

RURAL MUNICIPALITY OF DUFFERIN

By-Law No. 1773

Being a by-law of the Rural Municipality of Dufferin to provide for the expenditure and borrowing of funds for the local improvement levy for the 2003 rural water line connection project.

WHEREAS the provisions of the Municipal Act, S.M. 1996, c.58, Section 311 provides in part as follows:

If approved by by-law, a municipality may undertake, as a local improvement for the benefit of all or part of the municipality,

- (a) the acquisition, development, upgrading or replacement of one or more of the following:*
 - ii) water supply, treatment and distribution facilities;*

AND WHEREAS subsection 320 (1) of the Act provides as follows:

Subject to subsections (2) and (6) and subsection 321(4), a council may by by-law

- (a) approve the local improvement or special service as set out in the plan or proposal; and ~~to~~*
- (b) authorize the municipality to impose taxes as set out in the plan or proposal.*

AND WHEREAS section 172 of the Act provides in part as follows:

In this Division,

"Borrowing" means the borrowing of money, and includes

- (e) issuing debentures to pay for a local improvement under Division 4 (Local Improvements and Special Services) of Part 10,*

AND WHEREAS Section 174(1) of the Act provides in part as follows:

A municipality may make a borrowing only if

- (a) the borrowing is authorized by bylaw; and*
- (b) subject to subsection (2), the borrowing is set out as a debt obligation in the operating budget or capital budget or it is made to fund an expenditure authorized under subsection 169(5);*

AND WHEREAS the Council of the Rural Municipality of Dufferin is of the opinion that the following project, being:

The 2003 rural water line service connections for the Rural Municipality of Dufferin should be undertaken within the municipality;

AND WHEREAS, in order to complete such undertakings, it will be necessary to issue debentures of the Rural Municipality of Dufferin for the sum of eighty eight thousand and one hundred dollars (\$88,100.00) as hereinafter provided, which is the amount of the debt ~~extended~~ *intended* to be created by this by-law;

AND WHEREAS the consecutive annual amounts, including principal and interest required to be raised in each year for 10 years as hereinafter provided, for paying the principal and interest under this by-law are the amounts as set out in Schedule "A" hereto;

AND WHEREAS, the annual amounts, including principal and interest, will be paid from taxes raised by the local improvement levy levied against those properties benefiting from the rural water service connections;

AND WHEREAS the amount of existing debenture debt of the Rural Municipality of Dufferin is \$1,870,194.84 of which no portion of the principal or interest thereon is in arrears;

NOW THEREFORE the council of the Rural Municipality of Dufferin in regular session assembled, enacts as follows:

1. THAT the Rural Municipality of Dufferin is hereby authorized and empowered to raise upon the credit of the municipality, funds not repayable within the current fiscal year by the issue and sale of debentures in an amount not exceeding eighty eight thousand and one hundred dollars (\$88,100.00);
2. THAT the funds so raised shall be for the purpose of financing certain works as follows:
The rural water line connection project for the Rural Municipality of Dufferin for 2003 year.
3. That for the aforesaid project, the said municipality may borrow eighty eight thousand and one hundred dollars (\$88,100.0) by the issue and sale of debentures, such debentures shall be issued by the Rural Municipality of Dufferin in the Province of Manitoba, and shall be payable at the Dufferin Credit Union in Carman, Manitoba and shall be dated the 31st day of December A.D., 2003.
4. THAT the said debentures shall bear interest at a rate estimated for the time being at 7.0% per annum, and subject in any event to the authorization of the Municipal Board at the time of sale, and shall mature in accordance with the maturities set out in Schedule "A" hereto on the 31st day of December in each of the years 2004 to 2013, both inclusive.

