

MUNICIPALITY OF TWO BORDERS

BY-LAW NO. 76/2021

Being a By-law of the Municipality of Two Borders to authorize the Expenditure and Borrowing of money to connect the Lyleton Utility and rural properties within the Municipality of Two Borders to the Southwest Regional Water Co-op Inc. pipeline as a local improvement. The source water is from the Melita Water Treatment Plant.

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:
 - (i) water supply, treatment, and distribution facilities;

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

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

AND WHEREAS, the Council of the Municipality of Two Borders has prepared Local Improvement Plan No. A-2021 providing for the spending, borrowing authority, and imposition of taxes for connecting the Lyleton Utility and rural residents to the regional water pipeline as a local improvement pursuant to Part 10 of the Municipal Act.

AND WHEREAS, to complete such undertaking, it will be necessary for the Municipality of Two Borders to borrow the sum of \$248,000.00 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 are prescribed in Sections 318, 319 and 320 of the Municipal Act have been complied with;

AND WHEREAS the amount of the existing borrowing debt of the Municipality of Two Borders is \$703,380.00; of which no portion of the principal or of the interest thereon is in arrears;

NOW THEREFORE the Council of the Municipality of Two Borders in regular (or special) session assembled, enacts as follows:

1. That pursuant to subsection 320(1) of the Municipal Act, the Municipality of Two Borders adopt Local Improvement Plan No. A-2021 attached as Schedule "B".
2. That the Municipality of Two Borders may expend up to Six Hundred Fifty Thousand dollars (\$650,000.00) for the purpose of connecting the Lyleton Utility and rural properties within the Municipality of Two Borders to a regional water pipeline as a local improvement.
3. That for the aforesaid project, the said municipality may borrow Two Hundred and Forty Eight Thousand Dollars (\$248,000.00), such borrowing shall be issued by the Municipality of Two Borders in the Province of Manitoba and shall be payable at the RBC Royal Bank in Melita, Manitoba and shall be dated the 24th day of December 2021.
4. That the said borrowing shall bear interest at a rate estimated for the time being at 6% 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 24th day of December in each of the years 2022 to 2031, both inclusive.
5. That the issuance of borrowings shall be signed by the Head of Council, or by some other person authorized by by-law to sign same, and by the Chief Administrative Officer of the Municipality of Two Borders 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 2022 to 2031, both inclusive, there shall be raised annually by a special rate per parcel on all the rateables property in the Municipality of Two Borders described in Schedule "C" hereto, an amount sufficient to meet the requirement for principal and interest.
7. That pursuant to subsection 174(3) (d) of the Municipal Act, pending the issuer of the borrowing, the Council of the Municipality of Two Borders 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 Six Hundred Fifty Thousand dollars (650,000.00).
8. 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 or one part 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 Municipality of Two Borders 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 at Melita, in the Province of Manitoba this ___th day of _____, 2021.

Reeve

Chief Administrative Officer

Read a first time this 2nd day of March, A.D. 2021.

Read a second time this ___ day of _____, A.D. 20__.

Read a third time this ___ day of _____, A.D. 20__.

