

THE RURAL MUNICIPALITY OF WHITEMOUTH

BY-LAW NO. 572/11

BEING A BY-LAW OF THE RURAL MUNICIPALITY OF WHITEMOUTH TO AUTHORIZE THE EXPENDITURE AND BORROWING OF MONEY FOR A LOCAL IMPROVEMENT – ADDITIONAL CONNECTIONS TO THE WATER TREATMENT PLANT

WHEREAS subsection 311 of The Municipal Act, S.M. 1996, c58 provides, (in part) as follows:

If approved by by-law, a municipality may undertake, as a local improvement for the benefit of all or part of the municipality,

- a) the acquisition, development, upgrading or replacement of one or more of the following:
 - (ii) water supply, treatment and distribution facilities

AND WHEREAS subsection 320(1) of The Municipal Act provides as follows:

Subject to subsections (2) to (6) and subsection 321(4), a council may, by by-law

- a) approve the local improvement or special service as set out in the plan or proposal; and
- b) authorize the municipality to impose taxes as set out in the plan or proposal.

AND WHEREAS subsection 172 of The Municipal Act provides as follows:

In this Division,

“borrowing” means the borrowing of money, and includes

- (b) borrowing to pay for a local improvement under Division 4 (Local Improvements and Special Services) of Part 10,
- (e) issuing debentures;

AND WHEREAS subsection 174(1) of The Municipal Act provides as follows:

A municipality may make a borrowing only if,

- (a) the borrowing is authorized by a by-law; and
- (b) subject to subsection (2), the borrowing is set out as a debt obligation in the operating budget or capital budget.

AND WHEREAS the Council of The Rural Municipality of Whitemouth had only included in Local Improvement Plan No. 1/2008 those properties serviced by either the R.M. of Whitemouth Rural Water Pipeline, the Seven Sisters Falls Water Co-op Ltd, the Whitemouth Water Co-op, or the Seven Sisters Townsite water systems;

AND WHEREAS since that time 27 additional property owners have requested connections to the existing distribution systems;

AND WHEREAS the Council of The Rural Municipality of Whitemouth has prepared a Local Improvement Plan No. 2/2011 providing for the spending, borrowing authority, and imposition of taxes for the connection of these 27 additional properties to the water distribution systems serviced by the R.M. of Whitemouth Water Treatment Plant as a local improvement pursuant to Part 10 of The Municipal Act;

AND WHEREAS, in order to complete such undertaking, it will be necessary for the Rural Municipality of Whitemouth to borrow the sum of \$329,766.67 as hereinafter provided, which is the amount of the debt intended to be created by this by-law;

AND WHEREAS the consecutive annual amounts, including principal and interest, required to be raised each year for 15 years, as hereinafter provided, for paying the principal and interest under this by-law are the amounts set out in Schedule “A” hereto;

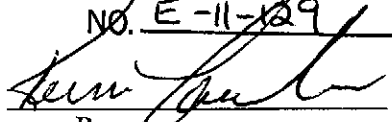
AND WHEREAS the requirements as prescribed in Sections 318, 319 and 320 of The Municipal Act have been complied with;

AND WHEREAS the amount of the existing debenture debt of the Rural Municipality of Whitemouth is ~~\$70,254.91~~, of which no portion of the principal or of the interest thereon is in arrears; \$241,745.40

NOW THEREFORE the council of the Rural Municipality of Whitemouth in regular session assembled, enacts as follows:

