

Town of Swan River

By-law No. 01/2023

BEING A BY-LAW OF THE TOWN OF SWAN RIVER to provide for the expenditure and borrowing of funds for the Swan River Centennial Arena Retrofit as a local improvement.

WHEREAS Section 311 of *The Municipal Act*, C.C.S.M. c.M225 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,
 - (ii) water supply, treatment and distribution facilities,
 - (iii) waste management facilities,
 - (iv) highways,
 - (v) drainage systems; or
- (b) any other project the cost of which includes a capital component.

AND WHEREAS subsection 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 *The Municipal Act* provides in part as follows:

"172 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)."

"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).

AND WHEREAS the Council of Town of Swan River has prepared Local Improvement Plan No. 1-2023 providing for the spending, borrowing authority, and imposition of taxes for the Swan River Centennial Arena Retrofit at an estimated cost of \$7,500,000 as a local improvement pursuant to Part 10 of The Municipal Act;

AND WHEREAS, in order to complete such undertakings, it will be necessary for the Town of Swan River to borrow the sum of \$2,700,000 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 twenty 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 prescribed in Sections 318, 319 and 320 of *The Municipal Act* have been complied with;

AND WHEREAS the assessed value of the whole land chargeable under this by-law, according to the last revised assessment roll, is \$237,699,910;

AND WHEREAS the amount of the existing debenture debt of the Town of Swan River is \$7,695,100, of which no portion of the principal or of the interest thereon is in arrears;

NOW THEREFORE the Council of the Town of Swan River in regular session assembled enacts as follows:

1. That pursuant to subsection 320(1) of *The Municipal Act*, the Town of Swan River adopt Local Improvement Plan No. 1-2023 attached hereto as Schedule "B".
2. That the Town of Swan River may expend up to Seven Million, Five Hundred Thousand Dollars (\$7,500,000) for the purpose of the Swan River Centennial Arena Retrofit as a local improvement.
3. That for the aforesaid project the Town of Swan River may borrow up to Two Million, Seven Hundred Thousand Dollars (\$2,700,000); such borrowing shall be issued by the Town of Swan River in the Province of Manitoba, and shall be payable at the Royal Bank of Canada in Swan River, Manitoba or at the principal office of the Bank in one of the Cities of Winnipeg, Toronto, Montreal or Vancouver, Canada at the holder's option, and shall be dated the 31st day of December, A.D 2023.
4. That the said borrowing shall bear interest at a rate estimated for the time being at 7.0% per annum and, subject in any event to the authorization of The Municipal Board at the time of sale, shall mature in accordance with the maturities set out in Schedule "A" hereto on the 31st day of December in each of the years 2024 to 2043, 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 Swan River, 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 2024 to 2043, both inclusive, there shall be raised annually by a special mill rate on all the rateable property within the Town of Swan River's Local Improvement District No. 1-2023, 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 Swan River 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 Two Million, Seven Hundred Thousand Dollars (\$2,700,000).

Done and Passed by a by-law of the Town of Swan River in the Province of Manitoba this _____ day of _____, 2023.

Read a first time this _____ day of _____, A.D. 2023.
Read a second time this _____ day of _____, A.D. 2023.
Read a third time this _____ day of _____, A.D. 2023.

Mayor

Chief Administrative Officer

TOWN OF SWAN RIVER

Swan River Centennial Arena Retrofit

Sold To: To be determined

SCHEDULE - A TO BYLAW NO. 01/2023**Debenture Issue**

| | | | |
|--------------------|--------------------------|--------------------------------------|--------------|
| Term (Yrs): | 20 | Amount: | 2,700,000.00 |
| Date: | December 31, 2023 | Rate (%): | 7.0000% |
| Payable: | December 31, 2024 - 2043 | Annual Payment: | 254,860.90 |
| | | First Year's Payment: | 254,860.90 |
| | | Adjusted Last Year's Payment: | 254,860.91 |

