

**RURAL MUNICIPALITY OF ST. CLEMENTS  
BY-LAW NO. 2-2023**

**BEING A BY-LAW OF THE RURAL MUNICIPALITY OF ST. CLEMENTS TO AUTHORIZE THE EXPENDITURE AND  
BORROWING OF MONEY FOR THE INSTALLATION OF A LOW PRESSURE SEWER SYSTEM AS A LOCAL  
IMPROVEMENT IN THE SOUTH ST CLEMENTS UTILITY CATCHMENT AREA.**

**WHEREAS**, Section 311 of *The Municipal Act*; S.M. 1996, C. 58, 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 the following:*
  - (i) *sewage collection and treatment 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** Section 172 of *The Municipal Act* provides in part 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 Improvement 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 or it is made to fund an expenditure authorized under subsection 169(5);*

**AND WHEREAS** the Council of the Rural Municipality of St. Clements has prepared Local Improvement Plan No. 1-2023 providing for the spending, borrowing authority, and imposition of taxes for the installation of a low pressure sewer system and lift station in in the South St Clements Utility Catchment Area 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 St. Clements to borrow the sum of \$981,216.65 (nine hundred eighty one thousand two hundred sixteen dollars and sixty-five cents) as hereinafter provided, which is the amount of 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 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 requirements as prescribed in Sections 318, 319, and 320 of *The Municipal Act* have been complied with;

**AND WHEREAS** the existing debenture debt of the Rural Municipality of St. Clements is \$19,634,690.43 of which no portion of the principal or interest thereon is in arrears;

**NOW THEREFORE** the Council of the Rural Municipality of St. Clements duly assembled, enacts as follows:

1. THAT pursuant to subsection 320 (1) of *The Municipal Act* the Rural Municipality of St. Clements adopt Local Improvement Plan No. 1-2023 attached hereto as Schedule "B".
2. THAT the Rural Municipality of St. Clements may expend up to \$981,216.65 (nine hundred eighty one thousand two hundred sixteen dollars and sixty-five cents) providing for the spending, borrowing authority, and imposition of taxes for the installation of a water and sewer system in the South St Clements Utility Catchment Area as a Local Improvement pursuant to part 10 of *The Municipal Act*;
3. THAT for the aforesaid project, the municipality may borrow the said sum of \$981,216.65 (nine hundred eighty one thousand two hundred sixteen dollars and sixty-five cents) such borrowing 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, Manitoba and shall be dated the 1<sup>st</sup> day of January A.D. 2023.
4. THAT the said borrowing shall bear interest at a rate estimated for the time being at 5.525% per annum, and subject in any event to the authorization of The Municipal Board at the time of sale, payable annually during their currency, and shall mature in accordance with the maturities set out in Schedules "A", hereto on the 31<sup>st</sup> day of December in each of the years 2023 to 2042, both inclusive.
5. THAT each of the said 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, and the coupons, if any, attached hereto, shall be signed by the Chief Administrative Officer, whose signatures thereon may be by lithograph or other mechanical means.
6. THAT during the currency of the said borrowing; namely in each of the years 2023 to 2042, both inclusive, there shall be raised annually by special per parcel rate on all the benefiting properties within LID No. 2023-01 on Schedule "C" and shown on Schedule "D" hereto attached within the RM of St. Clements, with an amount sufficient to pay the principal and interest hereunder for the said borrowing.
7. **THAT** pursuant to the provisions of *The Municipal Act*, pending the issue of the said borrowing, the Council of The Rural Municipality of St. Clements may agree with a bank or person 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 \$ 981,216.65.
8. **THAT** during the term of the borrowing authorized herein, in any year where the borrowing remains unissued, the levies may be made as if the borrowing had been issued, the proceeds applied in reduction of temporary financing, and when issued, the amount and term of the 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 may commute and pay in one principal sum that part of his/her share of the debt herein authorized in respect of the special rate per parcel provided herein to the said Chief Administrative Officer of the Rural Municipality of St. Clements and thereafter no special rate per parcel shall be levied against his/her said lands in respect of the borrowing to be authorized herein.

