



RURAL MUNICIPALITY OF DUFFERIN

By-Law No. 1818

Being a by-law of the Rural Municipality of Dufferin  
to authorize the Expenditure and Borrowing of Money for the  
completion of 2008 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:*
  - (ii) *water supply, treatment and distribution facilities;*
- (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. 1-2008 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 for the Rural Municipality of Dufferin to borrow the sum of \$114,000.00 as hereinafter provided, which is the amount of the debt intended to be created by this by-law;

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 amount of the existing debenture debt of The Rural Municipality of Dufferin is \$1,595,587.22 of which no portion of the principal or of the interest thereon is in arrears;

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. 1-2008 attached hereto as Schedule "B".
2. That the Rural Municipality of Dufferin may expend up to One Hundred and Fifty-nine thousand and eighty-four dollars (\$159,084.00) for the purpose of completing the 2008 waterline connection project as a local improvement.
3. That for the aforesaid project, the said municipality may borrow One Hundred and Fourteen Thousand dollars (\$114,000.00), such borrowing 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 31<sup>st</sup> day of December, 2008
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 31<sup>st</sup> day of December in each of the years 2009 to 2018, 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, in each of the years 2009 to 2018, both inclusive, there shall be raised annually by a special per parcel rate on all the rateable property described in Schedule "C" hereto, an amount sufficient to meet the requirements for principal and interest.
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 One Hundred and Fifty-nine thousand and eighty-four Dollars (\$159,084.00).

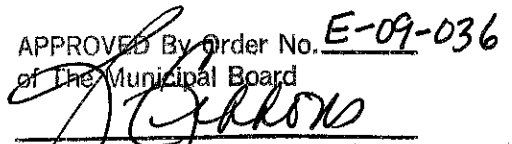
8. That during the term of the debentures authorized herein, in any year where the debentures remain unissued, the levies may be made as if the debentures had been issued; and upon completion of the project authorized herein, the levies shall be applied in reduction of temporary financing, and when issued, 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 per parcel rated provided herein to the said Chief Administrative Officer of the Rural Municipality of Dufferin and thereafter no per parcel rates shall be levied against his/her said lands in respect of the debentures to be authorized herein.

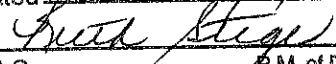
Done and Passed by a by-law of the Rural Municipality of Dufferin in the Province of Manitoba this 17<sup>th</sup> day of MARCH 2009

  
\_\_\_\_\_  
Reeve

  
\_\_\_\_\_  
Chief Administrative Officer

Read a first time this 17<sup>th</sup> day of February, 2009  
Read a second time this 17<sup>th</sup> day of MARCH, 2009  
Read a third time this 17<sup>th</sup> day of MARCH, 2009

APPROVED By Order No. E-09-036  
of The Municipal Board  
  
\_\_\_\_\_  
Secretary

Certified copy of By-law #1818  
Dated Feb. 20/09  
  
\_\_\_\_\_  
C.A.O. R.M. of Dufferin  
COMMISSIONER FOR OATHS  
PROVINCE OF MANITOBA  
NO EXPIRY WITH POSITION

**Rural Municipality of Dufferin**

SCHEDULE - A TO BYLAW NO. 1818  
Installation of 2008 rural water line connections

**Local Improvement Debenture Issue**

|  |                                      |            |
|--|--------------------------------------|------------|
| <b>Term (Yrs):</b> 10                    | <b>Amount:</b>                       | 114,000.00 |
| <b>Date:</b> December 31, 2008           | <b>Rate (%):</b>                     | 7.0000     |
| <b>Payable:</b> December 31, 2009 - 2018 | <b>Annual Payment:</b>               | 16,231.04  |
|  | <b>First Year's Payment:</b>         | 16,231.04  |
|  | <b>Adjusted Last Year's Payment:</b> | 16,230.97  |

**MATURITY SCHEDULE**

| <b>Year</b>   | <b>Interest</b>  | <b>Principal</b>  | <b>Balance</b>    |
|---------------|------------------|-------------------|-------------------|
| 2009          | 7,980.00         | 8,251.04          | 105,748.96        |
| 2010          | 7,402.43         | 8,828.61          | 96,920.35         |
| 2011          | 6,784.42         | 9,446.62          | 87,473.73         |
| 2012          | 6,123.16         | 10,107.88         | 77,365.85         |
| 2013          | 5,415.61         | 10,815.43         | 66,550.42         |
| 2014          | 4,658.53         | 11,572.51         | 54,977.91         |
| 2015          | 3,848.45         | 12,382.59         | 42,595.32         |
| 2016          | 2,981.67         | 13,249.37         | 29,345.95         |
| 2017          | 2,054.22         | 14,176.82         | 15,169.13         |
| 2018          | 1,061.84         | 15,169.13         | 0.00              |
| <b>TOTALS</b> | <b>48,310.33</b> | <b>114,000.00</b> | <b>162,310.33</b> |

27-Feb-09

Schedule "B" to By-law No. 1818

Rural Municipality of Dufferin

LOCAL IMPROVEMENT PLAN No. 1-2008

2008 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 19 rural water service line connections in 2008 to add to the existing rural waterline system in the Rural Municipality of Dufferin.

