



Bylaw No. 2019-41

Disclaimer:

This information has been provided solely for research convenience. Official bylaws are available from the Office of the City Clerk and must be consulted for purposes of interpretation and application of the law.

BYLAW NO. 2019-41

THE REGINA AIRPORT AUTHORITY INC.
TAX EXEMPTION BYLAW, 2019

THE COUNCIL OF THE CITY OF REGINA ENACTS AS FOLLOWS:

Purpose

- 1 The purpose of this Bylaw is to provide a tax exemption to the Regina Airport Authority Inc. for the property used for the airport terminal and located at 5201 Regina Avenue, Regina, SK.

Authority

- 2 The authority for this Bylaw is pursuant to section 262(4) of *The Cities Act*.

Exemption

- 3 An exemption for taxation is granted for the real property occupied by the Regina Airport Authority Inc., located at 5201 Regina Avenue and legally described as:

Block B
Plan 67R33490

Block A
Plan 68R15859

Scope of Exemption

- 4(1) Pursuant to subsection 262(4) of *The Cities Act*, and subject to the terms of this Agreement, the City grants the following exemptions from taxation on the Property commencing January 1, 2019, and concluding December 31, 2023:

- (a) an exemption of the municipal portion of the property taxes in the amount of \$311,400 per year;
- (b) an exemption of the education portion of the property taxes each year equal to the percentage calculated based on the following formula:

$$311,400/MT \times 100 = P\%$$

Where MT is the total amount of the municipal portion of the taxes for that tax year; and

P is the percentage of the education portion of the taxes to be exempted for that tax year;

Approved as to form this _____ day of _____, 20____.

City Solicitor

- (c) an exemption of the library portion of the property taxes equal to the percentage calculated based on the following formula:

$$311,400/MT \times 100 = P\%$$

Where MT is the total amount of the municipal portion of the taxes for that tax year; and

P is the percentage of the library portion of the taxes to be exempted for that tax year.

- (2) Notwithstanding subsection (1), where the education portion of the taxes is payable to the Government of Saskatchewan and on an annual basis the exemption of the education portion of the property taxes for the parcel of land where the Property is located would be equal to \$25,000 or more, the exemption of the education portion of the property taxes is subject to the annual approval of the Government of Saskatchewan.
- (3) Where the Government of Saskatchewan does not approve of the exemption of the education portion of the property taxes or reduces the amount of the proposed exemption, the City shall reduce the exemption of the education portion of the property taxes in accordance with the Government of Saskatchewan's decision.
- (4) Where the exemption of the education portion of the property taxes is not approved or is reduced, RAA will be required to pay the balance of the education portion of the property taxes and the City shall not be liable to RAA for any amount of the tax exemption which would have otherwise been granted to RAA.

Agreement

- 5 The exemption in section 4 shall be governed by the form of Tax Exemption Agreement attached hereto as Schedule "A".
- 6 The City Clerk is authorized to sign and seal the Agreements in section 5 on behalf of the City of Regina.

Coming Into Force

7 This Bylaw comes into force on the day of passage of the Bylaw, or on the date the Agreement is executed, whichever is later.

READ A FIRST TIME THIS 26th DAY OF August 2019.

READ A SECOND TIME THIS 26th DAY OF August 2019.

READ A THIRD TIME AND PASSED THIS 26th DAY OF August 2019.

Mayor

City Clerk (SEAL)

CERTIFIED A TRUE COPY

City Clerk

Schedule "A"

TAX EXEMPTION AGREEMENT

Regina Airport Authority Inc. – 5201 Regina Avenue, Regina, Sask.