5. THAT each of the said debentures shall be signed by the Reeve, or by some other person authorized by by-law to sign same, and the Chief Administrative Officer of the Rural Municipality of Dufferin, and there shall be affixed thereto the corporate seal of the said municipality, and the coupons, if any, attached thereto shall be signed by the Chief Administrative Officer whose signature thereon may be by lithograph or other mechanical means.
6. THAT during the currency of the said debentures, namely, in each of the years 2004 to 2013, both inclusive, there shall be raised annually at a special rate per foot on all the rateable property described in Schedule "C" hereto, according to the frontage thereof, with a minimum/maximum of 200 feet, an amount sufficient to provide for the principal and interest requirements hereunder.
7. THAT pursuant to paragraph 174(3)(d) of the Municipal Act, pending the issue and sale of debentures, the Council of the Rural Municipality of Dufferin may agree with a bank or person to borrow from the general funds of the municipality for temporary advances from time to time to meet expenditures incurred for the purpose aforesaid, and the total of such advances shall not exceed eighty eight thousand and one hundred dollars (\$88,100.00).
8. THAT during the term of the debentures authorized herein, in any year where debentures remain unissued, the levies may be made as if the debentures had been issued; and upon completion of the project authorized herein, when the final amount of the debt created hereunder is known, the levies shall be applied in reduction of temporary financing, and when issued, the amount and term of debentures shall be reduced accordingly.
9. THAT, at any time prior to or within thirty days following the completion of the work, any ratepayer of the area affected by the local improvement as described in Schedule "C" hereto may commute and pay in one principal sum that part of his share of the debt herein authorized in respect of the frontage and/or flankage rates provided herein in the said by-law of the Rural Municipality of Dufferin and hereafter no frontage and/or flankage rates shall be levied against the said lands in respect of the debentures to be authorized herein.

DONE AND PASSED as a by-law of the Rural Municipality of Dufferin in the Province of Manitoba this the _____ day of _____ A.D. 2003.

Douglas W. Sisson Reeve

Read a first time this the 9th day, of December A.D., 2003.

Linda C. Baleja, C.A.O.

Read a second time this the _____ day of _____ A.D.,

Read a third time this the _____ day of _____ A.D.,

APPROVED, subject to Amendment

By Order No. 5-24-03
of The Municipal Board

Secretary

RURAL MUNIICIPALITY OF DUFFERIN

SCHEDULE - A TO BYLAW 1773

		Local Improvement Debenture Issue	
Term (Yrs):	10	Amount:	88,100.00
Date:	December 31, 2003	Rate (%):	7.0000
Payable:	December 31, 2004-2013	Annual Payment:	12,543.46
		First Year's Payment:	12,543.46
		Adjusted Last Year's Payment:	12,543.42

MATURITY SCHEDULE

Year	Interest	Principal	Balance
2004	6,167.00	6,376.46	81,723.54
2005	5,720.65	6,822.81	74,900.73
2006	5,243.05	7,300.41	67,600.32
2007	4,732.02	7,811.44	59,788.88
2008	4,185.22	8,358.24	51,430.64
2009	3,600.14	8,943.32	42,487.32
2010	2,974.11	9,569.35	32,917.97
2011	2,304.26	10,239.20	22,678.77
2012	1,587.51	10,955.95	11,722.82
2013	820.60	11,722.82	0.00
TOTALS	37,334.56	88,100.00	125,434.56
			31-Oct-03

RURAL MUNICIPALITY OF DUFFERIN

LOCAL IMPROVEMENT PLAN - No. 1/2003

2003 RURAL WATER LINE SYSTEM CONNECTIONS

(a) Description of the Proposed Local Improvement

The local improvement proposed herein involves the provision of additional authority to expend and borrow funds for the completion of 13 rural water service line connections in 2003.

(b) Local Improvement District to be Taxed

The Local Improvement Tax required to service the debt to be issued under this proposal will be levied on the properties receiving rural water line service within the Rural Municipality of Dufferin Local Improvement 1/2003.

(c) Identification of Potential Taxpayers Under the Plan

The local improvement taxes under this plan are to be imposed in respect of any properties in the Rural Municipality of Dufferin Local Improvement District 1/2003 - Schedule "C".

