



**TOWN OF CARMAN
BY-LAW NO. 11/1960**

BEING a By-law of the Town of Carman to authorize the expenditure and borrowing of money for the upgrading of the sewage system in the Town 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:*
- (i) sewage collection and treatment 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)."*

AND WHEREAS the Council of the Town of Carman has prepared Local Improvement Plan Number 01/11, providing for the spending, borrowing authority and imposition of taxes for the upgrading of the Sewer System in the Town, 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 \$650,000.00 as hereinafter provided, which is the amount of the debt intended to be created by this by-law;



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AND WHEREAS the consecutive annual amounts, including principal and interest, required to be raised each year for three (3) 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 \$102,319,320;

AND WHEREAS the amount of the existing debenture debt of the Town of Carman is \$2,721,954.73, 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 01/11 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 of the sewer system of the Town.
3. THAT for the aforesaid project, the said municipality may borrow Six Hundred and Fifty Thousand Dollars (\$650,000.00), such borrowing shall be issued by the Town of Carman, in the Province of Manitoba, and shall be payable at the Access Credit Union Ltd. and shall be dated the 31st day of December 2011.
4. THAT the said borrowing shall bear interest at a rate estimated for the time being at 4.5% 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 2012 to 2014, both inclusive.
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 2012 to 2014, 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



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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 14th day of July 2011.

Bob Atchell

Mayor

Cheryl Young
CAO

Read a first time this 9th day of June 2011.
Read a second time this 14th day of July 2011.
Read a third time this 14th day of July 2011.



**TOWN OF CARMAN
BY-LAW NO. 11/1960**

TOWN OF CARMAN

Upgrade Town's
Sewer System

SCHEDULE A - TO BYLAW NO. 11/1960

Local Improvement Debenture Issue

Term (Yrs):	3	Amount:	650,000.00
Date:	December 31, 2011	Rate (%):	4.5000
Payable:	December 31, 2012 - 2014	Annual Payment:	236,452.68
		First Year's Payment:	236,452.68
		Adjusted Last Year's Payment:	236,452.69

MATURITY SCHEDULE

Year	Interest	Principal	Balance
2012	29,250.00	207,202.68	442,797.32
2013	19,925.88	216,526.80	226,270.52
2014	10,182.17	226,270.52	0.00
TOTALS	59,358.05	650,000.00	709,358.05

20-Apr-11



**TOWN OF CARMAN
BY-LAW NO. 11/1960**

**SCHEDULE "B" TO BY-LAW NUMBER 11/1960
THE TOWN OF CARMAN
LOCAL IMPROVEMENT PLAN #01/11
FOR
UPGRADES TO SEWER SYSTEM OF THE TOWN
(Pursuant to Subsection 315(1) of *The Municipal Act*)**

(a) *Description of the Proposed Local Improvement*

The sewer system of the Town was originally constructed in the early 1900's when the first sewer lines were installed. The system has expanded over the years and now Council is looking at upgrading portions of the original system.

This proposed local improvement consists of three projects, namely:

- 1) Lining of the main sewer line that runs under Main Street (PTH #13). This is one of the original sewer lines that was installed and with the upgrading of this highway in future years, this sewer will be lined to ensure longevity of the main sewer.
- 2) Lining of brick manholes throughout the older sections of town. These brick manholes can be relined to ensure the longevity of the units.
- 3) Upgrading of main lift station will include the replace of all pumps and electrical service.

(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 2011 of this property totals \$102,319,320.

(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.



**TOWN OF CARMAN
BY-LAW NO. 11/1960**

The rate will be calculated on the current year's portioned assessment by mill rate and based on the 2011 assessment of \$102,319,320 the rate would be 2.31 mills. Applied to a residential property valued at \$100,000 (portioned value \$45,000) an estimated \$103.95 local improvement tax would be levied annually for 3 years.

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

Main Sewage Lift Station –	
• Replacement of pumps and hydro service	\$275,000.00
Lining of Sewer main –	
• Main Street South (PTH #13)	\$250,000.00
Lining Brick Manholes –	
• North west & South east sections of town	<u>\$125,000.00</u>
Total Project Sewer Project Costs	\$650,000.00

(f) Particulars of Borrowing

Amount of Borrowing	\$650,000.00
Term	3 Years
Interest Rate	4.5% maximum (or rate at the time of borrowing)
Annual payment	\$236,452.68
Due Date	December 31, 2011 through to 2014 both inclusive

(g) Other Anticipated Sources of Funding

There is no other source of funding for this project.

(h) Funding of Maintenance of Proposed Local Improvement

The Town of Carman includes the maintenance of the sewer system in its annual financial plan and this practise would include the components of the sewer system included in this local improvement plan.

THE MUNICIPAL BOARD OF MANITOBA
DECISION AND ORDER

DECISION DATE: June 24, 2011

Order No. E-11-111
File No. 11E8-0016

PANEL: Tanys Björnson, Acting Chair
John Blewett, Member

TOWN OF CARMAN - BY-LAW NO. 11/1960

The Town of Carman (the "Town") submits By-law No. 11/1960 under Section 320(4) of *The Municipal Act*.

By-law No. 11/1960, attached as Appendix "A", authorizes upgrades to the existing sewer system, which includes the following as a Local Improvement:

- replace the main lift station pumps and service;
- reline a section of the sewer main; and
- reline brick manholes located in the older sections of Town.

The estimated cost is \$650,000.00, which is to be borrowed by the Town.

The Town received no objections to the proposed By-law.

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

1. Town of Carman By-law No. 11/1960 **BE APPROVED** subject to the following amendment:
 - (a) In Clause No. 6, delete "2011" and replace with "2012".
2. A filing fee of \$50.00 be paid by the Town of Carman.

FOR THE MUNICIPAL BOARD

June 24, 2011
Date
Rose Gibbons
Rose Gibbons, Secretary

Tanys Björnson
Tanys Björnson, Acting Chair



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AND WHEREAS the consecutive annual amounts, including principal and interest, required to be raised each year for three (3) years, as hereinafter provided, for paying the principal and interest under this by-law are the amounts set out in Schedule "A" hereto;

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AND WHEREAS the assessed value of the whole lands chargeable under this by-law according to the lasted reviewed Assessment Roll is \$102,319,320;

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4. THAT the said borrowing shall bear interest at a rate estimated for the time being at 4.5% 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 2012 to 2014, both inclusive.
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.
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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).
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DONE AND PASSED as a by-law of the Town of Carman, in the Province of Manitoba, this day of 2011.

Mayor

CAO

Read a first time this 9th day of June 2011.
Read a second time this day of
Read a third time this day of

2011.
2011.

Approved, subject to Amendment

By Order No. E-11-111
of The Municipal Board

Secretary



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