

RURAL MUNICIPALITY OF ST. CLEMENTS

BY-LAW NO. 13-2020

BEING A BY-LAW OF THE RURAL MUNICIPALITY OF ST. CLEMENTS TO PROVIDE FOR THE EXPENDITURE AND BORROWING OF FUNDS TO CONSTRUCT & ESTABLISH PHASE 1 OF THE SOUTH ST. CLEMENTS UTILITY INFRASTRUCTURE

WHEREAS, *The Municipal Act*, S.M. 1996, c.58 provides, in part, as follows:

"172 In this Division,

"borrowing" means the borrowing of money, and includes (e) issuing debentures;

"borrowing by-law" means a by-law referred to in clause 174(1)(a)."

"174(1) A municipality may make a borrowing only if

(a) the borrowing is authorized by a by-law passed in accordance with section 174.1; and

(b) subject to subsection (2), the borrowing is set out as a debt obligation in the operating budget or capital budget or it is made to fund an expenditure authorized under subsection 169(5)."

"174.1(1) The council must give public notice before giving first reading to a borrowing by-law that authorizes the municipality to

(a) issue debenture; and

(b) use the money borrowed to fund a capital project that has been included in the financial plan adopted under section 162."

AND WHEREAS the Council of the Rural Municipality of St. Clements deems it necessary and in the best interests of the municipality to borrow monies to improve the utility capacities of South St. Clements through the construction and utility operating infrastructure by establishing utility trunk lines from the municipal boundary at the R.M. of East St. Paul through to the utility facilities at East Selkirk including a required lift station;

AND WHEREAS, the Rural Municipality has applied for grant funding through the Investing in Canada Infrastructure Program and in having received no formal response is required to move forward with the project as a municipal priority;

AND WHEREAS, in order to complete such works, it will be necessary for the Rural Municipality of St. Clements to borrow for the project costs a total sum of three million five hundred thousand dollars \$ 3,500,000 as hereinafter provided, which is the amount of the debt intended to be created by this by-law;

AND WHEREAS the consecutive amounts, including principal and interest, required to be raised each year for twenty (20) 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 assessed value of the whole land chargeable under this by-law, according to the last revised assessment roll, is \$ 771,514,420;

AND WHEREAS the amount of existing debenture debt issued by the Rural Municipality of St. Clements is eleven million, nine hundred ninety seven thousand, five hundred and fourteen dollars and seven cents, \$ 11,997,514.07, of which no portion of the principle or of the interest thereon is in arrears;

(2) By-Law 13 – 2020 – SSC Utility Borrowing

NOW THEREFORE the Council of The Rural Municipality of St. Clements in regular session assembled enacts as follows:

1. THAT the Rural Municipality of St. Clements is hereby authorized and empowered to raise upon the credit of the municipality, funds not repayable within the current fiscal year by the borrowing of money in an amount not exceeding three million five hundred thousand dollars \$ 3,500,000.
2. THAT the funds so raised shall be for the purpose of financing improvements to the utility capacities of South St. Clements through the construction and establishment of utility operating infrastructure;
3. THAT the borrowing for the aforesaid project shall be issued by the Rural Municipality of St. Clements in the Province of Manitoba, and shall be payable at the Sunova Credit Union in Selkirk, and shall be dated the 31st day of December, 2021 A.D.
4. THAT the said borrowing shall bear interest at a rate estimated for the time being at 4.00% per annum, and subject in 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 2021-2040, both inclusive.
5. THAT the issuance of the borrowings shall be signed by the Mayor of The Rural Municipality of St. Clements, or by some other person authorized by by-law to sign the same, and by the Chief Administrative Officer of the Rural Municipality of St. Clements, and there shall be affixed thereto the corporate seal of the said municipality.
6. THAT during the currency of the said borrowing; namely in each of the years 2021-2040, both inclusive, annual revenues of the Gas Tax grant will be utilized as is sufficient to pay the principal and interest.
7. THAT pursuant to the subsection 174 (3) (d) of The Municipal Act, pending the issue of the borrowing, the Council of The Rural Municipality of St. Clements 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, such advances in total not to exceed the sum of three million five hundred thousand dollars \$ 3,500,000.

DONE AND PASSED by the Council of The Rural Municipality of St. Clements in regular session assembled, this ____th day of _____ A.D. 2020.

Read a first time this ____th day of _____ A.D. 2020.

Read a second time this ____th day of _____ A.D. 2020.

Read a third time this ____th day of _____ A.D. 2020.

Mayor

Chief Administration Officer