DONE AND PASSED by the Council of The Rural Municipality of St. Clements in regular session assembled, this  
\_\_\_\_\_ day of \_\_\_\_\_ A.D. 2023.

\_\_\_\_\_  
*Mayor*

\_\_\_\_\_  
*Chief Administrative Officer*

*Read a 1<sup>st</sup> time this \_\_\_\_\_ day of \_\_\_\_\_, 2023*

*Read a 2<sup>nd</sup> time this \_\_\_\_\_ day of \_\_\_\_\_, 2023*

*Read a 3<sup>rd</sup> time this \_\_\_\_\_ day of \_\_\_\_\_, 2023*

RURAL MUNICIPALITY OF ST. CLEMENTS			
SSC Phase 2 - Low Pressure Sewer Services South St. Clements Utility LID			
SCHEDULE "A" TO BYLAW 2-2023			
Term (Yrs):	20	Amount:	981,216.65
Date:	44927	Rate (%):	5.5250
Payable:	December 31, 2023-2043	Annual Payment:	82,277.94
# of Days	0	Adjusted First Year's Payment:	82,277.94
		Adjusted Last Year's Payment:	82,277.99
MATURITY SCHEDULE			
Year	Interest	Principal	Balance
2023	54,212.22	28,065.72	953,150.93
2024	52,661.59	29,616.35	923,534.58
2025	51,025.29	31,252.65	892,281.93
2026	49,298.58	32,979.36	859,302.57
2027	47,476.47	34,801.47	824,501.10
2028	45,553.69	36,724.25	787,776.85
2029	43,524.67	38,753.27	749,023.58
2030	41,383.55	40,894.39	708,129.19
2031	39,124.14	43,153.80	664,975.39
2032	36,739.89	45,538.05	619,437.34
2033	34,223.91	48,054.03	571,383.31
2034	31,568.93	50,709.01	520,674.30
2035	28,767.26	53,510.68	467,163.62
2036	25,810.79	56,467.15	410,696.47
2037	22,690.98	59,586.96	351,109.51
2038	19,398.80	62,879.14	288,230.37
2039	15,924.73	66,353.21	221,877.16
2040	12,258.71	70,019.23	151,857.93
2041	8,390.15	73,887.79	77,970.14
2042	4,307.85	77,970.14	0.00
<b>TOTALS</b>	<b>664,342.20</b>	<b>981,216.65</b>	<b>1,645,558.85</b>
			18-Jan-23

RURAL MUNICIPALITY OF ST. CLEMENTS

LOCAL IMPROVEMENT PLAN NO. 1-2023

SCHEDULE "B" TO BY-LAW NO. 2-2023

INSTALLATION OF A LOW PRESSURE SEWER SYSTEM  
IN THE SOUTH ST CLEMENTS UTILITY CATCHMENT AREA

(Pursuant to subsection 315 (1) of *The Municipal Act*)

(a) **DESCRIPTION OF THE PROPOSED LOCAL IMPROVEMENT**

The Local Improvement proposed herein involves the installation of private connections and a low pressure sewer system to all benefiting properties within the South St Clements Utility Catchment Area. The residents are currently supplied by individual wells drawing from a contaminated limestone aquifer.

(b) **LOCAL IMPROVEMENT DISTRICT WHICH THE LOCAL IMPROVEMENT TAX WILL BE IMPOSED**

The Local Improvement Tax required under this proposal will be levied on

- all benefiting properties in Local Improvement District (LID) #1 as described in Schedule C

(c) **IDENTIFICATION OF POTENTIAL TAXPAYERS UNDER THE PLAN**

Under this Local Improvement plan there will be 1 classification of potential taxpayers:

- The owners of all assessable property in the proposed LID #1 including taxable, grant in lieu and otherwise exempt properties but excluding properties included in Section 21 of the *Municipal Assessment Act*.