Agreement dated _____, 20__ (City Clerk to fill in)

Between:

THE CITY OF REGINA
(the "City")

- and -

THE REGINA AIRPORT AUTHORITY INC.
("RAA")

The Parties agree as follows:

Definitions

1 In this Agreement:

"airline service providers" means airlines that sell tickets to the general public for air travel;

"airport terminal" means the airport terminal operated by RAA where passengers transfer between ground transportation and the facilities that allow them to board and disembark from an aircraft;

"City Assessor" means the City of Regina City Assessor or his or her designate;

"consumer price index" means the all items consumer price index for Regina as released by Statistics Canada;

"education portion of the property taxes" means the property taxes levied by the City pursuant to *The Education Property Tax Act* for the benefit of the Board of Education of the Regina School Division No. 4 and the Board of Education of the Regina Roman Catholic Separate School Division No. 81 of Saskatchewan;

"hub airport" means the airports in the cities identified in Schedule "A";

"library portion of the property taxes" means the property taxes levied by the City pursuant to *The Public Libraries Act, 1996* for the benefit of the Regina Public Library;

"municipal portion of the property taxes" means the property taxes levied by the City

excluding the taxes levied on behalf of the Regina Public Library Board, the Board of Education of the Regina School Division No. 4 and the Board of Education of the Regina Roman Catholic Separate School Division No. 81 of Saskatchewan;

“Property” means the real property occupied by the RAA and used for the airport terminal civically known as 5201 Regina Avenue, Regina, Saskatchewan and legally described as Plan 67R33490 Block B and Plan 68R15859 Block A as described on tax account number 10065031 and as shown in red on the maps attached as Schedule “B”.

City's Covenants

Tax Exemption

2(1) Pursuant to subsection 262(4) of *The Cities Act*, and subject to the terms of this Agreement, the City grants the following exemptions from taxation on the Property commencing January 1, 2019, and concluding December 31, 2023:

- (a) an exemption of the municipal portion of the property taxes in the amount of \$311,400 per year;
- (b) an exemption of the education portion of the property taxes each year equal to the percentage calculated based on the following formula:

$$311,400/MT \times 100 = P\%$$

Where MT is the total amount of the municipal portion of the taxes for that tax year; and

P is the percentage of the education portion of the taxes to be exempted for that tax year;

- (c) an exemption of the library portion of the property taxes equal to the percentage calculated based on the following formula:

$$311,400/MT \times 100 = P\%$$

Where MT is the total amount of the municipal portion of the taxes for that tax year; and

P is the percentage of the library portion of the taxes to be exempted for that tax year;

- (2) Notwithstanding subsection (1), where the education portion of the taxes is payable to the Government of Saskatchewan and on an annual basis the exemption of the education portion of the property taxes for the parcel of land where the Property is located would be equal to \$25,000 or more, the exemption of the education portion of the property taxes is subject to the annual approval of the Government of Saskatchewan.

- (3) Where the Government of Saskatchewan does not approve of the exemption of the education portion of the property taxes or reduces the amount of the proposed exemption, the City shall reduce the exemption of the education portion of the property taxes in accordance with the Government of Saskatchewan's decision.
- (4) Where the exemption of the education portion of the property taxes is not approved or is reduced, RAA will be required to pay the balance of the education portion of the property taxes and the City shall not be liable to RAA for any amount of the tax exemption which would have otherwise been granted to RAA.

Terms and Conditions of Exemption

- 3(1) The exemption only applies to portions of the Property that are used for the airport terminal.
- (2) The exemption only applies where the Property is occupied by RAA.
- (3) Commencing January 1, 2021, the exemption will only apply to the Property where:
 - (a) RAA has obtained a commitment from an airline to provide daily year-round non-stop flights between Regina and at least one United States of America hub airport; and
 - (b) the airline in clause 3(3)(a) commences service by December 31, 2021 and continues to provide service until the end of the term of the Agreement.
- (4) The exemption will only apply to the Property where the annual increase to airline fees from the previous year to the current year charged to airline service providers by RAA does not exceed the annual percentage increase in the consumer price index between the previous year and the current year.
- (5) Notwithstanding subsection (4), RAA may increase their annual airline fee charged to airline service providers to more than the annual percentage increase in the consumer price index between the previous year and the current year where:
 - (a) the annual increase to airline fees in any of the previous years (from 2019-2022) was less than the increases in the percentage increase in the consumer price index for those previous years; and
 - (b) the amount of the annual increase to the airline fee is equal to or less than the sum of the percentage increases in the consumer price index for those previous years.
- (6) The calculation set out in subsection (4) shall be calculated based on the percentage increase in both the airline fees and the consumer price index from May in the previous year to May in the current year.
- (7) An example of the consumer price index table that is to be used for the calculation is set out in Schedule "C" to this Agreement for illustrative purposes.

