

## BYLAW NO.13-09

### **A BYLAW OF THE COUNCIL OF LEDUC COUNTY IN THE PROVINCE OF ALBERTA, TO AUTHORIZE BORROWING FROM THE ALBERTA CAPITAL FINANCE AUTHORITY ON BEHALF OF THE LEDUC FOUNDATION FOR ITS SUPPORTIVE HOUSING PROJECT ("THE PROJECT").**

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#### **WHEREAS**

the Council of Leduc County has received a request from Leduc Foundation for a loan of up to THREE MILLION, FIVE HUNDRED THOUSAND DOLLARS (\$3,500,000) to assist in financing a Supportive Housing Project ("the Project) to see affordable housing built in the City of Leduc, Town of Beaumont and Town of Devon Leduc which will include, but not be limited to provide financing for the Leduc-Beaumont-Devon Regional Affordable Capital Plan; and

Leduc County is desirous of issuing a Bylaw pursuant to the Municipal Government Act, R.S.A 2000 c.M-26, as amended, to authorize assisting Leduc Foundation to finance the construction of the Supportive Housing Project ("the Project"); and

in order to provide a loan to Leduc Foundation to assist it to construct and complete the Supportive Housing Project ("the Project), it will be necessary for the County to borrow the sum of up to THREE MILLION, FIVE HUNDRED THOUSAND DOLLARS (\$3,500,000) (the "Indebtedness") from the Alberta Capital Finance Authority on the terms and conditions referred to in this Bylaw; and

the County will repay the Indebtedness over a period of a maximum of Twenty (20) years in semi-annual installments with the interest rate fixed from time to time by the Alberta Capital Finance Authority, per annum, semi-annual or annual equal payments; provided said interest rate does not exceed Twelve (12) percent; and

the amount of the existing debenture debt of the County at December 31, 2008 is \$18,630,663 no part of which is in arrears; and

the loan to Leduc Foundation will be on the terms and conditions acceptable to the County; the estimate lifetime of the Supportive Housing Project ("the Project") is Thirty-Five (35) years.

Leduc County is advised by Leduc Foundation that all required approvals for the Supportive Housing Project ("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 LEDUC COUNTY DULY ASSEMBLED ENACTS AS FOLLOWS:**

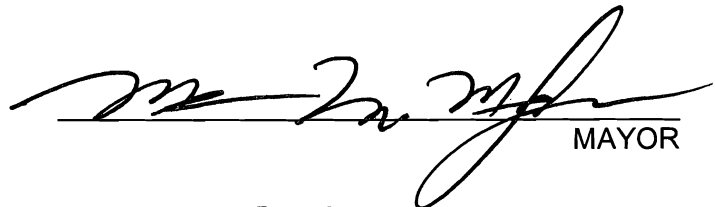
1. Leduc County is hereby empowered and authorized to borrow from the Alberta Capital Finance Authority, for the purpose aforesaid, the sum of up to THREE MILLION, FIVE HUNDRED THOUSAND DOLLARS (\$3,500,000) by way of debenture on the credit and security of the County at large, of which amount the sum of up to THREE MILLION, FIVE HUNDRED THOUSAND DOLLARS (\$3,500,000), together with accrued interest, is to be paid by the County at large.
2. The debentures to be issued under this Bylaw shall not exceed in the aggregate the sum of THREE MILLION, FIVE HUNDRED THOUSAND DOLLARS (\$3,500,000), 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.

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3. The minimum rate of interest under this Bylaw shall be equal to the interest rate fixed by the Alberta Capital Finance Authority as at the date such debenture is issued, such interest to be calculated per annum and semi-annual or annual equal payments, provided that in no event shall a debenture be issued under the Bylaw at a rate exceeding twelve (12) percent per annum.
4. The debentures to be issued in such a manner that the principal and interest will be combined and be made payable in, as nearly as possible, equal installments over a period of years, in accordance with the Schedules attached and forming part of each debenture.
5. The debentures shall be payable in lawful money of Canada at the Royal Bank in the branch of the City of Leduc, or at such other bank or financial institution as the Council may authorize as its banking agency during the currency of the debentures.
6. The Mayor and County Manager of the County will authorize such bank or financial institution to make payments to the holder to 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 Mayor and the County Manager of the County and the County Manager shall affix the corporate seal of the County to the debentures.
8. Leduc County will receive, in each year of the currency of the debentures, an amount from Leduc Foundation in advance, sufficient to pay the principal and interest falling due in such year on such debentures issued pursuant to this Bylaw. In the event the Leduc Foundation is unable to meet the payment, there shall be levied and raised in each 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 an annual tax adequate to pay the principal and interest falling due in such year on such debentures by the County at large. The said rate 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 the 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. The Bylaw shall take effect on the date of the final passing thereof.

Read a first time this 8<sup>TH</sup> day of September, A.D., 2009.

  
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MAYOR

SEAL

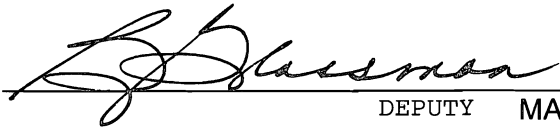
  
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ACTING COUNTY MANAGER

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Read a second time this 13 day of October, A.D., 2009.

Read a third time and finally passed this 13 day of October, A.D., 2009.

  
DEPUTY MAYOR

SEAL

  
COUNTY MANAGER