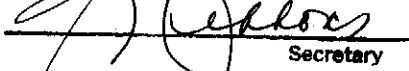
1. That pursuant to subsection 320(1) of The Municipal Act, The Rural Municipality of Whitemouth adopt Local Improvement Plan No. 2/2011 attached hereto as Schedule "B".
2. That The Rural Municipality of Whitemouth may expend up to ~~\$329,766.67~~ ^{\$647,300.00} for the purpose of connecting 27 additional properties to the water distribution system serviced by the R.M. of Whitemouth Water Treatment Plant, as a local improvement
3. That for the aforesaid project, the said municipality may borrow Three Hundred Twenty-Nine Thousand, Seven Hundred Sixty-Six Dollars, ~~and Sixty-Seven Cents (\$329,766.67)~~. Such borrowing shall be issued by The Rural Municipality of Whitemouth in the Province of Manitoba, and shall be payable at the Sunova Credit Union in Whitemouth, Manitoba, or at the principal office of the Credit Union in Selkirk, Manitoba, Canada at the holder's option, and shall be dated the 31st day of December, A.D., 2011.
4. That the said borrowing shall bear interest at a rate estimated for the time being at 7.0% per annum, and subject to any event to the authorization of The Municipal Board at the time of sale, and shall mature in accordance with the maturities set out in Schedule "A" hereto on the 31st day of December, in each of the years 2012 to 2026, both inclusive.
5. That the issuance of borrowings shall be signed by the Reeve, or by some other person authorized by by-law to sign same, and by the Chief Administrative Officer of the Rural Municipality of Whitemouth and there shall be affixed thereto the corporate seal of the said municipality, and the coupons, if any, attached thereto shall be signed by the Chief Administrative Officer whose signature thereon may be by lithograph or other mechanical means.
6. That during the currency of the said borrowing, namely, in each of the years 2012 to 2026, both inclusive, there shall be raised annually on a special per parcel rate on all the benefiting properties, in ~~the~~ Local Improvement District, ^{No. 2} in the Rural Municipality of Whitemouth, described in Schedule "C" an amount sufficient to meet the requirements for principal and interest.
7. That pursuant to subsection 174(3) of The Municipal Act, pending the issue of the borrowing, the council of the Rural Municipality of Whitemouth may agree with a bank or person or borrow from the general funds of the municipality for temporary advances from time to time to meet expenditures incurred for the purpose aforesaid, and the total of such advances shall not exceed Three Hundred Twenty-Nine Thousand, Seven Hundred Sixty-Six Dollars and ~~Sixty Seven Cents (\$329,766.67)~~.
8. That during the term of the borrowing authorized herein, in any year where the borrowing remain unissued, the levies may be made as if the debentures had been issued; and upon completion of the project authorized herein, the levies shall be applied in reduction of temporary financing, and when issued, the amount and term of borrowing shall be reduced accordingly.
9. That, at any time prior to or within (30) days following completion of the work, any ratepayer of the area affected by the local improvement as described in Schedule "C" hereto may commute and pay in one principal sum that part of his/her share of the debt herein authorized in respect of the per parcel rates provided herein to the said Chief Administrative Officer of the R.M. of Whitemouth and thereafter no per parcel rates shall be levied against his/her said lands in respect of the borrowing to be authorized herein.

DONE AND PASSED by a by-law of the council of the Rural Municipality of Whitemouth in the Province of Manitoba this 24th day of August, A.D., 2011.


Reeve

Approved, subject to Amendment

By Order No. E-11-129
of The Municipal Board


Secretary


Chief Administrative Officer

Read a first time this 13th day of July, A.D., 2011
Read a second time this 24th day of August, A.D., 2011
Read a third time this 24th day of August, A.D., 2011

RURAL MUNICIPALITY OF WHITEMOUTH

Extend water connections from
WTP to 27 properties in Elma

SCHEDULE - A TO BYLAW NO. 572/11

Local Improvement Debenture Issue

Term (Yrs):	15	Amount:	329,766.00
Date:	December 31, 2011	Rate (%):	7.0000
Payable:	December 31, 2012 - 2026	Annual Payment:	36,206.53
		First Year's Payment:	36,206.53
		Adjusted Last Year's Payment:	36,206.64

MATURITY SCHEDULE

Year	Interest	Principal	Balance
2012	23,083.62	13,122.91	316,643.09
2013	22,165.02	14,041.51	302,601.58
2014	21,182.11	15,024.42	287,577.16
2015	20,130.40	16,076.13	271,501.03
2016	19,005.07	17,201.46	254,299.57
2017	17,800.97	18,405.56	235,894.01
2018	16,512.58	19,693.95	216,200.06
2019	15,134.00	21,072.53	195,127.53
2020	13,658.93	22,547.60	172,579.93
2021	12,080.60	24,125.93	148,454.00
2022	10,391.78	25,814.75	122,639.25
2023	8,584.75	27,621.78	95,017.47
2024	6,651.22	29,555.31	65,462.16
2025	4,582.35	31,624.18	33,837.98
2026	2,368.66	33,837.98	0.00
TOTALS	213,332.06	329,766.00	

