

BYLAW 17-2004

ACHESON WATER RESERVOIR EXPANSION PROJECT
"External Borrowing Bylaw"

PARKLAND COUNTY

IN THE PROVINCE OF ALBERTA

THIS BYLAW AUTHORIZES THE COUNCIL OF PARKLAND COUNTY TO INCUR AN INDEBTEDNESS BY THE ISSUANCE OF DEBENTURES (THE "DEBENTURES") TO THE ALBERTA CAPITAL FINANCE AUTHORITY (A.C.F.A.) FOR THE PURPOSE OF THE ACHESON WATER RESERVOIR EXPANSION PROJECT

WHEREAS:

The Council of Parkland County has decided to issue a bylaw pursuant to Section 251 of the *Municipal Government Act* to authorize the financing, undertaking and completing of construction, of the Acheson Water Reservoir Expansion Project ("the Project"); and

The Council, as represented by the General Manager of the Operations Services Department, has received plans, specifications and estimates for the Project and confirms the total cost of the said Project is One Million Seven Hundred and Ninety Eight Thousand and Eighty Two Dollars (\$1,798,082.00); and

The Council of Parkland County has estimated the following grants and contributions will be received or applied to the Project:

1. Eight Hundred and Seventy One Thousand Six Hundred and Nine Dollars (\$871,609.00) – Debenture borrowing to be collected by way of water rates from the Acheson/Big Lake Water System customers.
2. Four Hundred and Sixty Two Thousand Eight Hundred and Eighty Four Dollars (\$462,884.00) – Infrastructure Canada Alberta Program (ICAP) Grant funding.
3. Three Hundred and Thirty One Thousand Six Hundred Dollars (\$331,600.00) – Acheson Reservoir/Pumphouse Off Site Levies collected.
4. One Hundred and Thirty One Thousand Nine Hundred and Eighty Nine Dollars (\$131,989.00) – Acheson Future Operating Reserve Surplus Funds (as of December 31, 2003); and

In order to construct and complete the said Project, it will be necessary for Parkland County to borrow the sum of Eight Hundred and Seventy One Thousand Six Hundred and Nine Dollars (\$871,609.00) (the "Indebtedness") on the terms and conditions referred to in this bylaw; and

Parkland County will repay the Indebtedness over a period of twenty (20) years in annual installments, with interest not exceeding ten per cent (10%), or the interest rate fixed from time to time by the Alberta Capital Finance Authority, per annum, payable annually; and

The amount of the existing debenture debt of Parkland County at December 31, 2003 is \$7,041,088.00, no part of which is in arrears; and

The estimated lifetime of the Project is twenty (20) years; and

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; and

The Council of Parkland County has given proper notice of intention to undertake and complete the construction of the Project with the indebtedness, to be collected by way of a water rate from the customers of the Acheson/Big Lake Water System, and no sufficiently signed and valid petition against the Project has been received by Council;

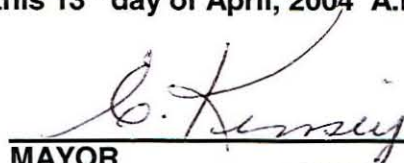
NOW THEREFORE, THE COUNCIL OF PARKLAND COUNTY IN COUNCIL DULY ASSEMBLED HEREBY ENACTS AS FOLLOWS:

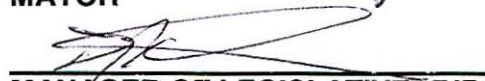
1. That for the purpose of undertaking and completing construction of the Acheson Water Reservoir Expansion Project the sum of Eight Hundred and Seventy One Thousand Six Hundred and Nine Dollars (\$871,609.00) be borrowed from the Alberta Capital Finance Authority (A.C.F.A.) by way of debenture on the credit and security of Parkland County at large of which amount of the sum of Eight Hundred and Seventy One Thousand Six Hundred and Nine Dollars (\$871,609.00) is to be collected by way of water rates from the Acheson/Big Lake Water System customers.
2. The debentures to be issued under this bylaw shall not exceed the sum of Eight Hundred and Seventy One Thousand Six Hundred and Nine Dollars (\$871,609.00), and may be in any denomination not exceeding the amount authorized by this bylaw and shall be dated having regard to the date of the borrowing.
3. The debentures shall bear interest during the currency of the debentures, at a rate not exceeding ten per cent (10%), or the interest rate fixed from time to time by the Alberta Capital Finance Authority (A.C.F.A.), per annum, payable annually.
4. The debentures shall be issued in such manner that the principal and interest will be combined and be made payable in, as nearly as possible, equal annual installments over a period of twenty (20) years, in accordance with the schedule attached and forming a part of each debenture.
5. The debentures shall be payable in lawful money of Canada at the Capital City Savings and Credit Union in the City of Edmonton, or at such other bank or financial institution as the Council of Parkland County may authorize as its banking agency during the currency of the debenture.
6. The Chief Elected Official and Chief Administrative Officer of Parkland County shall authorize such bank or financial institution to make payments to the holder of the debentures, on such date and in such amounts as specified in the repayment schedule forming part of each debenture.
7. The debentures shall be signed by the Chief Elected Official and the Chief Administrative Officer of Parkland County and the Chief Administrative Officer shall affix the corporate seal of Parkland County to the debentures.
8. There shall be levied and raised in each year of the currency of the debentures through the water rate(s) for the Acheson/Big Lake Water System sufficient funding to pay the principle and interest falling due in such year on such debentures. In the event, the Acheson/Big Lake Water System water rate(s) are insufficient to meet the payments there shall be levied and raised in each year of the currency of the debentures a rate or rates on the assessed value of all lands and improvements shown on the assessment roll, sufficient to provide and annual tax adequate to pay the principle and interest falling due in each year on such debentures by the County at large. The said rates and taxes are collectible at the same time and in the same manner as other rates and taxes.
9. The indebtedness is contracted on the credit and security of Parkland County at large.
10. The net amount realized by the issue and sale of debentures authorized under this bylaw shall be applied only for the purposes for which the indebtedness was created.
11. This bylaw shall take effect on the day of the final passing thereof.

READ A FIRST TIME this 9th day of March, 2004 A.D.

READ A SECOND TIME this 13th day of April, 2004 A.D.

READ A THIRD TIME and finally passed this 13th day of April, 2004 A.D.


MAYOR


MANAGER OF LEGISLATIVE AND
ADMINISTRATIVE SERVICES