(d) **METHOD AND RATE OF CALCULATING THE LOCAL IMPROVEMENT TAX**

The local improvement tax to be levied under this proposal will be based on a per parcel basis for LID #1 and on the portioned value of assessable property for the general municipal contribution. The rates are to be calculated as follows:

For LID #1 – Parcels

- Cash option of \$ 17,521.73 per parcel or finance option of \$ 1,469.25 per parcel to be levied annually for 20 years.

Pursuant to Section 325 of *The Municipal Act*, any potential taxpayer within LID #1 may, within 30 days following the completion of the work, pay in one principal sum that part of his/her share of the debt based on parcel levy and thereafter no special rate per parcel shall be levied against his/her property.

It shall also be a requirement that all benefiting property owners within the South St Clements Utility Catchment Area connect to the proposed water and sewer system.

(e) **Estimated Cost of Local Improvement / Sources of Funding**

Total cost of the project is estimated at \$ 981,216.65. Funding for the project is as follows:

Description	Total cost	Funded by Grants	Pre-Paid Properties	Borne by LID 1	Borne by General Municipal
Low Pressure Sewer System	981,216.65	0.00	0.00	981,216.65	0.00
<b>TOTAL</b>	<b>981,216.65</b>	<b>0.00</b>	<b>0.00</b>	<b>981,216.65</b>	<b>0.00</b>

(f) **Particulars of Borrowing**

Amount           \$ 981,216.65  
Term             20 years  
Interest          Estimated at 5.525%  
Annual Payment   \$ 82,277.99

(g) **Annual Operating and Maintenance Cost of the Proposed Local Improvement**

The annual maintenance costs associated with the local improvement proposed herein will be recovered in the annual operating budget of the utility. The Municipality will have to complete a "Water and Sewer Rate Study" to establish consumer rates. These rates must be approved by The Public Utilities Board.

