



TOWN OF CARMAN

BY-LAW NO. 07/1903

BEING a By-law of the Town of Carman to authorize the expenditure and borrowing of money for the upgrading and adding on to the Carman Dufferin Firehall and purchasing fire equipment for the Town of Carman as a local improvement.

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 one or more of the following:*
- (b) any other project the cost of which includes a capital component."*

AND WHEREAS Section 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 Improvements and Special Services) of Part 10,*
- (e) issuing debentures."*

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

AND WHEREAS Section 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)."*

TOWN OF CARMAN

BY-LAW NO. 07/1903

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AND WHEREAS the Council of the Town of Carman has prepared Local Improvement Plan Number 02/07, providing for the spending, borrowing authority and imposition of taxes for the upgrading and adding on to the Carman Dufferin Firehall and for the purchasing of fire vehicles for use by the Carman Dufferin Fire Department, 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 Town of Carman to borrow for the sum of \$325,000.00 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 ten (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 assessed value of the whole lands chargeable under this by-law according to the lasted reviewed Assessment Roll is \$74,481,460;

AND WHEREAS the amount of the existing debenture debt of the Town of Carman is \$603,436.70, of which no portion of the principal or of the interest thereon is in arrears;

NOW THEREFORE the Council of the Town of Carman, in regular session assembled, enacts as follows:

1. THAT pursuant to Subsection 320(1) of *The Municipal Act*, the Town of Carman adopts Local Improvement Plan Number 02/07 attached hereto as Schedule "B".
2. THAT the Town of Carman may expend up to Six Hundred and Fifty Thousand Dollars (\$650,000.00), for the purpose of upgrading and adding on to the Carman Dufferin Firehall and for the purchasing of fire vehicles for use by the Carman Dufferin Fire Department, of the Town of Carman, as a local improvement.
3. THAT for the aforesaid project, the said municipality may borrow Three Hundred and Twenty-five Thousand Dollars (\$325,000.00), such borrowing shall be issued by the Town of Carman, in the Province of Manitoba, and shall be payable at the Dufferin Credit Union Ltd. and shall be dated the 31st day of December 2007.
4. THAT the said borrowing shall bear interest at a rate estimated for the time being at 8.25% 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 2008 to 2017, both inclusive.

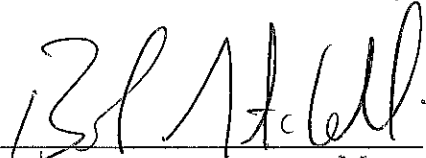
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BY-LAW NO. 07/1903

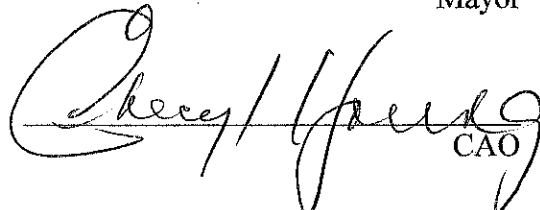
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5. THAT the issuance of borrowings shall be signed by the Mayor, or by some other person authorized by by-law to sign same, and by the Chief Administrative Officer of the Town of Carman and there shall be affixed thereto the corporate seal of the Town of Carman 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 each of the years 2008 to 2017, both inclusive, there shall be raised annually by a special mill rate on all rateable property in Local Improvement District Number One, 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 issue of the borrowing, the Council of the Town of Carman 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 for the purpose aforesaid, and the total of such advances shall not exceed Six Hundred and Fifty Thousand Dollars (\$650,000.00).
8. THAT during the term of the borrowing authorized herein, in any year where the debt remain unissued, the levies may be made as if the borrowing 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.

DONE AND PASSED as a by-law of the Town of Carman, in the Province of Manitoba, this 16th day of August 2007.



Mayor



CAO

Read a first time this 28th day of June 2007.
Read a second time this 16th day of August 2007.
Read a third time this 16th day of August 2007.

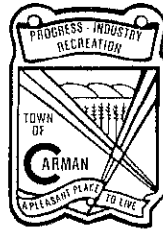
TOWN OF CARMAN

BY-LAW NO. 07/1903

SCHEDULE "A"

TOWN OF CARMAN			
SCHEDULE - A TO BYLAW 07/1903			
Purchase of Fire Vehicles and Renovation to Fire Hall			
Local Improvement Debenture Issue			
Term (Yrs):	10	Amount:	325,000.00
Date:	December 31, 2007	Rate (%):	8.2500
Payable:	December 31, 2008 - 2017	Annual Payment:	48,982.15
		First Year's Payment:	48,982.15
		Adjusted Last Year's Payment:	48,982.10

