

TOWN OF NIVERVILLE
GENERAL BORROWING
By-law 832-21

Being a By-law of the Town of Niverville to provide for the expenditure and borrowing of funds for the construction of an expanded water treatment plant within the Town of Niverville.

Whereas, *The Municipal Act*, S.M. 1996, c.58 provides, in part, as follows:

"172 In this Division,

"borrowing" means the borrowing of money, and includes
(e) issuing debentures

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

"174(1) A municipality may make a borrowing only if

- (a) the borrowing is authorized by a by-law passed in accordance with section 174.1; 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)."

"174.1(1) The council must give public notice before giving first reading to a borrowing by-law that authorizes the municipality to

- (a) issue debenture; and
- (b) use the money borrowed to fund a capital project that has been included in the financial plan adopted under section 162."

And Whereas the Council of the Town of Niverville is of the opinion that the following project, being:

Construction of an Expanded Water Treatment Plant within the Town of Niverville

should be undertaken within the municipality;

And Whereas Council has estimated the total cost of the project to be \$10,000,000.00 with \$1,000,000.00 to be paid from the Town of Niverville Water utility Reserve Fund and has secured \$3,250,000.00 in funding from the Province of Manitoba Water Services Board and intends to secure an additional \$1,750,000.00 from the Province of Manitoba;

And Whereas, in order to complete such undertakings, it will be necessary for the Town of Niverville to borrow the sum of \$ 4,000,000.00 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 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 amount of the existing debenture debt of the Town of Niverville is \$263,687.05, of which no portion of the principal or of the interest thereon is in arrears;

Now Therefore the Council of the Town of Niverville in regular (or special) session assembled, enacts as follows:

1. That the Town of Niverville is hereby authorized and empowered to raise upon the credit of the municipality, funds not repayable within the current fiscal year by the borrowing of money in an amount not exceeding Four Million Dollars (\$4,000,000.00).
2. That the funds so raised shall be for the purpose of financing certain works as follows:
Construction of an Expanded Water Treatment Plant within the Town of Niverville
3. That the borrowing for the aforesaid project shall be issued by the Town of Niverville in the Province of Manitoba, and shall be payable at Niverville Credit Union in Niverville and shall be dated the 1st day of December A.D. 2021.
4. That the said borrowing shall bear interest at a rate estimated for the time being at 6.00% 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 1st day of December in each of the years 2022 to 2041, both inclusive.

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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 Niverville 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 2041, both inclusive, there shall be raised by revenues from capital development fees/connection fees charged on new properties within the Town of Niverville connecting to the water utility, an amount sufficient to meet the requirement for principal and interest which may be reduced by the application of annual Federal Gas Tax Revenues.
7. That pursuant to subsection 174(3)(d) of The Municipal Act, pending the issue of the borrowing, the council of the Town of Niverville 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 Ten Million Dollars (\$10,000,000.00).
8. That the construction of the expanded water treatment plant will not commence until the additional \$1,750,000.00 in project funding is secured from the Province of Manitoba.

Done and Passed by the Council of the Town of Niverville in regular session assembled in the Province of Manitoba this _____ day of _____, 2021.

Mayor

Chief Administrative Officer

Read a first time this 6th day of April A.D. 2021.
Read a second time this ____ day of _____ A.D. 2021.
Read a third time this ____ day of _____ A.D. 2021.

Certified a true copy of Bylaw No.832-21
of the Town of Niverville, given _____ reading
on the ____ day of _____ A.D. 2021.

Chief Administrative Officer