- (8) The exemption will only apply where there are no outstanding taxes or any other penalties, local improvement levies, utility charges, special taxes, development fees or other such charges or fees properly imposed by the City or other taxing authority owing on the Property.

Scope

- 4 The scope of the tax exemption, including calculation of any percentage or proportion and the determination of any use or cost, shall be conclusively determined by the City Assessor, subject to any statutory right of appeal against the assessment of the Property.
- 5 The exemption from taxation granted pursuant to this Agreement does not include penalties, local improvement levies, utility charges, special taxes, development fees or other such charges or fees properly imposed by the City or other taxing authority.

Owner's Covenants

- 6 RAA shall:
- (a) not sell or agree to sell the Property during the term of this Agreement;
 - (b) notify the City of any occurrences which would, pursuant to the Agreement, discontinue or terminate the tax exemption;
 - (c) provide the City Assessor with any information or documents requested by the City Assessor for the purpose of assessing the Property; and
 - (d) provide the City Assessor with a report annually on May 30 confirming its compliance with this Agreement including providing the amounts of annual airline fees charged to airline service providers by RAA and the percentage change in fees from the previous year.

Continuation

- 7 The tax exemption will continue only for so long as RAA complies with the terms of this Agreement.
- 8 The tax exemption will cease if any of the following occurs:
- (a) RAA no longer owns the Property;
 - (b) RAA becomes bankrupt or insolvent or is so adjudged;
 - (c) RAA makes a general assignment for the benefit of creditors;
 - (d) RAA substantially changes its operations such that the Property is no longer being used as an airport terminal, unless such change has been expressly approved in writing by the City;

- (e) RAA ceases to operate entirely;
 - (f) RAA fails to pay any taxes levied on behalf of the City, the Regina Public Library Board, the Board of Education of the Regina School Division No. 4 and the Board of Education of the Regina Roman Catholic Separate School Division No. 81 of Saskatchewan or any other penalties, local improvement levies, utility charges, special taxes, development fees or other such charges or fees properly imposed by the City or other taxing authority;
 - (g) RAA sells or agrees to sell the Property;
 - (h) if after January 1, 2021 RAA fails to obtain a commitment from an airline to provide daily year-round non-stop flights between Regina and at least one United States of America hub airport or if that airline fails to commence air service by December 31, 2021;
 - (i) RAA fails to comply with the requirements in subsection 3(4) or (5).
- 9 If the tax exemption ceases by reason of an event in section 8 occurring:
- (a) the Property will be taxable on a pro-rated basis for the portion of the year during which the exemption granted no longer continues; and
 - (b) the taxes that would have been payable on the Property during the term of this agreement up to the date of the termination including any penalties shall become due and payable as a debt due to the City.

Notices

- 10(1) Any notice required or permitted to be given to either Party pursuant to this Agreement shall be in writing and may be delivered to the Party in person, or to its authorized agent, or by sending it by prepaid registered mail, addressed:

To the City at:

Attention: City Clerk
City of Regina
2476 Victoria Avenue
P.O. Box 1790
Regina, Saskatchewan
S4P 3C8

To RAA at:

Attention: President and CEO
 Regina Airport Authority
 1-5201 Regina Avenue
 Regina, Saskatchewan
 S4W 1B3

or to such alternate address as either Party may, from time to time, by notice advise.

- (2) If a notice is mailed pursuant to subsection (1), it is deemed to be given on the third business day after the date of such mailing.
- (3) If postal service is interrupted or substantially delayed, any notice shall be hand-delivered.

