

MUNICIPALITY OF CROWSNEST PASS

BYLAW NO 952, 2016

A BYLAW OF THE COUNCIL OF THE MUNICIPALITY OF CROWSNEST PASS, IN THE PROVINCE OF ALBERTA, TO AUTHORIZE LENDING MONEY TO A NON-PROFIT ORGANIZATION

WHEREAS pursuant to Sections 264 and 265 of the Municipal Government Act, R.S.A. 2000, Chapter M-26 and amendments thereto, a municipality may loan funds to a non for profit organization;

AND WHEREAS the Coleman Seniors Drop In Centre Association is a not-for-profit body corporate duly incorporated under the laws of the Province of Alberta;

AND WHEREAS the Coleman Seniors Drop In Centre Association is a tenant of and has occupancy to the Coleman Seniors Facility on Lot 1 and 2, Block 18, Plan 820L known as the Coleman Seniors Drop In Centre;

AND WHEREAS the Coleman Seniors Drop In Centre Association plans to construct an addition (Games Room) and is seeking the assistance of the Municipality of the Crowsnest Pass in advancing funding of the project through a loan;

AND WHEREAS the Municipality of the Crowsnest Pass debt limit established by the provisions of Section 276(2) of the Municipal Government Act, R.S.A. 2000, Chapter M-26 was \$20,947,959 as of the end of the 2014 fiscal year and the Municipality's obligations of \$586,455 the end of that fiscal year provide for it to assume up to \$20,361,504 in additional debt.

NOW THEREFORE the Municipal Council of the Municipality of the Crowsnest Pass in Council assembled enacts as follows:

- 1) The Municipality of the Crowsnest Pass will lend to the Coleman Seniors Drop In Centre Association non-profit organization the amount of Fifteen Thousand dollars (\$15,000) for the purpose of installation of the games room addition at the Coleman Seniors Drop In Centre. The term of the loan is nine (9) months beginning April 1, 2016.
- 2) The interest rate offered is 1.061% (per annum), and is based on interest rates offered by Alberta Capital Finance Authority as of April 1, 2016 for a 3 year period.
- 3) The loan will be repaid by the Coleman Seniors Drop In Centre Association on or before December 30, 2016, hereafter called the "due date". The loan will be repaid according to the schedule outlined in Schedule "A", attached hereto and forming part of this bylaw.
- 4) Payments may be made without penalty in advance of the due dates above. Payments in advance of the due date will result in the recalculation of future payments. Interest is due or payable on the outstanding balance at the time of each repayment installment.
- 5) It is anticipated that the Coleman Seniors Drop In Centre Association will repay the loan from funding raising, user fees, advertising, and donations sources during the term of the loan.
- 6) The source of money to be loaned to the Coleman Seniors Drop In Centre Association shall be from the General Capital Reserve Fund held by the Municipality of the Crowsnest Pass. All interest and repayments received by the Municipality of the Crowsnest Pass from the Coleman Seniors Drop In Centre Association shall be returned to this reserve.

- 7) The Municipality of the Crowsnest Pass and the Coleman Seniors Drop In Centre Association shall enter into a loan agreement consistent with the terms of this bylaw. The Agreement will form Schedule "B", attached hereto and forming part of this bylaw.
- 8) Any funds not used by the Coleman Seniors Drop In Centre Association for the purposes contained in this bylaw or the funding agreement shall be immediately returned to the Municipality of the Crowsnest Pass.
- 9) This bylaw shall take effect on the day of the final passing thereof and shall remain in effect until all amounts due to the Municipality of the Crowsnest Pass specified within this bylaw have been received.

INTRODUCED AND GIVEN FIRST READING this 5th of April, 2016.

Carried

GIVEN SECOND READING this 5th of April, 2016.

Carried

MOVED CONSIDERATION OF BYLAW 952, 2016 FOR THIRD READING
this 5th of April, 2016.

Carried Unanimously

GIVEN THIRD AND FINAL READING this 5th of April, 2016.

Carried



Blair Painter
Mayor



Sheldon Steinke
Chief Administrative Officer

Bylaw 952, 2016

Schedule "A"

\$15,000.00 due December 30, 2016

Bylaw 952, 2016

Schedule B

THIS agreement made this 13th day of April, 2016

BETWEEN

The Municipality of the Crowsnest Pass (referred to as the Municipality)

And

Coleman Seniors Drop In Centre Association (referred to as The C.S.D.A.)