RM OF ST. CLEMENTS

SSC Utility LID - Henderson Catchment Area

SCHEDULE 'C' TO BY-LAW 2-2023

Roll	Legal	Civic #	Street Name	Cash Option	Finance Option
800	*RL200-AD-3393	6323	Henderson Hwy	\$ 17,521.73	\$ 1,469.25
1010	*1-13970	6316	Henderson Hwy	\$ 17,521.73	\$ 1,469.25
2400	*RL205-AD-3393	6238	Henderson Hwy	\$ 17,521.73	\$ 1,469.25
3700	*RL211-AD-3393	6134	Henderson Hwy	\$ 17,521.73	\$ 1,469.25
4952	2-36379	6022	Henderson Hwy	\$ 17,521.73	\$ 1,469.25
5600	*3-7607	89	Church RD S	\$ 17,521.73	\$ 1,469.25
6150	1-2-32567		Riverby Lane	\$ 17,521.73	\$ 1,469.25
6832	2-2-23863	88	Church RD S	\$ 17,521.73	\$ 1,469.25
6862	8-2-23863	162	Church RD S	\$ 17,521.73	\$ 1,469.25
10600	*RL220-AD-3393	5752	Henderson Hwy	\$ 17,521.73	\$ 1,469.25
11160	*RL222-AD-3393	5728	Henderson Hwy	\$ 17,521.73	\$ 1,469.25
11400	RL222-AD-3393	5723	Henderson Hwy	\$ 17,521.73	\$ 1,469.25
11525	2-32290	5710	Henderson Hwy	\$ 17,521.73	\$ 1,469.25
12760	1-46316	5656	Henderson Hwy	\$ 17,521.73	\$ 1,469.25
12800	*1/3-8816	5654	Henderson Hwy	\$ 17,521.73	\$ 1,469.25
16600	*RI 735-AD-2711	5516	Henderson Hwy	\$ 17,521.73	\$ 1,469.25
17350	*RL239-AD-2711	5455	Henderson Hwy	\$ 17,521.73	\$ 1,469.25
19600	*RL248-AD-2711	5256	Henderson Hwy	\$ 17,521.73	\$ 1,469.25
20550	*RL251-AD-2711	5196	Henderson Hwy	\$ 17,521.73	\$ 1,469.25
23800	*RL260-AD-3392	5043	Henderson Hwy	\$ 17,521.73	\$ 1,469.25
24500	C-36450	5001	Henderson Hwy	\$ 17,521.73	\$ 1,469.25
24840	5-34358	47	Readgan Drive	\$ 17,521.73	\$ 1,469.25
24850	6-34358	59	Readgan Drive	\$ 17,521.73	\$ 1,469.25
25830	2-2-14098	61	Roman Drive	\$ 17,521.73	\$ 1,469.25
27500	*RL268-AD-3392	4840	Henderson Hwy	\$ 17,521.73	\$ 1,469.25
28500	*RL270-AD-3392	4782	Henderson Hwy	\$ 17,521.73	\$ 1,469.25
28980	1-1-13077	4755	Henderson Hwy	\$ 17,521.73	\$ 1,469.25
28990	2-1-13077	21	Dunning RD	\$ 17,521.73	\$ 1,469.25
29502	3-34130	4745	Henderson Hwy	\$ 17,521.73	\$ 1,469.25
31600	*RL276-AD-3392	4587	Henderson Hwy	\$ 17,521.73	\$ 1,469.25
32040	9-1-45274	153	Park Place	\$ 17,521.73	\$ 1,469.25
32825	2-2-30252	114	Park Place	\$ 17,521.73	\$ 1,469.25
32830	3-2-30252	126	Park Place	\$ 17,521.73	\$ 1,469.25
32850	1-3-30252	35	Marvin Garden RD	\$ 17,521.73	\$ 1,469.25
33155	1-2-25038	33	Boardwalk	\$ 17,521.73	\$ 1,469.25
34759	5-1-14797	138	Mckay RD	\$ 17,521.73	\$ 1,469.25
34787	3-3-14797	62	Nicholas St	\$ 17,521.73	\$ 1,469.25
34813	7-4-14797	58	Mckay RD	\$ 17,521.73	\$ 1,469.25
34900	1-24219	4379	Henderson Hwy	\$ 17,521.73	\$ 1,469.25
34945	1-21149	4391	Henderson Hwy	\$ 17,521.73	\$ 1,469.25
35304	4-1-27757	4343	Henderson Hwy	\$ 17,521.73	\$ 1,469.25
35310	1-2-27757	5	Wachal Drive	\$ 17,521.73	\$ 1,469.25
35327	1-4-27757	149	Nicholas St	\$ 17,521.73	\$ 1,469.25
35329	3-4-27757	165	Nicholas St	\$ 17,521.73	\$ 1,469.25
215100	*RL170-AD-2470	6818	Henderson Hwy	\$ 17,521.73	\$ 1,469.25
224750	*RL189-AD-2470	6511	Henderson Hwy	\$ 17,521.73	\$ 1,469.25
224800	1-29843	6500	Henderson Hwy	\$ 17,521.73	\$ 1,469.25
224805	2-29843	6494	Henderson Hwy	\$ 17,521.73	\$ 1,469.25
224820	*RL190-AD-2470	6497	Henderson Hwy	\$ 17,521.73	\$ 1,469.25
226100	*RL192-AD-2470	6468	Henderson Hwy	\$ 17,521.73	\$ 1,469.25
226300	1-16861	6452	Henderson Hwy	\$ 17,521.73	\$ 1,469.25
226310	2-16861	6440	Henderson Hwy	\$ 17,521.73	\$ 1,469.25
226600	*RL194-AD-2470	6426	Henderson Hwy	\$ 17,521.73	\$ 1,469.25
226700	1-13100	6411	Henderson Hwy	\$ 17,521.73	\$ 1,469.25
227250	*RL196-AD-3393	6405	Henderson Hwy	\$ 17,521.73	\$ 1,469.25
227350	*RL196/197-AD-3393	6380	Henderson Hwy	\$ 17,521.73	\$ 1,469.25