Amendments

- 11(1) The Agreement may be amended by written agreement between the Parties.
- (2) For the purposes of subsection (1), the City Assessor may authorize any amendments to the Agreement.

General

- 12 This Agreement is not assignable without the prior written consent of the City.
- 13 In the event that this Agreement or any part of it is found to be invalid or ultra vires of Council, then the City shall not be liable to RAA for any amount of the tax exemption which would otherwise have been granted to RAA.
- 14 The City may register this Agreement at the Land Titles Registry, Saskatchewan Land Registration District, with respect to the Property.
- 15 This Agreement may be executed by the Parties in separate counterparts, each of which when so executed and delivered to all of the Parties shall be deemed to be and shall be read as a single agreement among the Parties. In addition, execution of this Agreement by any of the Parties may be evidenced by way of a faxed transmission of such Party's signature (which signature may be by separate counterpart), or photocopy of such faxed transmission, and such faxed signature, or photocopy of such faxed signature, shall be deemed to constitute the original signature of such Party of this Agreement.
- 16 Any Party delivering an executed counterpart of this Agreement by facsimile shall also deliver a manually executed counterpart of this Agreement, but the failure to do so does not affect the validity, enforceability or binding effect of this Agreement.
- 17 This Agreement will not become effective until adopted by bylaw of the Council of the City and fully executed by both parties to the Agreement.

In witness whereof, the Parties have executed the Agreement on the date first written above.

THE CITY OF REGINA

THE REGINA AIRPORT AUTHORITY INC.

City Clerk

“Authorized Signing Officer”

“Authorized Signing Officer”

The corporate seal should be affixed. If the corporate seal is not affixed the attached affidavit of corporate signing authority must be filled out.

AFFIDAVIT OF CORPORATE SIGNING AUTHORITY

CANADA)
 PROVINCE OF SASKATCHEWAN)

I, _____, of _____, _____,
 (Print Full Name of Signing Authority) (City) (Province)

MAKE OATH/AFFIRM AS FOLLOWS:

- 1 I am a _____ (insert position) of the _____ named
 in the Tax Exemption Agreement to which this Affidavit is attached.
- 2 I am authorized by the _____ to execute the Tax Exemption Agreement
 without affixing the Corporate Seal of the _____.

SWORN BEFORE ME at _____)
 _____, Saskatchewan,)
 on _____ 2019)
 _____)
 _____)

