loan authorization bylaws expire after five years, so bylaws are most commonly drafted to cover the five-year financial plan for services requiring borrowing to fund capital. The loan authorization bylaw will specify the maximum amount, the restricted use and the debt repayment amortization period.

The Regional Parks capital plan (the “Capital Plan”) includes land acquisitions that will require borrowing up to \$25 million from the Municipal Finance Authority of British Columbia (MFABC). Requests for funds to be drawn against the loan authorization bylaw will only be authorized upon Board approval of a subsequent security issuing bylaw. The security issuing bylaws are prepared twice annually and include only those borrowings for which there is a cash flow need as determined by the approved financial plan.

The following bylaw is proposed:

Service Area	Action	Purpose	Bylaw
Regional Parks	Loan Authorization Bylaw	To create a loan authorization bylaw to permit long-term borrowing related to the capital plan for this service.	4506

ALTERNATIVES

Alternative 1

The Finance Committee recommends to the Capital Regional District Board:

1. That Bylaw No. 4506, “Regional Parks Loan Authorization Bylaw No. 1, 2022”, be introduced and read a first, second and third time;
2. That approval on behalf of the participating areas for Bylaw No. 4506 be obtained through the municipal and electoral area consent process, according to sections 346 and 347 of the Local

Government Act, and if successful, that Bylaw No. 4506 be referred to the Inspector of Municipalities for approval.

Alternative 2

That the proposed bylaw be referred back to staff for further information.

IMPLICATIONS

Legislative & Financial Implications

Regional park and trail borrowing, as per section 3 of the *Regional District Liabilities Regulation*, only requires consent of at least two-thirds of service participants, and permits consent by municipal councils and electoral area directors, rather than a more formal elector assent or alternative approval process.

The loan authorization bylaw requires three readings followed by participant consent and then Inspector of Municipalities approval. After this, it requires adoption by the Board. Upon final approval, borrowings of up to \$25 million will be authorized. Security issuing bylaws also require Board approval and must be enacted before a borrowing request may be submitted to the MFABC.

To ensure optimization of interest and timing of long-term debt, issuance of a temporary borrowing will be proposed upon approval of the loan authorization bylaw by the Board.

The request for borrowing will be based on the timing of expenditures. In order to request funds a security issuing bylaw will be brought forward for Board approval.

Borrowing for land within the Regional Parks service has been planned as part of a land acquisition financing strategy approved by the Board on March 16, 2022. The strategy anticipated a maximum, cumulative borrowing over a 10-year period of up to \$50 million. The proposed loan authorization bylaw proposes \$25 million to enable expenditures as already approved in the 2022-2026 Financial Plan Bylaw.

As land is purchased during the course of the year, cash on hand in the land acquisition fund will be used to temporarily fund purchases. Security issuing bylaws will be brought forward each time a new purchase(s) requires long-term debt financing.

The plan anticipates annual acquisitions of \$5 million per year. Annual debt servicing, based on the current MFA indicative rate of 4.24%, is anticipated to be \$0.5 million. The estimated annual cost per average household is \$3.00. The term of any debt issuances under such loan authorization will be 15 years.

This bylaw is required to provide the necessary authority to acquire future land purchases for Regional Parks through debt, as approved in the 2022-2026 Financial Plan Bylaw.

CONCLUSION

The Board-approved Bylaw No. 4481, "2022 to 2026 Financial Plan Bylaw, 2022", sets out capital expenditure for each service, including planned borrowings. Borrowing for the Regional Parks

Service was identified in the approved financial plan of up to \$25 million at \$5 million per year in each of the five years covered by the plan. Bylaw No. 4506, “Regional Parks Loan Authorization Bylaw No. 1, 2022”, is presented now in preparation for future borrowing to enable the acquisition of Regional Park land and requires three readings and consent by the participating areas and the Inspector of Municipalities prior to adoption.

RECOMMENDATION

The Finance Committee recommends to the Capital Regional District Board:

1. That Bylaw No. 4506, “Regional Parks Loan Authorization Bylaw No. 1, 2022”, be introduced and read a first, second and third time;
2. That approval on behalf of the participating areas for Bylaw No. 4506 be obtained through the municipal and electoral area consent process, according to sections 346 and 347 of the Local Government Act, and if successful, that Bylaw No. 4506 be referred to the Inspector of Municipalities for approval.

Submitted by:	Rianna Lachance, BCom, CPA, CA, Senior Manager, Financial Services
Concurrence:	Nelson Chan, MBA, FCPA, FCMA, Chief Financial Officer
Concurrence:	Larisa Hutcheson, P. Eng., General Manager, Parks & Environmental Services
Concurrence:	Kristen Morley, J.D., General Manager, Corporate Services & Corporate Officer
Concurrence:	Kevin Lorette, Acting Chief Administrative Officer

ATTACHMENT(S)

Appendix A: Bylaw No. 4506, “Regional Parks Loan Authorization Bylaw No. 1, 2022”

CAPITAL REGIONAL DISTRICT

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READ A FIRST TIME THIS _____th _____ day of _____ 202_____

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APPROVED BY CONSENT ON BEHALF
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S.346 and S.347 OF THE
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APPROVED BY THE INSPECTOR
OF MUNICIPALITIES THIS _____th _____ day of _____ 202_____

ADOPTED THIS _____th day of _____ 202_____

CHAIR

CORPORATE OFFICER

FILED WITH THE INSPECTOR OF MUNICIPALITIES THIS th day of 20__