THE RURAL MUNICIPALITY OF WHITEMOUTH

SCHEDULE "B" TO BY-LAW NO. 572/11

LOCAL IMPROVEMENT PLAN – No. 2/2011
CONNECTIONS TO RURAL WATERLINE

(Pursuant to Subsection 315(1) of The Municipal Act)

(a) Description of the Proposed Local Improvement

At the present time, the Community of Elma is under a boil water advisory due to groundwater contamination from the high concentration of septic fields. In order to remove the boil water advisory, this local improvement is proposing to supply piped water from the R.M. of Whitemouth Rural Water Pipeline. The R.M. of Whitemouth water treatment plant construction was completed in spring of 2011, so the waterline will be providing water that meets the current Canada Drinking Water Quality Guidelines and the Drinking Water Safety Act. The R.M. of Whitemouth has received funding from the Build Canada Stimulus Fund that will provide 2/3 funding for \$477,500.00. In partnership with the Manitoba Water Services Board, the R.M. of Whitemouth has hired an engineering firm to do a study and cost estimate for the water system. Based on this report, the cost has been estimated at \$647,300.00 for the entire project.

The components of the project include a connecting line from the R.M. of Whitemouth Rural Water Pipeline and water mainlines. The existing R.M. of Whitemouth waterline ends approximately 1 mile north of Elma on PR 406. The 150 mm line would be extended south along PR 406 to the community of Elma and 100mm waterlines would be extended to each voluntary connection. The water mains would be constructed to service properties north of the CN railway tracks, as well as those properties fronting PTH 11 and Old 15.

Local Improvement District No. 2 will include all properties within the area to be serviced by the water system. These properties would be charged in the manner set out in Section (d) below with respect to LID No. 2 for the cost of the connecting line to the R.M. of Whitemouth Rural Water Pipeline, water lines.

(b) Local Improvement District to be Taxed

The Local Improvement District will be all benefiting properties in the community of Elma, in the Rural Municipality of Whitemouth, attached hereto on Schedule C.

(c) Identification of Potential Taxpayers under the Plan

All property owners who will directly benefit from the extension of waterlines as set out in:

Schedule 'C' – Local Improvement District No. 2 – All properties in the area to be serviced

(d) Method and Rate of Calculating Local Improvement Tax

The local improvement tax to be levied under this proposal will be calculated on a per parcel basis. The rates will be as follows:

Schedule 'C'

Cash option - \$12,213.58; OR

Finance option - \$1,340.99 payment paid annually for 15 years

Per Section 325 of The Municipal Act, at a date set by Council, all property owners will be allowed to pre-pay their portion of the local improvement tax.

(e) Estimated Cost of Local Improvement

Calculation of spending authority required

Total project cost: \$647,300.00

(f) Particulars of Borrowing issue

Amount	\$329,766.67
Term	15 years
Interest	7% per annum
Annual payment	\$36,206.61

(g) Other Anticipated Sources of Funding

1) <u>Province of Manitoba:</u>	\$158,767
-Canada/Manitoba Infrastructure Stimulus	
2) <u>Government of Canada:</u>	\$158,767
-Canada/Manitoba Infrastructure Stimulus	
3) <u>Rural Municipality of Whitemouth</u>	
-Borrowing	\$329,766

TOTAL SOURCES:

\$647,300

(h) Funding of Operation and Maintenance of Proposed Local Improvement

The annual operating and maintenance costs of the proposed local improvement will be covered under the quarterly utility charges of the Rural Municipality of Whitemouth system.