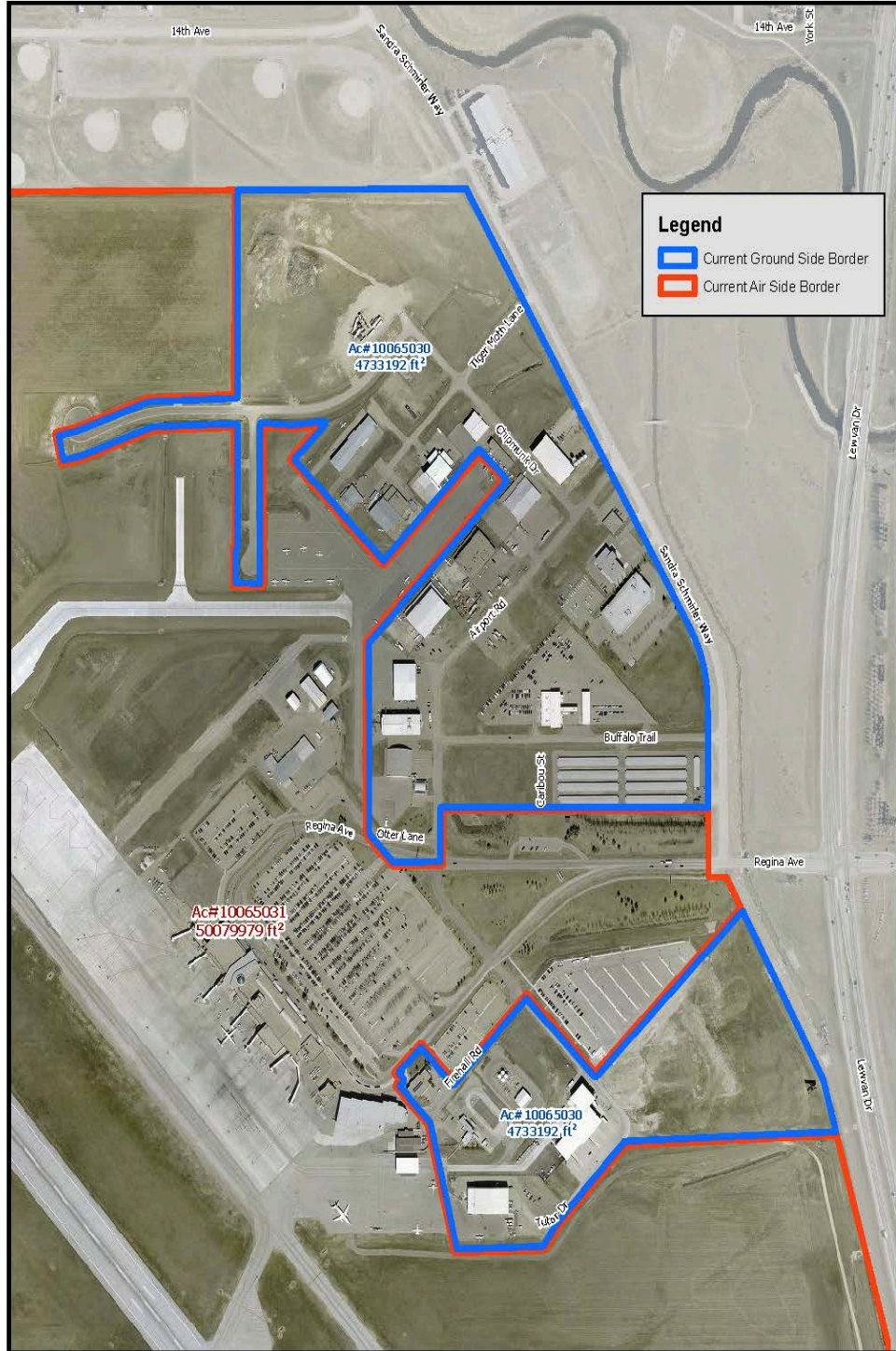
 Signature of Signing Authority

A Commissioner for Oaths or a Notary Public
 in and for the Province of _____
 My Commission/Appointment expires _____
 Or Being a solicitor

