

DISTRICT OF LAKE COUNTRY

BYLAW 540

A bylaw to authorize the borrowing of a portion of the estimated \$3.75M cost of constructing an expansion to the District of Lake Country's wastewater treatment plant.

WHEREAS it is deemed desirable and expedient to expand the wastewater treatment plant servicing the central sewer system pursuant to the Wastewater Management Plan of the District of Lake Country (Regional District of Central Okanagan, 1990);

AND WHEREAS Section 179 of the *Community Charter* authorizes the District to incur a liability by borrowing for any purpose of a capital nature;

AND WHEREAS Section 24(7) of the *Environmental Management Act* authorizes the implementation of a Waste Management Plan without the assent or approval of the electors;

NOW THEREFORE, the Council of the District of Lake Country in open meeting assembled, enacts as follows:

1. Council is hereby empowered and authorized to undertake and carry out or cause to be carried out the construction of the "Wastewater Treatment Plant Expansion – Stage Two" generally in accordance with 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 One Million Five Hundred Thousand Dollars (\$1,500,000.00).
 - (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 said expansion to the Wastewater Treatment Plant.
2. The maximum term for which debentures may be issued to secure the debt created by this bylaw is twenty (20) years.
3. This bylaw may be cited as "Loan Authorization Bylaw (Wastewater Treatment Plant) 540, 2005"

READ A FIRST TIME this 28th day of June, 2005.

READ A SECOND time this 28th day of June, 2005.

READ A THIRD TIME this 28th day of June, 2005.

Certified correct at third reading.

 'original signed by Wendy Caban'
Deputy Clerk

CORPORATE OFFICER'S CERTIFICATE

The District of Lake Country (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 198 of the *Local Government Act*, hereby certifies as follows:

1. That Loan Authorization Bylaw (Wastewater Treatment Plant) 540, 2005 (the "Loan Authorization Bylaw") was duly and properly enacted in accordance with the provisions of the local government 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. Approval of the electors for the Loan Authorization Bylaw is not required under section 180 of the *Community Charter* for one of the following reasons:
 - The liability is within the approval-free liability zone determined in accordance with section 7 of the *Municipal Liabilities Regulation* (BC Reg. 254/2004) or;
 - The money is being borrowed for a purpose referred to in section 179 (1) (d) to (g) of the *Charter* [loan authorization bylaws for court, arbitration and expropriation requirements] or in the case of regional districts, paying compensation in respect of property expropriated or injured in carrying out works referred to in section 311 of the *Local Government Act* [entry on land to mitigate damage] or;
 - The money is being borrowed for works required to be carried out under an order of the Inspector of Dikes; an order under section 84 [abatement of municipal pollution], or section 85 [environmental protection orders] or section 87 [environmental emergency measures] of the *Environmental Management Act*.
 - The money is being borrowed for water treatment works in compliance with an order of a drinking water protection officer and the Inspector of Municipalities has approved the proposed liability under section 8 of the *Municipal Liabilities Regulation* (BC Reg. 254/2004) or section 4 of the *Regional District Liabilities Regulation* (BC Reg. 261/2004) .
 - The liability is for the purpose of a regional park or regional trail and the requirements in section 3 of the *Regional District Liabilities Regulation* (BC Reg. 261/2004) have been met.

- X The money is being borrowed for the purpose of preparing or implementing a waste management plan under section 24 of the *Environmental Management Act*.
4. No application has been made or action or proceeding brought to quash or to set aside the Loan Authorization Bylaw under section 262 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.

The undersigned Corporate Officer also hereby authorizes the law firms of Farris, Vaughan, Wills & Murphy and Bryant & Company 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 or other securities by the MFA in respect of the Loan Authorization Bylaw.

DATED this 26th day of August, 2005.

Wendy Caban, Deputy Clerk