(d) Method of Calculating Local Improvement Tax

The local improvement tax to be levied under this proposal will be calculated on the basis of a frontage levy against all properties in the local improvement district described in Schedule "C" attached hereto. This frontage levy will be equivalent to the balance owing to the municipality after a twenty percent deposit is paid for a rural water service connection. The cost of a rural water service line connection is based on the following schedule:

- Standard 1 1/4 inch service line with 5/8 inch meter - \$9,000.00 or actual cost whichever is greater.
- A reduced rate of \$7,500.00 or actual cost whichever is greater will be charged to newly establishing residences and businesses(excludes replacement buildings) for the standard 1 1/4 inch service line with 5/8 inch meter.
- Any oversized lines, meters or additional requirements will be charged to the customer at actual cost.
- The maximum debenture amount for any one property is \$7,200.00.

This frontage levy will be equivalent to the balance owing to the municipality for the rural water line service (up to a maximum of \$7,200.00) plus interest thereon for the ten year duration of the levy. The levy will commence in the year 2004 until 2013 both inclusive. The levy represents the total cost for the rural water line service connection as per the above schedule less the 20% deposit paid to ensure the water line service connection.

Taxpayers will be permitted to pay the balance after the rural water line service connection to their property is complete instead of having a frontage tax levied against their property. If the taxpayer chooses to pay the entire charge for the rural water line service connection service there will not be a local improvement charge levied against their property.

(e) Estimated Cost of Local Improvement Tax

Calculation of Spending Authority Required

TOTAL PROJECT COST (Estimated)	\$111,210.25
5 water line service connections @ \$7,500.00 =	\$37,500.00
6 water line service connections @ \$9,000.00 =	\$54,000.00
1 water service connection @ \$10,000.00 =	\$10,000.00
1 water service connection @ \$9,710.25 =	\$ 9,710.25

Calculation of Additional Required Borrowing Authority

Deposit for rural water line connections	\$ 23,110.25
Authority Required (Local Imp. Debenture)	\$ 88,100.00

(f) Particulars of Local Improvement Debenture Issue

Amount	\$ 88,100.00
Term	Not more than 10 years.
Interest Rate	7.00%

((h) Other Anticipated Sources of Funding

At the time of preparation of the local improvement plan, no other sources of funding for the project are expected.

(h) Funding of Operation and Maintenance of Proposed Local Improvement

The annual operating and maintenance costs of the proposed local improvement will be covered by water utility charges.

