



THE MUNICIPAL DISTRICT OF OPPORTUNITY NO. 17

BYLAW 2013 – 09

This Bylaw authorizes the Council of the Municipal District of Opportunity to borrow monies in the amount of \$5,425,063.80 for the purposes of financing the Mamowintowin Drive local improvement project.

WHEREAS Section 251(1) of the *Municipal Government Act*, R.S.A. 2000, c. M-26, as amended (“MGA”), provides that a municipality may only make a borrowing if the borrowing is authorized by a borrowing bylaw;

WHEREAS Section 263(1) of the *MGA* provides for a borrowing made for the purpose of financing the cost of a local improvement to be funded in whole or in part by a local improvement tax;

WHEREAS the Council of the M.D. of Opportunity (hereinafter the “Municipality”) has decided to enact a bylaw pursuant to Section 397 of the *MGA* to authorize a local improvement tax levy to pay for the urban road construction (paved road, curb and gutter), extension of sanitary and water main, and shallow utilities (gas, power, telecommunications), and installation of additional fire hydrants to service the Mamowintowin Drive in Wabasca, within the Municipality (hereinafter the “Mamowintowin Drive Local Improvement Project”);

WHEREAS plans and specifications have been prepared and the total cost of the project, including all capital costs, professional service costs, financing costs, and other miscellaneous costs, is estimated to be \$5,425,063.80 (“Total Estimated Project Cost”), based on the following estimated costs:

Project Cost Estimate	\$ 2,045,650.00
Financing Charges	\$ 3,379,413.80
Total Estimated Project Cost	<u>\$ 5,425,063.80</u>

WHEREAS in order to complete the project it will be necessary for the Municipality to borrow the sum of \$5,425,063.80, for a period not to exceed forty (40) years, from the Alberta Capital Finance Authority or another authorized financial institution, by the issuance of debentures and on the terms and conditions referred to in this bylaw;

WHEREAS the estimated lifetime of the project financed under this bylaw is equal to, or in excess of, forty (40) years;

WHEREAS the principal amount of the outstanding debt of the Municipality as at the date of borrowing is \$110,373.29, and no part of the principal or interest in arrears;

AND WHEREAS all required approvals for the project have been obtained and the project is in compliance with all Acts and Regulations of the Province of Alberta,

NOW THEREFORE the Council of the Municipality, duly assembled, enacts as follows:

1. That for the purpose of completing the Mamowintowin Drive Local Improvement Project, the sum of FIVE MILLION FOUR HUNDRED AND TWENTY FIVE THOUSAND SIXTY THREE DOLLARS AND EIGHTY CENTS (\$5,425,063.80) be borrowed from Alberta Capital Finance Authority or another authorized financial

institution by way of debenture on the credit and security of the Municipality at large.

2. The full amount of FIVE MILLION FOUR HUNDRED AND TWENTY FIVE THOUSAND SIXTY THREE DOLLARS AND EIGHTY CENTS (\$5,425,063.80) is to be collected by way of local improvement tax imposed pursuant to the Municipality's Bylaw No. 2013-08.
3. The proper officers of the Municipality are hereby authorized to issue debentures on behalf of the Municipality for the amount and purpose authorized by this bylaw, namely the Mamowintowin Drive Local Improvement Project.
4. The Municipality shall repay the indebtedness according to the repayment structure in effect, namely monthly equal payments of combined principal and interest, with instalments not to exceed \$135,673.16 year over forty (40) years, calculated at a rate not exceeding the interest rate fixed by the Alberta Capital Authority or another authorized financial institution on the date of the borrowing, and not to exceed 5%.
5. The Municipality shall levy and raise in each year local improvement taxes sufficient to pay the indebtedness.
6. The net amount borrowed under this by-law shall be applied only to the Mamowintowin Drive Local Improvement Project specified by this by-law.
7. In the event that the MGA permits extension of the term of the loan and in the event that the Council of the Municipality decides to extend the loan and the authorized financial institution is prepared to extend the loan, any renewal or extension, bill, debenture, promissory note, or other obligation executed by the officers designated in paragraph 3 hereof and delivered to the authorized financial institution will be valid and conclusive proof as against the Municipality of the decision of the Council to extend the loan in accordance with the terms of such renewal or extension, bill, debenture, promissory note, or other obligation and the authorized financial institution will not be bound to inquire into the authority of such officers to execute and deliver any such renewal, extension, document, or security.
8. This by-law comes into force on the date it is passed.

READ a first time this 3rd day of April, 2013;

READ a second time this 3rd day of April, 2013;

READ a third time this 3rd day of April, 2013.


Paul Sinclair, Reeve


Dennis Egyedy, Chief Administrative Officer