

THE RURAL MUNICIPALITY OF WHITEMOUTH

BY-LAW NO. 561/11

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 13 additional property owners have requested connections to the existing distribution systems listed above;

AND WHEREAS the Council of The Rural Municipality of Whitemouth has prepared a Local Improvement Plan No. 1/2011 providing for the spending, borrowing authority, and imposition of taxes for the connection of these 13 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 \$37,082.81 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 10 years, as hereinafter provided, for paying the principal and interest under this by-law are the amounts set out in Schedule “A” hereto;

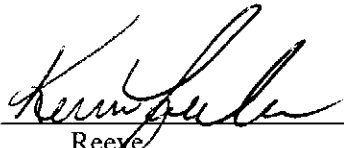
AND WHEREAS the requirements as prescribed in Sections 318, 319 and 320 of The Municipal Act have been complied with;


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

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. 1/2011 attached hereto as Schedule "B".
2. That The Rural Municipality of Whitemouth may expend up to \$39,082.81 for the purpose of connecting thirteen 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 Thirty Eight Thousand Three Hundred Dollars (\$37082.81) 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., 2010.
4. That the said borrowing shall bear interest at a rate estimated for the time being at 7.00% 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 2011 to 2020, 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 2011 to 2020, both inclusive, there shall be raised annually on a special per parcel rate on all the benefiting properties, in the Local Improvement District 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 Thirty Seven Thousand and Eighty Two Dollars and Eighty One Cents (\$37,082.81).
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.

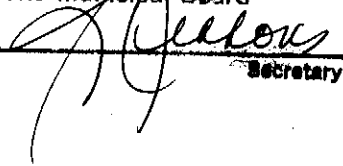
DONE AND PASSED by a by-law of the council of the Rural Municipality of Whitemouth in the Province of Manitoba this 8 day of JUNE, A.D., 2011.


Reeve


Chief Administrative Officer

Read a first time this 23rd day of March, A.D., 2011
Read a second time this 8th day of June, A.D., 2011
Read a third time this 8th day of June, A.D., 2011

APPROVED By Order No. E-11-096
of The Municipal Board


Secretary

RURAL MUNICIPALITY OF WHITEMOUTH

Extension of Whitemouth
Water Treatment Plant to 13

SCHEDULE - A TO BYLAW NO.561/11

Local Improvement Debenture Issue

Term (Yrs): 10	Amount:	37,082.81
Date: December 31, 2010	Rate (%):	7.0000
Payable: December 31, 2011-2020	Annual Payment:	5,279.76
	First Year's Payment:	5,279.76
	Adjusted Last Year's Payment:	5,279.72

MATURITY SCHEDULE

Year	Interest	Principal	Balance
2011	2,595.80	2,683.96	34,398.85
2012	2,407.92	2,871.84	31,527.01
2013	2,206.89	3,072.87	28,454.14
2014	1,991.79	3,287.97	25,166.17
2015	1,761.63	3,518.13	21,648.04
2016	1,515.36	3,764.40	17,883.64
2017	1,251.85	4,027.91	13,855.73
2018	969.90	4,309.86	9,545.87
2019	668.21	4,611.55	4,934.32
2020	345.40	4,934.32	0.00
TOTALS	15,714.75	37,082.81	

THE RURAL MUNICIPALITY OF WHITEMOUTH

SCHEDULE "B" TO BY-LAW NO. 561/11

LOCAL IMPROVEMENT PLAN NO. - 1/2011

ADDITIONAL CONNECTIONS TO THE WATER TREATMENT PLANT

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

(a) Description of the Proposed Local Improvement

The local improvement proposed is to provide for the connection of 13 additional properties to the R.M. of Whitemouth Water Treatment Plant.

(b) Local Improvement District to be Taxed

The Local Improvement District will be those benefitting properties as shown on Schedule C attached hereto in the Rural Municipality of Whitemouth.

(c) Identification of Potential Taxpayers under the Plan

The potential taxpayers will be those property owners in the Rural Municipality of Whitemouth to be serviced by the R.M. of Whitemouth Water Treatment Plant and as described in Schedule C attached hereto.

These properties were not included in Local Improvement Plan No. 1/2008

(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 rate will be as follows:

If no deposit was paid:

Cash option - \$3,006.37 (three property owners did not pay the \$200 down-payment); OR
Finance option - \$428.04 payment paid annually for 10 years

If the \$200 deposit was paid:

Cash option - \$2,806.37 (ten property owners paid the \$200 down-payment); OR
Finance option - \$399.57 payment paid annually for 10 years

Pursuant to Section 325 of *The Municipal Act*, all taxpayers will be permitted to pre-pay their portion of the local improvement tax by a date set by Council.

(e) Estimated Cost of Local Improvement Tax

Calculation of spending authority required	
Total project cost	\$39,082.81

(f) Particulars of Borrowing

Amount	\$37,082.81
Term	10 years
Interest	7% per annum
Annual payment	\$5,279.82

(g) Other Anticipated Sources of Funding

Funding will be from the taxpayers benefiting from the local improvement and as detailed on Schedule C. Ten property owners have provided a \$200.00 down-payment. At time of preparation of the local improvement plan there is no other source of funding.

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

The annual operating and maintenance costs of the proposed local improvement will be covered by the RM of Whitemouth's water utility charges.

THE RURAL MUNICIPALITY OF WHITEMOUTH

SCHEDULE "C" TO BY-LAW NO. 561/11

FOR LOCAL IMPROVEMENT PLAN NO. 1/2011

Roll No.	Legal Description	Total Cost	Deposit	Balance (Prepayment Amount)	Annual Payment
74300	Lots 1/2 Block 3 Plan 1445	\$3,006.37		\$3,006.37	\$428.04
82000	Lot 1 Plan 18075	\$3,006.37	\$200.00	\$2,806.37	\$399.57
82000	Lot 1 Plan 18075	\$3,006.37	\$200.00	\$2,806.37	\$399.57
84500	DESC 4 Plan 1203	\$3,006.37		\$3,006.37	\$428.04
87425	Lot 1 Plan 10172	\$3,006.37	\$200.00	\$2,806.37	\$399.57
86803	Lot 1 Block 3 Plan 34834	\$3,006.37	\$200.00	\$2,806.37	\$399.57
172504	Lot 2 Block 1 Plan 15179	\$3,006.37	\$200.00	\$2,806.37	\$399.57
172516	Lot 9 Block 1 Plan 15179	\$3,006.37	\$200.00	\$2,806.37	\$399.57
172538	Lot 3 Block 2 Plan 15179	\$3,006.37	\$200.00	\$2,806.37	\$399.57
172555	Lot 9 Block 3 Plan 15179	\$3,006.37	\$200.00	\$2,806.37	\$399.57
172900	DESC 4 Plan 9456	\$3,006.37		\$3,006.37	\$428.04
174100	Lot 3 Plan 10991	\$3,006.37	\$200.00	\$2,806.37	\$399.57
181100	Lot 29 Plan 4534	\$3,006.37	\$200.00	\$2,806.37	\$399.57
		\$39,082.81		\$37,082.81	\$5,279.82