Linda C. Baleja
Chief Administrative Officer
November 3, 2003

Schedule "C"
Local Improvement Plan
No. 112003

A	B	C	D	E	F	G	H	I	
NAME	MAILING ADDRESS	LEGAL DESC.	ROLL #	TOTAL COST	DEPOSIT	DEBENT.	FRONTAGE	FTG. LEVY	
1	Wielar, Faye	Box 39, Roseisle, MB.	SE 1/4 32-6-7 W.	126500	9,000.00	1,800.00	\$7,200.00	200 Feet	5.13/ft.
2	Kozak, Russ & Wendy	Box 432, Carman, MB.	SE 1/4 29-6-6 W.	115900	7,500.00	1,500.00	\$6,000.00	200 Feet	4.27/ft.
3	Lodder, Cornelius & Janine	Box 2134, Carman, MB.	Lot 1 Plan 33679 (Caddy Lane)	76750	7,500.00	1,000.00	\$6,500.00	200 Feet	4.63/ft.
4	Barker, Bill & Catherine	Box 95, Carman, MB.	Lot 14 Block 1 Plan 37619	91364	7,500.00	1,500.00	\$6,000.00	200 Feet	4.27/ft.
5	Huston, Wesley	Box 78, Stephenfield	SE 1/4 31-6-6 W.P.M.	117400	10,000.00	2,800.00	\$7,200.00	200 Feet	5.13/ft.
6	Middleton, Brad & Trish	Box 1609, Carman	Lot 10, Plan 1881 (NW 1/4 24-6-5)	94800	9,710.25	2,510.25	\$7,200.00	200 Feet	5.13/ft.
7	Randal A. Klassen	Box 1937, Carman	Lots 11 & 12, Blk. 2 Plan 778	130700	9,000.00	1,800.00	\$7,200.00	200 Feet	5.13/ft.
8	Wiebe, Leonard	Box 5, R.R. #2, Carman	SW 1/4 31-7-4 W.P.M.	73400	9,000.00	1,800.00	\$7,200.00	200 Feet	5.13/ft.
9	Kehler, Jason & Jennifer	R.R. #3, Carman, MB.	NE 1/4 4-6-5 W.P.M.	77250	9,000.00	1,800.00	\$7,200.00	200 Feet	5.13/ft.
10	North, Bill & Marilyn	Box 1030, Carman, MB.	Lot 5, Plan 2054	133040	7,500.00	1,500.00	\$6,000.00	200 Feet	4.27/ft.
11	Kroeker Farms Ltd.	Box 1450, Winkler	SW 1/4 29-6-6 W.P.M.	116100	9,000.00	1,800.00	\$7,200.00	200 Feet	5.13/ft.
12	Breukelman, Herman	Box 76, Roseisle, MB.	Pt. NE 1/4 21-6-7 W.P.M.	120600	\$9,000.00	\$1,800.00	\$7,200.00	200 Feet	5.13/ft.
13	Klassen, Jason	Box 83, Roseisle, MB.	Lot 1 Plan 35380-SE 1/4 32-6-7 W	126530	\$7,500.00	\$1,500.00	\$6,000.00	200 Feet	4.27/ft.
14									
15									
16				111,210.25		23,110.25	\$88,100.00		

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Fax: (204) 948-2235

February 23, 2004

Ms Linda Baleja
Chief Administrative Officer
Rural Municipality of Dufferin
Box 100
Carman Manitoba
R0G 0J0

Dear Ms. Baleja:

**RE: RURAL MUNICIPALITY OF DUFFERIN - BY-LAW NO. 1773
FILE NO. 04E8-0002**

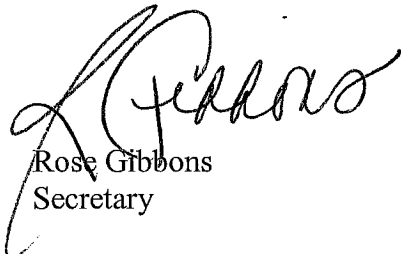
We enclose for your information a copy of Municipal Board Order No. E-04-015 together with the By-law.

The fee of \$50.00 is now due and payable on the By-law.

Please provide the Board with a Certified copy of the By-law after 3rd reading.

Please quote our File Number on all correspondence.

Yours truly,



Rose Gibbons
Secretary

RG/ep/enclosures

c: Capital Finance Officer

THE MUNICIPAL BOARD OF MANITOBA
DECISION AND ORDER

DECISION DATE: February 23, 2004

Order No. E-04-015
File No. 04E8-0002

PANEL: Mr. P. G. Diamant, Chair
Ms. L. A. Lavoie, Member

RURAL MUNICIPALITY OF DUFFERIN - BY-LAW NO. 1773

The Rural Municipality of Dufferin applies under Section 320(4) of *The Municipal Act*, S.M. 1996 c. 58 for approval of By-law No. 1773 attached as Appendix "A" authorizing the rural water line service connections as a Local Improvement and the borrowing of \$88,100.00.

Upon considering the proposed By-law, **THE BOARD ORDERS THAT:**

1. Rural Municipality of Dufferin By-law No. 1773 **BE APPROVED** subject to the following amendments:
 - (a) In the second "Whereas" Clause, second line, delete "and", and replace with "to"; and
 - (b) In the sixth "Whereas" Clause, fourth line delete "extended" and replace with "intended"
2. A filing fee of \$50.00 be paid by the Rural Municipality of Dufferin.

FOR THE MUNICIPAL BOARD

February 23, 2004
Date

Peter Diamant
Peter G. Diamant, Chair

Rose Gibbons
Rose Gibbons, Secretary