



TOWN OF CARMAN

BY-LAW NO. 07/1904

BEING a By-law of the Town of Carman to authorize the expenditure and borrowing of money for the upgrading the water treatment plant for the installation of sludge filter press 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:*
- (ii) water supply, treatment and distribution 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

- (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. 07/1904

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AND WHEREAS the Council of the Town of Carman has prepared Local Improvement Plan Number 03/07, providing for the spending, borrowing authority and imposition of taxes for the upgrading of the water treatment plant and the installation of a sludge filter press, 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 the sum of \$400,000.00 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 03/07 attached hereto as Schedule "B".
2. THAT the Town of Carman may expend up to Eight Hundred Thousand Dollars (\$800,000.00) for the purpose of upgrading the water treatment plant and installing a sludge filter press, as a local improvement.
3. THAT for the aforesaid project, the said municipality may borrow Four Hundred Thousand Dollars (\$400,000.00), such borrowing shall be issued by the Town of Carman, in the Province of Manitoba, and shall be payable at the Dufferin Credit Union, 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.

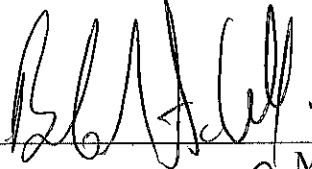
TOWN OF CARMAN

BY-LAW NO. 07/1904

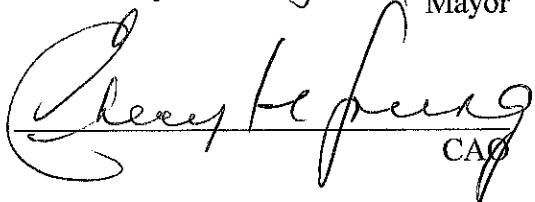
Page 3 of 6

5. THAT each of 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 Eight Hundred Thousand Dollars (\$800,000.00).
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 13th day of September 2007.



Mayor



CAO

Read a first time this 28th day of June 2007.
Read a second time this 13th of September 2007.
Read a third time this 13th of September 2007.

TOWN OF CARMAN

BY-LAW NO. 07/1904

SCHEDULE "A"

Year

TOWN OF CARMAN

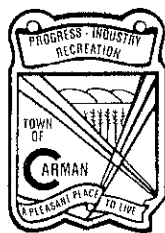
SCHEDULE - A TO BYLAW 07/1904
 Upgrade to the WTP and installation of sludge filter press
Local Improvement Debenture Issue

Term (Yrs):	10	Amount:	400,000.00
Date:	December 31, 2007	Rate (%):	8.2500
Payable:	December 31, 2008 - 2017	Annual Payment:	60,285.72
		First Year's Payment:	60,285.72
		Adjusted Last Year's Payment:	60,285.70

MATURITY SCHEDULE

Year	Interest	Principal	Balance
2008	33,000.00	27,285.72	372,714.28
2009	30,748.93	29,536.79	343,177.49
2010	28,312.14	31,973.58	311,203.91
2011	25,674.32	34,611.40	276,592.51
2012	22,818.88	37,466.84	239,125.67
2013	19,727.87	40,557.85	198,567.82
2014	16,381.85	43,903.87	154,663.95
2015	12,759.78	47,525.94	107,138.01
2016	8,838.89	51,446.83	55,691.18
2017	4,594.52	55,691.18	0.00
TOTALS	202,857.18	400,000.00	602,857.18

2008



**SCHEDULE "B" TO BY-LAW NUMBER 07/1904
THE TOWN OF CARMAN
LOCAL IMPROVEMENT PLAN #03/07
FOR
ADDITION TO THE WATER TREATMENT PLANT
FOR SLUDGE FILTER PRESS EQUIPMENT
(Pursuant to Subsection 315(1) of *The Municipal Act*)**

(a) *Description of the Proposed Local Improvement*

The Town of Carman has been working with the Water Services Board to provide a solution for the sludge bi-product of water production to be removed and treated rather than flushed into the Boyne River. The Town of Carman was then successful in obtaining financing through the Canada Manitoba Infrastructure Program for this project and is currently proceeding with a solution under this program. Dillon Consulting Ltd. has been hired to determine an acceptable solution to dispose of this sludge and has now come up with the recommendation of a sludge filter press should be built in the water treatment plant. This will allow the sludge mixture to be dried and the disposed of. This new treatment will no longer discharge this material into the Boyne River thus enhancing the river that flows through the Town of Carman.