(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 described in Schedule "C" attached.

(c) Identification of Potential Taxpayers under the Plan

Potential taxpayers are all properties in the Rural Municipality of Dufferin described in Schedule "C".

(d) Method and Rate of Calculating Local Improvement Tax is as follows:

The local improvement tax will be calculated on a per parcel basis. The rates are as follows:

- A) a twenty percent deposit is required
- B) Any oversized lines, meters or additional requirements will be charged to the customer at actual cost.

Cash Option:

- 1) Standard 1 ¼ inch service line with 5/8 inch meter is \$9,084.00 or actual cost whichever is less or
- 2) reduced rate of \$7,500.00 or actual cost whichever is less will be charged to newly establishing residences and businesses (excludes replacement buildings) and includes the standard 1 ¼ inch service line with a 5/8 inch meter.

Finance Option:

- 1) The maximum debenture amount for any one property is \$7,200.00.  
Standard 1 ¼ inch service line with 5/8 inch meter is \$1,025.12 maximum annual levy for 10 years for the \$7,200.00
- 2) Standard 1 ¼ inch service line with 5/8 inch meter is \$854.27 annual levy for 10 years for the \$6,000.00 waterline service to new residences/businesses.

Schedule "B" to By-law No. 1818

... Page 2

Pursuant to Section 325 of the Municipal Act, taxpayers will be permitted to pay their per. parcel cost after the rural water line service connection to their property is complete instead of having a per parcel tax levied against their property.

(e) Estimated Cost of Local Improvement Project

Calculation of Spending Authority Required

|   |                    |
|---|--------------------|
| TOTAL PROJECT COST (Estimated)                    | \$159,084.00       |
| 8 Water line service connections at \$7,500.00 =  | \$ 60,000.00       |
| 10 Water line service connections at \$9,000.00 = | \$ 90,000.00       |
| 1 Water service connection at \$ 9,084.00 =       | <u>\$ 9,084.00</u> |
|   | \$ 159,084.00      |
| Amount on down payment with Municipality =        | <u>45,084.00</u>   |
| To be paid by Debenture =                         | \$114,000.00       |

(f) Particulars of Borrowing

|                |              |
|----------------|--------------|
| Amount         | \$114,000.00 |
| Term           | 10 years     |
| Interest Rate  | 7.0%         |
| Annual Payment | \$16,231.09  |

(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  
January 19, 2009

**E-09-036**

Schedule "C" to By-law 1818

| NO. | R.M. OF DUFFERIN<br>BOX 100, CARMAN, MB R0G 0J0 |                     | PREPAID COSTS      |                     | 20% DEPOSIT     | A/R                  | PRE-PAYMENT        | FINANCE AMOUNT<br>2009-2018 |
|-----|---|---------------------|--------------------|---------------------|-----------------|----------------------|--------------------|-----------------------------|
|     | ROLL NUMBER                                     | PER PARCEL COST     | PREPAID COSTS      | 20% DEPOSIT         |                 |                      |                    |                             |
|     | 155950  | \$7,500.00          |                    | \$ 1,500.00         | \$ 6,000.00     | \$854.27             |                    |                             |
|     | 172100  | \$9,000.00          |                    | \$ 1,800.00         | \$ 7,200.00     | \$1,025.12           |                    |                             |
|     | 116000  | \$9,000.00          |                    | \$ 1,800.00         | \$ 7,200.00     | \$1,025.12           |                    |                             |
|     | 100850  | \$7,500.00          |                    | \$ 1,500.00         | \$ 6,000.00     | \$854.27             |                    |                             |
|     | 91371   | \$7,500.00          | \$ 6,000.00        | \$ 1,500.00         | \$ 6,000.00     | \$854.27             |                    |                             |
|     | 91355   | \$7,500.00          |                    | \$ 1,500.00         | \$ 6,000.00     | \$854.27             |                    |                             |
|     | 77900   | \$7,500.00          |                    | \$ 1,800.00         | \$ 7,200.00     | \$1,025.12           |                    |                             |
|     | 130900  | \$9,000.00          |                    | \$ 1,800.00         | \$ 7,200.00     | \$1,025.12           |                    |                             |
|     | 54850   | \$9,000.00          |                    | \$ 1,500.00         | \$ 6,000.00     | \$854.27             |                    |                             |
|     | 128250  | \$7,500.00          |                    | \$ 1,800.00         | \$ 7,200.00     | \$1,025.12           |                    |                             |
|     | 175400  | \$9,000.00          |                    | \$ 1,800.00         | \$ 7,200.00     | \$1,025.12           |                    |                             |
|     | 145650  | \$9,000.00          |                    | \$ 1,500.00         | \$ 6,000.00     | \$854.27             |                    |                             |
|     | 97800   | \$7,500.00          |                    | \$ 1,500.00         | \$ 6,000.00     | \$854.27             |                    |                             |
|     | 91353   | \$7,500.00          |                    | \$ 1,800.00         | \$ 7,200.00     | \$1,025.12           |                    |                             |
|     | 71100   | \$9,000.00          | \$ 7,200.00        | \$ 1,800.00         | \$ 7,200.00     | \$1,025.12           |                    |                             |
|     | 16600   | \$9,000.00          |                    | \$ 1,800.00         | \$ 7,200.00     | \$1,025.12           |                    |                             |
|     | 163300  | \$9,084.00          |                    | \$ 1,800.00         | \$ 7,200.00     | \$1,025.12           |                    |                             |
|     | 90750   | \$9,000.00          |                    | \$ 1,800.00         | \$ 7,200.00     | \$1,025.12           |                    |                             |
|     | 130500  | \$9,000.00          |                    | \$ 1,800.00         | \$ 7,200.00     | \$1,025.12           |                    |                             |
|     |   | <b>\$159,084.00</b> | <b>\$13,200.00</b> | <b>\$ 31,800.00</b> | <b>\$ 84.00</b> | <b>\$ 114,000.00</b> | <b>\$16,231.09</b> |                             |