Schedule "A" – List of Hub Airports

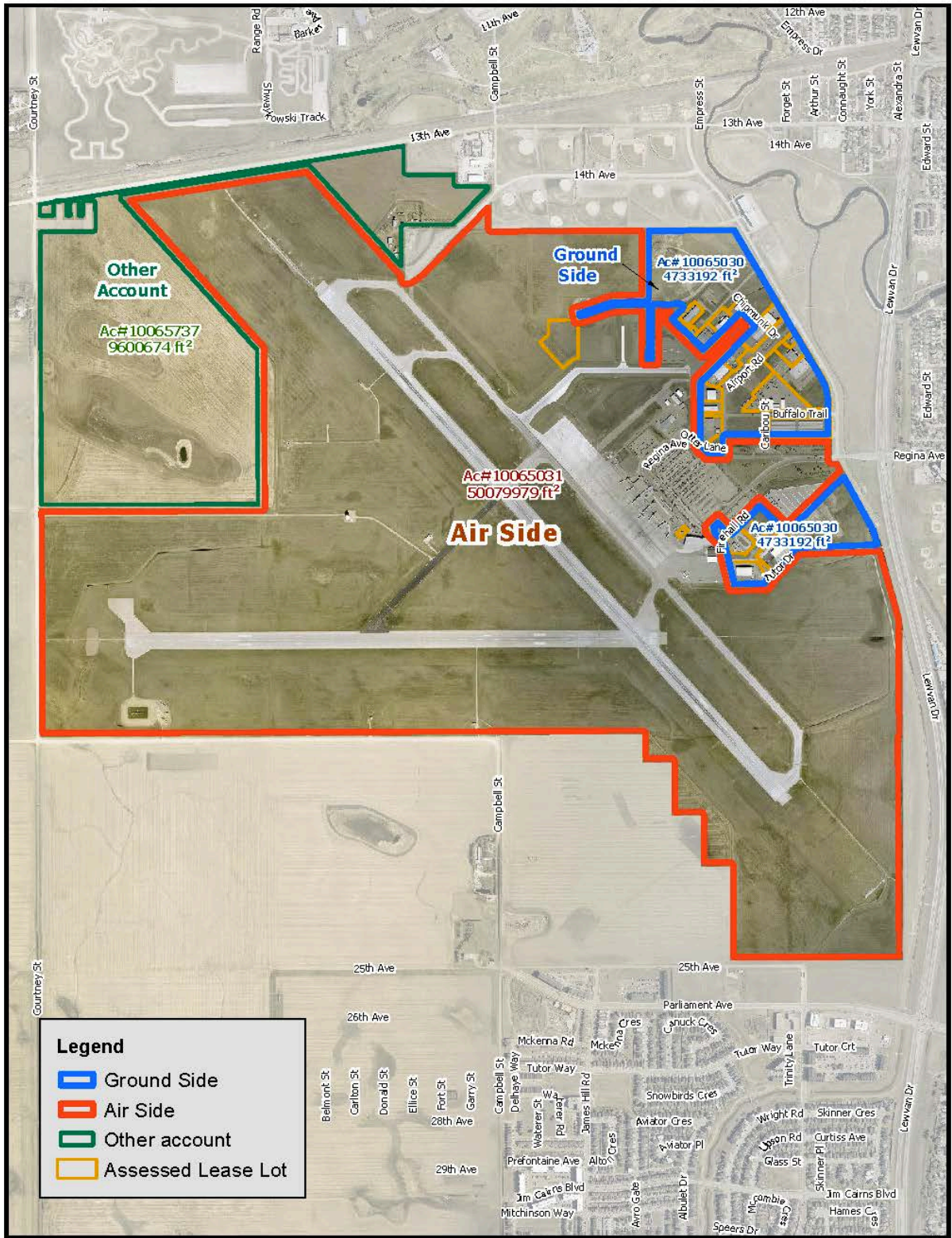
Anchorage, Alaska	New York-JFK, New York
Phoenix, Arizona	New York-LaGuardia, New York
Los Angeles, California	Charlotte, North Carolina
Oakland, California	Seattle, Washington
San Diego, California	Sacramento, California
San Jose, California	Columbus, Ohio
Ontario, California	Burbank, California
San Francisco, California	Raleigh, North Carolina
Denver, Colorado	Cleveland, Ohio
Miami, Florida	Houston- George Bush, Texas
Fort Lauderdale-Hollywood, Florida	Albuquerque, New Mexico
Orlando, Florida	Portland, Oregon
Tampa, Florida	Philadelphia, Pennsylvania
Fort Meyers, Florida	West Palm Beach, Florida
Jacksonville, Florida	Omaha, Nebraska
Atlanta, Georgia	Pittsburgh, Pennsylvania
Honolulu, Hawaii	Milwaukee, Wisconsin
Kahului, Hawaii	Memphis, Tennessee
Chicago-Midway, Illinois	Nashville, Tennessee
Chicago-O'Hare, Illinois	Dallas-Fort Worth, Texas
Indianapolis, Indiana	Dallas-Love Field, Texas
Windsor Locks, Connecticut	San Antonio, Texas
Cincinnati-Northern Kentucky, Kentucky	Austin, Texas
Santa Ana, California	Houston -William P. Hobby, Texas
Metairie, Louisiana	San Juan, Puerto Rico
Buffalo, New York	Salt Lake City, Utah
Baltimore/Glen Burnie, Maryland	Washington-Dulles, Virginia/Washington, D.C.
Boston, Massachusetts	Washington-Ronald Reagan, Virginia/Washington, D.C.
Detroit, Michigan	
Minneapolis-Saint Paul, Minnesota	
Kansas City, Missouri	
St. Louis, Missouri	
Las Vegas, Nevada	
Newark, New Jersey	

