



RURAL MUNICIPALITY OF DUFFERIN

By-law No. 1796

Being a by-law of the Rural Municipality of Dufferin
to authorize the Expenditure and Borrowing of money for the
completion of 2006 waterline connections as a Local Improvement.

Whereas Section 311 of The Municipal Act, S.M. 1996, C.58, 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:*
- (i) *sewage collection and treatment facilities;*
 - (ii) *water supply, treatment and distribution facilities;*
 - (iii) *waste management facilities;*
 - (iv) *highways;*
 - (v) *drainage systems; or*
- (b) *any (use only the part that is applicable) other project the cost of which includes a capital component.*

And Whereas subsection 320(1) of The Municipal Act provides as follows:

Subject to subsection (2) to (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
- (b) *authorize the municipality to impose taxes as set out in the plan or proposal.*

And Whereas Section 172 of The Municipal Act provides in part as follows:

In this Division,

"Borrowing" means the borrowing of money, and includes

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

And Whereas subsection 174(1) of The Municipal Act provides as follows:

A municipality may make a borrowing only if

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

And Whereas, the Council of the Rural Municipality of Dufferin has prepared Local Improvement Plan No. 1-2006 providing for the spending, borrowing authority, and imposition of taxes for the installation of water lines as a local improvement pursuant to Part 10 of The Municipal Act;

And Whereas, in order to complete such undertaking, it will be necessary to issue debentures of the Rural Municipality of Dufferin for the sum of ~~\$250,000.00~~ as hereinafter provided, which is the amount of the debt intended to be created by this by-law; *\$120,000*

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

And Whereas the requirements are prescribed in Sections 318, 319 and 320 of The Municipal Act have been complied with;

~~And Whereas the assessed value of the whole lands chargeable under this by-law according to the latest revised Assessment Roll is \$95,450,990;~~

And Whereas the amount of the existing debenture debt of The Rural Municipality of Dufferin is ~~\$352,448.44~~ of which no portion of the principal or of the interest thereon is in arrears;

~~\$352,448.44~~
\$ 944,554.74

Now Therefore the Council of The Rural Municipality of Dufferin in regular session assembled enacts as follows:

1. That pursuant to subsection 320(1) of The Municipal Act, the Rural Municipality of Dufferin adopted Local Improvement Plan No. 1-2006 attached hereto as Schedule "B".
2. That The Rural Municipality of Dufferin may expend up to ^{One Hundred and Twenty} ~~Two Hundred and Fifty~~ Thousand dollars *120,000.* ~~(\$250,000.00)~~ for the purpose of completing the 2006 waterline connection project as a local improvement.
3. That for the aforesaid project, the said municipality may borrow dollars ^{One Hundred and Twenty} ~~Two Hundred and Fifty~~ Thousand dollars ~~(\$250,000.00)~~ 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 Limited in Carman, Manitoba, Canada, and shall be dated the 31st day of December, ~~2007.~~ *2006*
4. That the said debentures shall bear interest at a rate estimated for the time being at 6.5% 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 2007 to 2016, both inclusive.
5. That each of the debentures shall be signed by the Reeve, or by some other person authorized by by-law to sign same, and by 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, ^{per parcel} in each of the years 2007 to 2016, both inclusive, there shall be raised annually by a special rate on all the rateable property described in Schedule "C" hereto, an amounts sufficient to meet the (balance required/or requirement) for principal and interest, ~~which amount, with due regard to reserves satisfactory to any authority having jurisdiction, may be reduced by application of revenue surpluses of the utility.~~
7. That pursuant to subsection 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 or 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 ~~Two Hundred and Fifty Thousand dollars (\$250,000.00)~~

One Hundred and Twenty Thousand dollars (\$120,000.00)

8. That during the term of the debentures authorized herein, in any year where the debentures remain unissued, the levies may be made as if the debentures had been issued; and upon completion of the project authorized herein, 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 (30) days following 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/her share of the debt herein authorized in respect of the ~~flankage~~ ^{per parcel} rates provided herein to the said Chief Administrative Officer of the Rural Municipality of Dufferin and thereafter no ~~flankage~~ ^{per parcel} rates shall be levied against his/her said lands in respect of the debentures to be authorized herein.

Done and Passed by a by-law of the Rural Municipality of Dufferin in the Province of Manitoba this 22nd day of May, 2007.



Reeve

SEAL


Chief Administrative Officer

Read a first time this 13th day of March, A.D. 2007
Read a second time this 13th day of March, A.D. 2007
Read a third time this 22nd day of MAY, A.D. 2007.