WHEREAS pursuant to Sections 264 and 265 of the Municipal Government Act, R.S.A. 2000, Chapter M-26 and amendments thereto, a municipality may loan funds to a not for profit organization;

AND WHEREAS the Coleman Seniors Drop In Centre Association is a not-for-profit body corporate duly incorporated under the laws of the Province of Alberta;

AND WHEREAS the Coleman Seniors Drop In Centre Association is a tenant of and has constructed football facilities on Lot 1 & 2, Block 18, Plan 820L known as Coleman Seniors Drop In Centre (the "Centre");

AND WHEREAS the Coleman Seniors Drop In Centre Association plans to construct an Addition to the Centre known as the Games Room is seeking the assistance of the Municipality of the Crowsnest Pass in advance funding of the project through a loan;

AND WHEREAS Municipality of the Crowsnest Pass Municipal Council gave Third and Final reading to Bylaw 952, 2016 on 5th, of April, 2016;

AND WHEREAS the Municipal Council of the Municipality of the Crowsnest Pass has agreed to the following:

1.1 The Municipality of the Crowsnest Pass will lend to the Coleman Seniors Drop In Centre Association non for profit organization the amount of Fifteen Thousand dollars (\$15,000) for the purpose of installation of the addition known as the games room. The term of the loan is nine (9) months commencing from the date the funds are issued in 2016.

1.2 To provide funds to the Coleman Seniors Drop In Centre Association pursuant to this Agreement up to the approved sum for the period specified in this Agreement, provided that the terms and conditions have been met by the C.S.D.A.

1.3 The interest rate offered is 1.061% (per annum), and is based on interest rates offered by Alberta Capital Finance Authority as of April 1, 2016.

1.4 The loan will be repaid by the Coleman Seniors Drop In Centre Association on or before December 30, 2016, hereafter called the "due date". The loan will be repaid according to the schedule outlined in Schedule "A", attached hereto and forming part of this bylaw.

1.5 Payments may be made without penalty in advance of the due dates above. Payments in advance of the due date will result in the recalculation of future payments. Interest is due or payable on the outstanding balance at the time of each repayment installment.

1.6 The source of money to be loaned to the Coleman Seniors Drop In Centre Association shall be from the General Capital Reserve Fund held by the Municipality of the Crowsnest Pass. All interest and repayments received by the Municipality of the Crowsnest Pass from the Coleman Seniors Drop In Centre Association shall be returned to this reserve.

Bylaw 952, 2016
Schedule B

1.7 The Municipality of the Crowsnest Pass and the Coleman Seniors Drop In Centre Association shall enter into a loan agreement consistent with the terms of Bylaw 952, 2016.

1.8 Any funds not used by the Coleman Seniors Drop In Centre Association for the purposes contained in Bylaw 952, 2016 or the funding agreement shall be immediately returned to the Municipality of the Crowsnest Pass.

1.9 Loan proceeds will be issued when Coleman Seniors Drop In Centre Association provides evidence that:

- a) Coleman Seniors Drop In Centre Association does not have any outstanding debt to the Municipality of the Crowsnest Pass.
- b) Coleman Seniors Drop In Centre Association does not have any outstanding debt to creditors for prior construction Phases.
- c) All required construction permits are in place.
- d) Construction milestones and plans that demonstrate the project can be completed within the proposed timelines and budget.

1.10 These funds are to be used solely for Games Room of the project and will not be applied to indebtedness for prior or future Phases of the project.

1.11 This agreement shall be binding on all the parties hereto and their successors and assigns.

Coleman Seniors Drop In Centre Association (C.S.D.A.) Agrees:

2.1 C.S.D.A. will not proceed nor take advance on any funds from the Municipality of the Crowsnest Pass until funds are committed in accordance with the Coleman Seniors Drop In Centre Association Business Plan.

2.2 The C.S.D.A. represents that it is fully experienced and properly qualified to carry out the Program provided herein, and that it is properly licensed, equipped, organized, and financed to perform the Program. The Coleman Seniors Drop In Centre Association shall act as an independent contractor and not as the agent of the Municipality of the Crowsnest Pass in performing this Agreement, maintaining complete control over its employees, volunteers, and all of its subcontractors. Nothing in this Agreement or any subcontract awarded by the Coleman Seniors Drop In Centre Association shall create any contractual relationship between any subcontractor and the Municipality of the Crowsnest Pass. The Coleman Seniors Drop In Centre Association shall perform all work in accordance with its own methods subject to compliance with this Agreement.

THE MUNICIPALITY OF THE CROWSNEST PASS AND THE Coleman Seniors Drop In Centre Association MUTUALLY AGREE AS FOLLOWS:

3.1 This Agreement embodies the entire agreement between Coleman Seniors Drop In Centre Association and the Municipality of the Crowsnest Pass. The parties shall not be bound by or liable for any statement, representation, promise, inducement, or understanding of any kind or nature not stated in this Agreement. No additional changes, amendments, or modifications of any of the terms or conditions of the Agreement shall be valid unless reduced to writing and signed by both parties.

The Municipality of the Crowsnest Pass designates its Chief Administrative Officer or designate as its representative for purposes of administering this agreement.

THIS AGREEMENT has been signed by a person or persons duly authorized to do so.

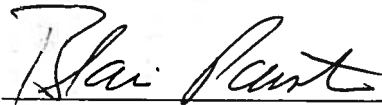
**Bylaw 952, 2016
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**Coleman Seniors Drop In
Centre Association**



Coleman Seniors Drop In Centre
Association Representative

MUNICIPALITY OF CROWSNEST PASS



Blair Painter
Mayor



Sheldon Steinke
Chief Administrative Officer

13/04/16
Date

13/04/16
Date