Schedule "B" Map of portion of Property consisting of the air terminal which is exempt



D:\RAI\Comm\Airport\AirportLease_0x11 v10b.mxd

1:6,500



Schedule “C” – Example of All Items Consumer Price Index for Regina

Add/Remove data - Consumer Price Index by product group, monthly, percentage change, not seasonally adjusted, provincial cities

□
□

[Home](#) □ [Data](#) □ [Consumer Price Index, monthly, not seasonally adjusted](#)

- [Consumer Price Index by product group, monthly, percentage change, not seasonally adjusted, ...](#)
- [Add/Remove data](#)

Add/Remove data

Consumer Price Index by product group, monthly, percentage change, not seasonally adjusted, provincial cities ^{1 2}

Frequency: Monthly □ [Help](#)

Table: 18-10-0004-12

Geography: Census metropolitan area, Census metropolitan area part

Customize table (Add/Remove data)

Geography
Products and product groups ³
Reference period

Filter

1 of 30 items selected | [Clear All](#)

Select all items

Select specific levels only

- Canada [11124]
 - Select all**
 - Newfoundland and Labrador [10]
 - St. John's, Newfoundland and Labrador [001]
 - Prince Edward Island [11]
 - Nova Scotia [12]
 - New Brunswick [13]

Add/Remove data - Consumer Price Index by product group, monthly, percentage change, not seasonally adjusted, provincial cities

Quebec [24]
 Ontario [35]
 Manitoba [46]
 Saskatchewan [47]
Select all
 Regina, Saskatchewan [705]
 Saskatoon, Saskatchewan [725]
 Alberta [48]
 British Columbia [59]
 Whitehorse, Yukon [6001009]
 Yellowknife, Northwest Territories [6106023]
 Iqaluit, Nunavut [6204003]

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Geography	Products and product groups ³	May 2018	April 2019	May 2019	April 2019 to May 2019	May 2018 to May 2019
		2002=100			Percentage change	
Regina, Saskatchewan 4 (map)	All-items	138.9	141.3	141.3	0.0	1.7
	Shelter ⁵	168.1	170.4	169.5	-0.5	0.8
	Rented accommodation	141.2	141.2	138.4	-2.0	-2.0
	Owned accommodation	182.5	186.6	186.1	-0.3	2.0
	Water, fuel and electricity	160.6	164.0	164.0	0.0	2.1

How to cite: Statistics Canada. [Table 18-10-0004-12 Consumer Price Index by product group, monthly, percentage change, not seasonally adjusted, provincial cities](#)

Add/Remove data - Consumer Price Index by product group, monthly, percentage change, not seasonally adjusted, provincial cities

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ABSTRACT

BYLAW NO. 2019-41

THE REGINA AIRPORT AUTHORITY INC.
TAX EXEMPTION BYLAW, 2019

PURPOSE: To provide a tax exemption to property that is used for the airport terminal.

ABSTRACT: Property that is used for the airport terminal will receive a tax exemption which is governed by a tax exemption agreement between the parties.

STATUTORY AUTHORITY: Clause 262(4) of *The Cities Act*.

MINISTER'S APPROVAL: N/A

PUBLIC HEARING: N/A

PUBLIC NOTICE: N/A

REFERENCE: Executive Committee, August 7, 2019, EX19-27

AMENDS/REPEALS: N/A

CLASSIFICATION: Executory

INITIATING DIVISION: Financial Strategy and Sustainability

INITIATING DEPARTMENT: Assessment, Tax & Utility Billing