Approved, subject to Amendment

By Order, No. E-07-094
of The Municipal Board

Secretary



The Municipal Board

1144 – 363 Broadway
Winnipeg MB R3C 3N9
Phone: (204) 945-2941
Fax: (204) 948-2235
www.gov.mb.ca/municipalboard

May 11, 2007

Ruth Stege
Chief Administrative Officer
Rural Municipality of Dufferin
Box 100
Carman MB R0G 0J0

Dear Ruth Stege:

RE: RURAL MUNICIPALITY OF DUFFERIN - BY-LAW NO. 1796
FILE NO. 07E8-0024

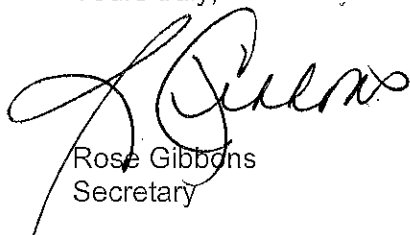
We enclose Municipal Board Order No. E-07-094 together with a certified copy of the By-law.

Please ensure that the proposed borrowing is shown as part of the 2007 Capital Estimates, page 13 of the Financial Plan. ✓

The fee of \$50.00 is now due on the By-law and payable to the Minister of Finance. Please provide the Board with a certified copy of the Approved By-law after 3rd reading.

Please quote our File Number on all correspondence.

Yours truly,



Rose Gibbons
Secretary

RG/sr/enclosure

c: Wendy Wolfe, Municipal Finance Officer

THE MUNICIPAL BOARD OF MANITOBA
DECISION AND ORDER

DECISION DATE: May 11, 2007

Order No. E-07-094

File No. 07E8-0024

PANEL: Denis Guénette, Acting Chair
Marilyn Walder, Member

RURAL MUNICIPALITY OF DUFFERIN - BY-LAW NO. 1796

The Rural Municipality of Dufferin submits By-law No. 1796 under Section 320(4) of *The Municipal Act*.

By-law No. 1796, attached as Appendix "A", authorizes the installation and connection of rural water lines as a Local Improvement and the borrowing of \$120,000.00.

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

1. Rural Municipality of Dufferin By-law No. 1796 **BE APPROVED** subject to the following amendments:

- ✓(a) In the sixth "Whereas" Clause, delete "\$250,000.00" and replace with "\$120,000.00";
- ✓(b) Delete the "ninth Whereas Clause";
- ✓(c) In the tenth "Whereas" Clause, delete "\$352,448.44" and replace with "\$944,554.74";
- ✓(d) In Clause No. 2, delete "Two Hundred and Fifty Thousand dollars (\$250,000.00)" and replace with "One Hundred Twenty Thousand dollars (\$120,000.00)";
- ✓(e) In Clause No. 3, amend the following:
 - i) delete "dollars Two Hundred and Fifty Thousand dollars (\$250,000.00)" and replace with "One Hundred Twenty Thousand dollars (\$120,000.00)"; and

- ✓ii) delete "2007" and replace with "2006"
- (f) In Clause No. 6; amend the following:
 - ✓i) after "special" insert "per parcel"; and
 - ✓ii) delete, "which amount, with due regard to reserves satisfactory to any authority having jurisdiction, may be reduced by application of revenue surpluses of the utility".
- (g) ✓ In Clause No. 7, delete "Two Hundred and Fifty Thousand dollars (\$250,000.00)" and replace with "One Hundred Twenty Thousand dollars (\$120,000.00)";
- (h) ✓ In Clause No. 9, delete "flankage" and replace with "per parcel";
- (i) In Schedule "B" to the By-law amend the following:
 - i) ✓ in the Heading of Clause (d), after ✓ "Method" insert "and Rate";
 - ii) in Clause (e) delete the following:
 - a) ✓ "\$119,989.69" and replace with ✓ "\$120,000.00"; and
 - ✓ b) delete the paragraph beginning with "Calculation of Additional"; and ending with "79,500.00"; and
 - iii) ✓ in Clause (f), delete "\$79,500.00" and ✓ replace with "\$120,000.00";
- (l) On Schedule "C" to the By-law, amend the following:
 - i) ✓ delete all figures under the "Roll # Heading" and replace each figure with ✓ "\$1,391.05" and insert "\$16,692.60" for the total; and

ii) ✓ delete the last "3 columns".

2. A filing fee of \$50.00 be paid by the Rural Municipality of Dufferin.

FOR THE MUNICIPAL BOARD

May 11, 2007
Date


Denis Guénette, Acting Chair


Rose Gibbons, Secretary

Rural Municipality of Dufferin

SCHEDULE - A TO BYLAW 1796
Installation of 2006 rural water line connections

Local Improvement Debenture Issue

Term (Yrs): 10	Amount: 120,000.00
Date: December 31, 2006	Rate (%): 6.5000
Payable: December 31, 2007 - 2016	Annual Payment: 16,692.56
	First Year's Payment: 16,692.56
	Adjusted Last Year's Payment: 16,692.60

MATURITY SCHEDULE

Year	Interest	Principal	Balance
2007	7,800.00	8,892.56	111,107.44
2008	7,221.98	9,470.58	101,636.86
2009	6,606.40	10,086.16	91,550.70
2010	5,950.80	10,741.76	80,808.94
2011	5,252.58	11,439.98	69,368.96
2012	4,508.98	12,183.58	57,185.38
2013	3,717.05	12,975.51	44,209.87
2014	2,873.64	13,818.92	30,390.95
2015	1,975.41	14,717.15	15,673.80
2016	1,018.80	15,673.80	0.00
TOTALS	46,925.64	120,000.00	166,925.64

27-Apr-07

Schedule "B" to By-law No. 1796

Rural Municipality of Dufferin

LOCAL IMPROVEMENT PLAN No. 1-2006

2006 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 12 rural water service line connections in 2006.