MATURITY SCHEDULE			
Year	Interest	Principal	Balance
2008	26,812.50	22,169.65	302,830.35
2009	24,983.50	23,998.65	278,831.70
2010	23,003.62	25,978.53	252,853.17
2011	20,860.39	28,121.76	224,731.41
2012	18,540.34	30,441.81	194,289.60
2013	16,028.89	32,953.26	161,336.34
2014	13,310.25	35,671.90	125,664.44
2015	10,367.32	38,614.83	87,049.61
2016	7,181.59	41,800.56	45,249.05
2017	3,733.05	45,249.05	0.00
TOTALS	164,821.45	325,000.00	489,821.45



**SCHEDULE "B" TO BY-LAW NUMBER 07/1903
THE TOWN OF CARMAN
LOCAL IMPROVEMENT PLAN #02/07
FOR
FIRE FIGHTING EQUIPMENT AND FIREHALL
(Pursuant to Subsection 315(1) of *The Municipal Act*)**

(a) *Description of the Proposed Local Improvement*

Carman Dufferin Volunteer Fire Department has been in need of additional space for the storage of fire equipment for sometime. The Fire Department purchased a tanker that cannot be stored in the existing firehall. This project proposes to renovate the existing firehall for meeting area, offices, training area and firefighters' recreation area. A new 3-bay building will be constructed for the housing of the fire engines, the new tanker and other fire vehicles and equipment.

Besides the requirements for additional firehall storage and space, the Carman Dufferin Fire Department is also in need of updated its fire fighting vehicles. Currently, the 1977 Ford Fire Pumper is in need of major repairs to allow it to continue to pump water for fires. The 1992 Fire Pumper is in fine repair, however a second dependable vehicle is necessary. It is proposed to purchase a new/newer Fire Pumper truck to replace the 1977 vehicle. The older 1992 vehicle will be used as the additional back up services. It is Council's intention to annually allocate funds to a reserve fund in order to provide adequate funding in future years to replace the older fire truck before it reaches its lifespan.

Besides the need for a new/newer fire truck, the Carman Dufferin Fire Department also needs a vehicle to safely transport its firefighters from the firehall to the fires or traffic accidents. The Rescue Vehicle that is currently being used does not transport enough fire fighters to the scene. It is felt that a van should also be purchased to safely transport the firefighters from the firehall to the emergency.

(b) *Local Improvement District to be taxed*

The Council of the Town of Carman intends to impose this local improvement tax on all assessable property within the Town of Carman Local Improvement District Number One. This will include all taxable assessment, Grant-in-Lieu assessment and Otherwise Exempt assessment in the Town of Carman. Local Improvement District Number One includes all properties within the Town of Carman boundaries. The assessment value in 2007 of this property totals \$74,481,460.

(c) Identify the Potential Taxpayers Under the Plan

The potential taxpayer, as defined by Section 310 of *The Municipal Act*, is a person who would, if the local improvement were approved by by-law, be liable to pay for the local improvement. In this proposal, the potential taxpayer would include the owners of any assessable property in the Town of Carman Local Improvement District Number One.

(d) Method and Rate of Calculating Local Improvement Tax

The local improvement requirement in each year is to be raised by a local improvement tax calculated on the basis of the portioned value of eligible assessable property over ten (10) years.

The rate will be calculated on the current year's portioned assessment by mill rate and based on the 2007 assessment of \$74,481,460 the rate would be 0.658 mills.

Pursuant to Section 325 of *The Municipal Act*, taxpayers will not be permitted to prepay their respective local improvement taxes because they are based on assessment.

(e) Estimated Cost of Local Improvement

a. Firehall Addition (bays) and Renovation	\$300,000.00
b. Fire Truck/Van	<u>\$350,000.00</u>
Total Project Costs	\$650,000.00
Contribution from R M of Dufferin	<u>\$325,000.00</u>
Town of Carman Cost	<u>\$325,000.00</u>

(f) Particulars of Debenture Issue

Amount of Debenture	\$325,000.00
Term	10 Years
Interest Rate	8.25% (or rate at the time of borrowing)
Due Date	December 31, 2008 through to 2017 both inclusive

(g) Other Anticipated Sources of Funding

The cost of this project will be shared equally with the Rural Municipality of Dufferin. The costs included in the borrowing will only those that are the responsibility of the Town of Carman.

(h) Funding of Maintenance of Proposed Local Improvement

The Town of Carman and the Rural Municipality of Dufferin are responsible for the annual operation and maintenance of this volunteer fire department and such expenses will be included in annual operating financial plans of the two municipalities.

THE MUNICIPAL BOARD OF MANITOBA
DECISION AND ORDER

DECISION DATE: July 30, 2007

Order No. E-07-133
File No. 07E8-0038

PANEL: Peter G. Diamant, Chair
Denis Guénette, Member

TOWN OF CARMAN - BY-LAW NO. 07/1903

The Town of Carman submits By-law No. 07/1903 under Section 320(4) of *The Municipal Act*.