MATURITY SCHEDULE

| Year | Interest | Principal | Balance |
|---------------|---------------------|---------------------|---------------------|
| 2024 | 189,000.00 | 65,860.90 | 2,634,139.10 |
| 2025 | 184,389.74 | 70,471.16 | 2,563,667.94 |
| 2026 | 179,456.76 | 75,404.14 | 2,488,263.80 |
| 2027 | 174,178.47 | 80,682.43 | 2,407,581.37 |
| 2028 | 168,530.70 | 86,330.20 | 2,321,251.17 |
| 2029 | 162,487.58 | 92,373.32 | 2,228,877.85 |
| 2030 | 156,021.45 | 98,839.45 | 2,130,038.40 |
| 2031 | 149,102.69 | 105,758.21 | 2,024,280.19 |
| 2032 | 141,699.61 | 113,161.29 | 1,911,118.90 |
| 2033 | 133,778.32 | 121,082.58 | 1,790,036.32 |
| 2034 | 125,302.54 | 129,558.36 | 1,660,477.96 |
| 2035 | 116,233.46 | 138,627.44 | 1,521,850.52 |
| 2036 | 106,529.54 | 148,331.36 | 1,373,519.16 |
| 2037 | 96,146.34 | 158,714.56 | 1,214,804.60 |
| 2038 | 85,036.32 | 169,824.58 | 1,044,980.02 |
| 2039 | 73,148.60 | 181,712.30 | 863,267.72 |
| 2040 | 60,428.74 | 194,432.16 | 668,835.56 |
| 2041 | 46,818.49 | 208,042.41 | 460,793.15 |
| 2042 | 32,255.52 | 222,605.38 | 238,187.77 |
| 2043 | 16,673.14 | 238,187.77 | 0.00 |
| TOTALS | 2,397,218.01 | 2,700,000.00 | 5,097,218.01 |

18-Jan-23

Town of Swan River
Local Improvement Plan No. 1-2023
Being Schedule “B” to By-Law No. 1/2023 for

Swan River Centennial Arena Retrofit

(Pursuant to Section 315(1) of the Municipal Act)

a) Description of the Proposed Local Improvement.

The local improvement proposed herein involves the retrofit of the Swan River Centennial Arena, including the following:

- Ice slab replacement and integration, including dasher board system replacement
- Building perimeter regrading
- Roofing and cladding replacement
- HVAC and lighting upgrades
- Structural, refrigeration and architectural repairs/upgrades

b) Local Improvement District to be Taxed

The Local Improvement Tax required to service the debt to be issued under this proposal will be levied on properties within Local Improvement District No. 1-2023 of The Town of Swan River.

c) Identification of Potential Taxpayers Under the Plan

Potential taxpayers under this plan will be all owners of assessable property in Town of Swan River Local Improvement District No. 1-2023, which includes all taxable, grant-in-lieu and otherwise exempt property, including railway.

d) Method and Rate of Calculating the Local Improvement Tax

The local improvement tax to be levied under this proposal will be calculated by a special mill rate. Based on the 2023 Assessment Roll a 1.072 mill rate will be levied annually for twenty years for the balance required for principal and interest.

e) Estimated Cost of Local Improvement and Particulars of Borrowing

The estimated cost of the local improvement is \$7,500,000. It will be financed over 20 years at an estimated 7.0% per annum resulting in an annual payment of \$254,861.

f) Funding Commitments

| | |
|---|-------------|
| Building Sustainable Communities Program | \$ 300,000 |
| Town of Swan River Canada Community Building Fund | \$ 500,000 |
| Town of Swan River Debenture Borrowing | \$2,700,000 |

g) **Other Anticipated Sources of Funding**

| | |
|---|-------------|
| Arts, Culture and Sport in Community Fund | \$3,750,000 |
| Community Fundraising Campaign | \$ 250,000 |

h) **Funding of Maintenance of Proposed Local Improvement**

The annual operating and maintenance costs for the Swan River Centennial Arena will be covered by user fees and a levy increase on the General Municipal Levy (at large).

Derek B. Poole, C.E.T.
Chief Administrative Officer
Town of Swan River
Box 879, Swan River MB R0L 1Z0