(b) Local Improvement District to be Taxes

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 No. 1-2006.

(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 1-2006 - Schedule "C".

(d) Method ^{AND RATE} of Calculating Local Improvement Tax

The local improvement tax to be levied under this proposal will be calculated on the basis of a parcel levy against all properties in the local improvement district described in Schedule "C" attached hereto. This per parcel 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 1¼ 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) and includes the standard 1¼ inch service line with a 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 per parcel 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 2007 until 2016 both inclusive. The levy represents the total cost for the rural water line service connection as per the above schedule less the 20% deposit, or greater, 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 per parcel 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)

\$120,000.00
~~\$119,989.69~~

3 Water line service connections at \$7,500.00 = \$ 22,500.00
 6 Water line service connections at \$9,000.00 = \$ 54,000.00
 1 Water service connection at \$ 12,744.11 = \$ 12,744.11
 1 Water service connection at \$ 13,281.94 = \$ 13,281.94
 1 Water service connection at \$ 17,463.64 = \$ 17,463.64

~~Calculation of Additional Required Borrowing Authority~~

~~Set up as an Account Receivable to R.M. of Dufferin \$ 16,789.69
 Deposit for rural water line connection *delete* \$ 25,500.00~~

~~Authority Required (Local Improvement Debenture) \$ 79,500.00~~

(f) Particulars of Local Improvement Debenture Issue

Amount ~~\$79,500.00~~ *120,000.00*
 Term 10 years
 Interest Rate 6.5%

(g) 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.

Ruth Stege, CMMA
 Chief Administrative Officer
 March 13, 2007

SCHEDULE 'C' TO BY-LAW NO. 1796									
Name	Mailing Address	Legal Description	ROLL #	To Be Debentured	2007 Payment	2008-2015 Payment	2016 Payment		
			1371-05						
Roseisle Pentecostal Church	Box 105, Roseisle, MB R0G 1V0	Lots 5/7, Block 4, NE 21-6-7 W	" 137400	\$ 4,500.00					
Charles Vandersluis	Box 195, Carman, MB R0G 0J0	NE 19-6-5 W	" 84200	\$ 7,200.00					
Phil Unrau	Box 722, Carman, MB R0G 0J0	Lot 11, Heritage Acres	" 91391	\$ 6,000.00					
Ben Hildebrand	Box 16, Roseisle, MB R0G 1V0	Lot 3, Blk 1, Plan 152 Roseisle	" 183290	\$ 7,200.00					
Dan O'Connor	Box 1432, Carman, MB R0G 0J0	Lot 9, Blk 6, Plan 2087 SE 30-6-4	" 93600	\$ 7,200.00					
Doug & Dorina Bruca	Box 931, Carman, MB R0G 0J0	SE 26-6-5 W	" 95780	\$ 5,700.00					
Pat & Dale Owen	Box 1424, Carman, MB R0G 2R0	SE 26-6-5 W.	" 99780	\$ 5,700.00					
Trevor Worms	Box 56, Stephemfield, MB R0G 0J0	NE 19-6-5 W.	" 109710	\$ 7,200.00					
Oak Ridge Holdings (M.Dyck)	Box 88, Roseisle, MB R0G 1V0	NW 5-7-7 W.	" 178500	\$ 7,200.00					
Ralph Kloeppel	Box 79, Brunkild, MB R0G 0E0	NE 21-7-3 W.	" 25190	\$ 7,200.00					
Robertson-Stow Farms (R.Stow)	Box 55, R.R.#3, Carman, MB R0G 0J0	SE 5-6-5 W.	" 78000	\$ 7,200.00					
Karen Borgen	Box 1922, Carman, MB R0G 0J0	NE 36-6-5 W.	" 100950	\$ 7,200.00					
			1371-05	\$ 79,500.00					

APPENDIX "A" TO
MUNICIPAL BOARD ORDER
NO. E-07-094

Legal Description	ROLL #	To Be Debentured	2007 Payment	2008-2015 Payment	2016 Payment
	1391.05				
Block 4, NE 21-6-7 W	" 137400	\$ 4,500.00			
W	" 84200	\$ 7,200.00			
14.75 Acres	" 91361	\$ 6,000.00			
Plan 152 Roseisle	" 13200	\$ 7,200.00			
Plan 2087 SE 30-6-4	" 83600	\$ 7,200.00			
W	" 95780	\$ 5,700.00			
W.	" 95180	\$ 5,700.00			
W.	" 109710	\$ 7,200.00			
N.	" 178500	\$ 7,200.00			
W.	" 25180	\$ 7,200.00			
I.	" 78000	\$ 7,200.00			
W.	" 100950	\$ 7,200.00			
	16,693.60	\$ 79,500.00			

delete