Gisele Smith
Assistant CAO
R.M. of Whitemouth

THE RURAL MUNICIPALITY OF WHITEMOUTH

SCHEDULE "C" TO BY-LAW NO. 572/11

FOR LOCAL IMPROVEMENT PLAN NO. 2/2011

Roll No.	Legal Description	Total Cost	Deposit	Balance (Prepayment Amount)	Annual Payment
32350	1 17611	\$12,213.58		\$12,213.58	1340.99
32400	2 17611	\$12,213.58		\$12,213.58	1340.99
35050	NW 32 10 12E	\$12,213.58		\$12,213.58	1340.99
35325	1 24369	\$12,213.58		\$12,213.58	1340.99
35800	19 17737	\$12,213.58		\$12,213.58	1340.99
38700	4 2 17518	\$12,213.58		\$12,213.58	1340.99
38900	3 1 17518	\$12,213.58		\$12,213.58	1340.99
39000	4 1 17518	\$12,213.58		\$12,213.58	1340.99
39100	5 1 17518	\$12,213.58		\$12,213.58	1340.99
39300	1 1 17518	\$12,213.58		\$12,213.58	1340.99
39900	SE 31 10 12E	\$12,213.58		\$12,213.58	1340.99
42400	13/18 3 1413	\$12,213.58		\$12,213.58	1340.99
42500	19/22 3 1413	\$12,213.58		\$12,213.58	1340.99
42600	1/4 4 1413	\$12,213.58		\$12,213.58	1340.99
42700	4/6 4 1413	\$12,213.58		\$12,213.58	1340.99
43500	10/12 5 1413	\$12,213.58		\$12,213.58	1340.99
44050	10/20 7 1413	\$12,213.58		\$12,213.58	1340.99
44100	1/7 8 1413	\$12,213.58		\$12,213.58	1340.99
44900	23/24 8 1413	\$12,213.58		\$12,213.58	1340.99
45000	25/28 8 1413	\$12,213.58		\$12,213.58	1340.99
45200	1/5 9 1413	\$12,213.58		\$12,213.58	1340.99
47500	17 17737	\$12,213.58		\$12,213.58	1472.85
47605	2 26379	\$12,213.58		\$12,213.58	1340.99
47800	3 17737	\$12,213.58		\$12,213.58	1340.99
48200	14 17737	\$12,213.58		\$12,213.58	1340.99
49200	5 17737	\$12,213.58		\$12,213.58	1340.99
90605	SE 7 11 12E	\$12,213.58		\$12,213.58	1340.99
		\$329,766.66		\$329,766.66	\$36,338.59

THE MUNICIPAL BOARD OF MANITOBA
DECISION AND ORDER

DECISION DATE: August 11, 2011

Order No. E-11-129

File No. 11E8-0017

PANEL: Peter G. Diamant, Chair
Tanys Björnson, Member

RURAL MUNICIPALITY OF WHITEMOUTH - BY-LAW NO. 572/11

The Rural Municipality of Whitemouth (the "Municipality") submits By-law No. 572/11 under Section 320(4) of *The Municipal Act*.

By-law No. 572/11, attached as Appendix "A", authorizes the installation of a water mainline and waterline connections for 27 properties in the Community of Elma to the Municipality's Water Treatment Plant as a Local Improvement. The estimated cost is \$647,300.00. The Municipality is to receive funding from the Canada-Manitoba Infrastructure Program in the amount of \$317,534.00 and the balance of \$329,766.00 is to be borrowed.

Upon considering the proposed By-law, **THE BOARD ORDERS THAT:**

1. The Rural Municipality of Whitemouth By-law No. 572/11 **BE APPROVED** subject to the following amendments:
 - (a) In the eleventh "Whereas" Clause, delete "\$70,254.91" and replace with "\$241,745.40";
 - (b) In Clause No. 2, delete "\$329,766.67" and replace with "Six Hundred and Forty-Seven Thousand, Three Hundred dollars (\$647,300.00)";
 - (c) In Clause No. 3, delete "Three Hundred Twenty-Nine Thousand, Seven Hundred Sixty-Six Dollars and Sixty-Seven Cents (\$329,766.67)" and replace with "Three Hundred Twenty-Nine Thousand, Seven Hundred Sixty-Six Dollars (\$329,766.00)";
 - (d) In Clause No. 6, delete "in the Local Improvement District" and replace with "in Local Improvement District No. 2";

THE MUNICIPAL BOARD OF MANITOBA

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- (e) In Clause No. 7, delete **Three Hundred Twenty-Nine Thousand, Seven Hundred Sixty-Six Dollars and Sixty-Seven Cents (\$329,766.67)** and replace with **“Three Hundred Twenty-Nine Thousand, Seven Hundred Sixty-Six Dollars (\$329,766.00)”**; and
 - (f) In Schedule “B” to the By-law, Clause (a), delete **“for \$647,000.00”** and replace with **“in the amount of \$317,534.00”**.
2. A filing fee of \$50.00 be paid by the Rural Municipality of Whitemouth.

FOR THE MUNICIPAL BOARD

August 11, 2011
Date

Peter Diamant
Peter G. Diamant, Chair

Rose Gibbons
Rose Gibbons, Secretary