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**The Municipal Board**

1144 – 363 Broadway  
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Fax: (204) 948-2235  
[www.gov.mb.ca/municipalboard](http://www.gov.mb.ca/municipalboard)

March 10, 2009

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. 1818  
FILE NO. 09E8-0007**

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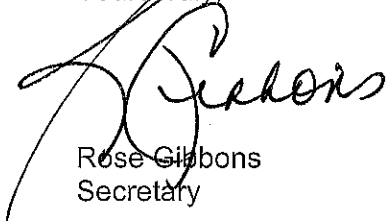
We enclose for your information a copy of Municipal Board Order No. E-09-036 together with the By-law.

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 3<sup>rd</sup> reading.

Please quote our File Number on all correspondence.

Yours truly,



Rose Gibbons  
Secretary

RG/pm/enclosures

c: Wendy Wolfe, Municipal Finance Officer



THE MUNICIPAL BOARD OF MANITOBA  
**DECISION AND ORDER**

**DECISION DATE:** March 10, 2009

Order No. E-09-036

File No. 09E8-0007

**PANEL:** David Gisser, Acting Chair  
John Blewett, Member

**RURAL MUNICIPALITY OF DUFFERIN - BY-LAW NO. 1818**

The Rural Municipality of Dufferin (the "Municipality") submits By-law No. 1818 under Section 320(4) of *The Municipal Act, S.M. 1996 c. 58*.

By-law No. 1818, attached as Appendix "A", authorizes the installation of rural water line connections as a Local Improvement at an estimated cost of \$159,084.00. The Municipality received funding from taxpayer's down and pre-payments in the amount of \$45,084.00. The balance of \$114,000.00 is to be borrowed by the Municipality.

The project has been completed despite the lack of an authorizing By-law approved by the Board. In that respect, Section 63 of *The Municipal Board Act* provides:

**63 Except as provided in *The Municipal Act* or some other statute affecting the local authority applying under section 61, the local authority shall take no further steps upon the by-law until the authorization has been obtained or the application otherwise dealt with by the board.**

The Municipality in its Application for Approval therefore applies under Section 86 of *The Municipal Board Act* for validation of the irregularity that has occurred in the proceedings by reason of the prior completion of the project. That Section provides as follows:

86 Where by inadvertence, clerical error, omission or other cause an irregularity has occurred in the proceedings leading up to, or in the passing, giving, doing, or making, or in the form or execution, of a by-law, resolution, notice, advertisement, or return, of a local authority, the subject matter whereof is within its jurisdiction, thereby rendering it of doubtful validity, upon application, the board may inquire into the matter, and, if satisfied that it would be lawful but for the irregularity, and that no person is or will likely be injuriously affected thereby, make an order declaring it valid for all purposes; whereupon all the matters and things therein referred to are validated.

The Municipality gave first reading on February 17, 2009 and held the necessary Public Hearing.

The Municipality advises that no objections were received to the proposed borrowing.

The Board is satisfied on this application that the By-law would be lawful but for the irregularity described above, and that no person is or will likely be adversely affected by this irregularity. Therefore, pursuant to Section 86 of *The Municipal Board Act*, the Board is prepared to make an Order validating By-law No.1818.

The Board would however take this opportunity to note that great care and caution must be exercised in respect of adherence to the statutory requirements for the approval of borrowing by-laws. As can be appreciated, an irregularity in the passing of a borrowing by-law poses potentially serious consequences, and will be subject to scrutiny by the Board.

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

1. That the Rural Municipality of Dufferin By-law No. 1818 **BE DECLARED VALID FOR ALL PURPOSES.**

2. Rural Municipality of Dufferin By-law No. 1818 **BE APPROVED.**
3. A filing fee of \$50.00 be paid by the Rural Municipality of Dufferin.

FOR THE MUNICIPAL BOARD

March 10, 2009  
Date

  
David Gisser, Acting Chair

  
Rose Gibbons, Secretary