(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 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, based on the 2007 assessment of \$74,481,460, the rate would be 0.810 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. Sludge Filter Press Project	\$800,000.00
Less: Grant Received	<u>\$400,000.00</u>
Total Project Costs -- Town of Carman cost	\$400,000.00

(f) Particulars of Debenture Issue

Amount of Debenture	\$400,000.00
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 Town of Carman will receive \$400,000.00 funding through the Canada Manitoba Infrastructure Program for this project. The balance of the funding will be the responsibility of the Town of Carman.

(h) Funding of Maintenance of Proposed Local Improvement

The Town of Carman will include in its annual operating financial plans fund for the operating and maintenance of the equipment that will be situated in the Town's water treatment plant.

THE MUNICIPAL BOARD OF MANITOBA
DECISION AND ORDER

DECISION DATE: August 15, 2007

Order No. E-07-140
File No. 07E8-0040

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

TOWN OF CARMAN - BY-LAW NO. 07/1904

The Town of Carman submits By-law No. 07/1904 under Section 320(4) of *The Municipal Act*.

By-law No. 07/1904, attached as Appendix "A", authorizes the upgrading of the water treatment plant and the installation of a sludge filter press as a Local Improvement and the borrowing of \$400,000.00.

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

1. Town of Carman By-law No. 07/1904 **BE APPROVED** subject to the following amendments:
 - (a) In the first "Whereas" Clause, delete "**(iii) waste management facilities,**" and replace with "**(ii) water supply, treatment and distribution facilities**";
 - (b) In Clause No. 2, delete "**(\$400,00.00)**" and replace with "**(\$800,000.00)**";
 - (c) In Clause No. 3, delete "**(\$800,000.00)**" and replace with "**(\$400,000.00)**"; and
 - (d) 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 0.810 mills**".

2. A filing fee of \$50.00 be paid by the Town of Carman.

FOR THE MUNICIPAL BOARD

August 15, 2007
Date

Peter Diamant
Peter G. Diamant, Chair

Rose Gibbons
Rose Gibbons, Secretary



TOWN OF CARMAN

BY-LAW NO. 07/1904

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- (a) the acquisition, development, upgrading or replacement of one or more of the following:*
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AND WHEREAS Section 320(1) of *The Municipal Act*, provides, as follows:

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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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TOWN OF CARMAN

BY-LAW NO. 07/1904

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

Mayor

CAO

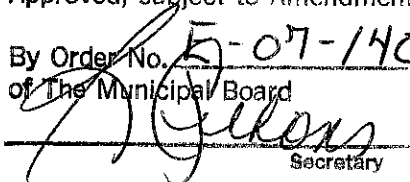
Read a first time this 28th day of June 2007.

Read a second time this _____ of _____ 2007.

Read a third time this _____ of _____ 2007.

Approved, subject to Amendment

By Order No. E-07-140
of The Municipal Board


Secretary

TOWN OF CARMAN

BY-LAW NO. 07/1904

SCHEDULE "A"

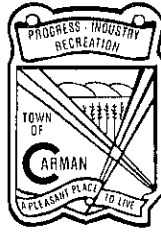
TOWN OF CARMAN

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THE TOWN OF CARMAN
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FOR SLUDGE FILTER PRESS EQUIPMENT
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Total Project Costs – Town of Carman cost	\$400,000.00

(f) Particulars of Debenture Issue

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