By-law No. 07/1903, attached as Appendix "A", authorizes the upgrading, including a new addition of the firehall and the purchase of a fire pumper truck as a Local Improvement and the borrowing of \$325,000.00.

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

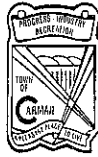
1. Town of Carman By-law No. 07/1903 **BE APPROVED** subject to the following amendments:
 - (a) In the first "Whereas" Clause, delete "**(iii) waste management facilities**" and replace with "**(b) any other project the cost of which includes a capital component**";
 - (b) In Schedule "B" to the By-law amend the following:
 - i) In Clause (b), delete "**and subsequent amendments**"; and
 - ii) In Clause d) after "**\$74,481,460**" insert "**the rate would be 0.658 mills**".
2. A filing fee of \$50.00 be paid by the Town of Carman.

FOR THE MUNICIPAL BOARD

July 30, 2007
Date

Peter Diamant
Peter G. Diamant, Chair

R. Gibbons
for
Rose Gibbons, Secretary



TOWN OF CARMAN

BY-LAW NO. 07/1903

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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 one or more of the following:*
 - (iii) waste management facilities,"*

AND WHEREAS Section 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

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BY-LAW NO. 07/1903

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AND WHEREAS in order to complete such undertaking, it will be necessary for the Town of Carman to borrow for the sum of \$325,000.00 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 ten (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 assessed value of the whole lands chargeable under this by-law according to the lasted reviewed Assessment Roll is \$74,481,460;

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4. THAT the said borrowing shall bear interest at a rate estimated for the time being at 8.25% 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 2008 to 2017, both inclusive.

TOWN OF CARMAN

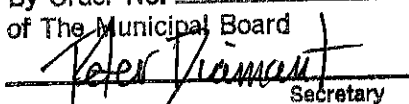
BY-LAW NO. 07/1903

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5. THAT the issuance of borrowings shall be signed by the Mayor, or by some other person authorized by by-law to sign same, and by the Chief Administrative Officer of the Town of Carman and there shall be affixed thereto the corporate seal of the Town of Carman 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 each of the years 2008 to 2017, both inclusive, there shall be raised annually by a special mill rate on all rateable property in Local Improvement District Number One, 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 issue of the borrowing, the Council of the Town of Carman 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 for the purpose aforesaid, and the total of such advances shall not exceed Six Hundred and Fifty Thousand Dollars (\$650,000.00).
8. THAT during the term of the borrowing authorized herein, in any year where the debt remain unissued, the levies may be made as if the borrowing 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.

DONE AND PASSED as a by-law of the Town of Carman, in the Province of Manitoba, this _____ day of _____ 2007.

Approved, subject to Amendment

By Order No. E-07-133
of The Municipal Board

Secretary

Mayor

CAO

Read a first time this 28th day of June 2007.

Read a second time this _____ of _____ 2007.

Read a third time this _____ of _____ 2007.

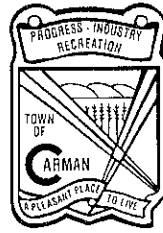
TOWN OF CARMAN

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SCHEDULE "A"

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**SCHEDULE "B" TO BY-LAW NUMBER 07/1903
THE TOWN OF CARMAN
LOCAL IMPROVEMENT PLAN #02/07
FOR
FIRE FIGHTING EQUIPMENT AND FIREHALL
(Pursuant to Subsection 315(1) of *The Municipal Act*)**

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(b) *Local Improvement District to be taxed*

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(c) Identify the Potential Taxpayers Under the Plan

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(d) Method and Rate of Calculating Local Improvement Tax

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The rate will be calculated on the current year's portioned assessment by mill rate and based on the 2007 assessment of \$74,481,460.

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(e) Estimated Cost of Local Improvement

a. Firehall Addition (bays) and Renovation	\$300,000.00
b. Fire Truck/Van	<u>\$350,000.00</u>
Total Project Costs	\$650,000.00
Contribution from R M of Dufferin	<u>\$325,000.00</u>
Town of Carman Cost	\$325,000.00

(f) Particulars of Debenture Issue

Amount of Debenture	\$325,000.00
Term	10 Years
Interest Rate	8.25% (or rate at the time of borrowing)
Due Date	December 31, 2008 through to 2017 both inclusive

(g) Other Anticipated Sources of Funding

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(h) Funding of Maintenance of Proposed Local Improvement

The Town of Carman and the Rural Municipality of Dufferin are responsible for the annual operation and maintenance of this volunteer fire department and such expenses will be included in annual operating financial plans of the two municipalities.