

MUNICIPALITY OF JASPER
BYLAW #042

BEING A BYLAW OF THE MUNICIPALITY OF JASPER IN THE PROVINCE OF ALBERTA TO AUTHORIZE THE COUNCIL OF THE MUNICIPALITY TO INCUR INDEBTEDNESS FOR THE PURPOSE OF DESIGNING AND BUILDING THE JASPER WASTE WATER TREATMENT FACILITIES UPGRADE, TO ENCOURAGE A WATER CONSERVATION ETHIC WHILE DOING SO, AND TO AUTHORIZE COUNCIL TO REPAY THE INDEBTEDNESS IN EITHER ANNUAL OR SEMI-ANNUAL INSTALLMENTS.

WHEREAS, in the *Jasper Community Vision Bylaw*, the residents of Jasper have committed their community to be a leader in sound environment practices and have committed themselves to accept and honour their environmental responsibilities;

AND WHEREAS the residents of Jasper entered into an Agreement for the Establishment of Local Government in Jasper on June 13th, 2001, and by that Agreement have accepted responsibility for waste water treatment in the Municipality of Jasper;

AND WHEREAS the Municipality of Jasper has completed a tendering process for a Design, Build, operate and Maintain contract for the Jasper Waste Water Treatment Facilities Upgrade;

AND WHEREAS the tendering process has revealed that the design and capital costs of the Jasper Waste Water Treatment Facilities Upgrade, and the associated works and water conservation program will be:

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| Jasper Waste Water Treatment Facilities upgrade, design and capital: | \$ 11,845,000 |
| Associated works, including required new gravity sewer line: | 655,000 |
| Associated staff accommodation units: | 500,000 |
| | <hr/> |
| Total: | \$ 13,000,000 |

AND WHEREAS Council anticipates that the following contributions will be received or applied to the project and recognizes that these funds will not be available until design and capital phases are complete. When these funds are received, the amount of borrowing will be reduced by the financial assistance received:

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| Funds from Alberta Infrastructure: | \$ 3,500,000 |
| Capital funding from users: | 2,225,000 |
| Funds from Canada/Alberta Infrastructure: | 620,000 |
| Parks Canada Environmental subsidy | 775,000 |
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| Total: | \$ 7,120,000 |

resulting in an estimated net cost of \$ 5,880,000 to be obtained through long-term borrowing or other forms on indebtedness approved by Council;

AND WHEREAS the lifetime of the Jasper Waste Water Treatment Facilities Upgrade will be twenty (20) years;

AND WHEREAS the amount of existing debenture indebtedness of the Municipality of Jasper at March 12, 2002 is \$ 464,125, none of which is 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;

AND WHEREAS borrowing requirements applied to municipalities in 2004 by the Province of Alberta require a provision for either annual or semi-annual repayment schedules;

NOW THEREFORE the Council of the Municipality of Jasper in the Province of Alberta, duly assembled and having determined to amend a bylaw pursuant to Section 258 of the Municipal Government Act to authorize the financing, undertaking and completing of the design and construction of the Jasper Waste Water Facilities Upgrade, and associated works and water conservation program, enacts:

1. **CITATION**

1.1 This Bylaw may be cited as the "Amended Jasper Waste Water Treatment Facilities Upgrade Financing Bylaw."

1.2 Municipality of Jasper Bylaw #003, the Jasper Waste Water Treatment Facilities Upgrade Financing Bylaw, is hereby amended.

2. **DEFINITIONS**

2.1 In this Bylaw:

2.1.1 "*Council*" means the elected Council of the Municipality of Jasper.

2.1.2 "*Leaseholder*" means a person or other legal entity holding a valid lease or licence of occupation with the federal Crown for the use or occupation of land in Jasper National Park.

2.1.3 "*Jasper Waste Water Facilities Upgrade*" means all those facilities, works, constructions and connections referenced as the Facilities in the Municipality of Jasper's Request for Proposals for a Design/Build/Operate/Maintain Contract for Jasper Waste Water Treatment Plant Facilities dated 31 October 2001.

2.1.4 "*Municipal Manager*" means the Municipality of Jasper's Municipal Manager

2.1.5 "*Municipal Water System*" means the water system owned and operated by the Municipality of Jasper and all accessories and appurtenances thereto.

3. **PURPOSE OF BORROWING**

3.1 Borrowing under this Bylaw is for the purpose of financing design and capital costs for the Jasper Waste Water Treatment Facilities Upgrade and associated works to accomplish the effluent standards referenced in *the Agreement for the Establishment of Local Government in Jasper*, Schedule D, dated June 13th, 2001.

4. AMOUNT

4.1 This Bylaw authorizes the Council of the Municipality of Jasper to borrow for the Purpose specified above an amount not to exceed THIRTEEN MILLION (\$13,000,000) DOLLARS. The borrowing shall be from the Alberta Municipal Financing Corporation by way of debenture on the credit and security of the Municipality of Jasper or in another form approved by Council.

5. DEBENTURES

5.1 Borrowing by debentures issued under this Bylaw 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 but shall in no event be dated later than 31 December, 2004.

6. INTEREST

6.1 The debentures shall bear interest during the currency of the debentures, at a rate not exceeding ten per cent (10%) per annum, or the interest rate fixed from time to time by the Alberta Municipal Financing Corporation, per annum, payable annually or semi-annually.

7. REPAYMENT

7.1 Repayment shall be as follows:

7.1.1 The debentures shall be issued in such a manner that the principal and interest will be combined and made payable over a period of 20 years in, as nearly as possible, equal annual amounts paid in either semi-annual or annual instalments.

7.1.2 The debentures shall be payable in lawful money of Canada at such bank or financial institution as Council may authorize as its banking agency during the currency of the debentures.

7.1.3 The Mayor and Municipal Manager of the Municipality of Jasper shall authorize such bank or financial institution to make payments to the holder of the debentures, on such date and in such amounts as are specified in the repayment schedule forming part of each debenture.

7.1.4 The said debentures shall be signed by the Mayor and Municipal Manager of the Municipality of Jasper, and shall have affixed thereto the corporate seal of the Municipality of Jasper.

7.1.5 There shall be levied and raised in each year of the currency of the debentures hereby authorized, fees calculated on the volume of water consumed by the leaseholder of each lot within the Town of Jasper connected to the Municipal Water System, and calculated on the volume of sewage delivered to the Jasper Waste Water Treatment Plant by any party outside the Town of Jasper at a rate or

rates sufficient therefore to pay the principal and interest falling due in such year on such debentures. The said fees are collectible in the same manner as other fees, rates and taxes. In the event of any revenue deficiency, the Municipality of Jasper shall levy and raise municipal taxes sufficient to pay the indebtedness.

8. SECURITY

8.1 The said indebtedness is contracted on the credit and security of the Municipality of Jasper at large.

9. TAKING EFFECT

9.1 This Bylaw shall take effect on the day of the final passing thereof.

GIVEN FIRST READING THIS 17th DAY OF FEBRUARY , A.D. 2004

GIVEN SECOND READING THIS 17th DAY OF FEBRUARY, A.D. 2004

GIVEN THIRD AND FINAL READING THIS 2nd DAY OF MARCH, A.D. 2004

Mayor

Municipal Manager