



RURAL MUNICIPALITY OF DUFFERIN

By-Law No. 1820

*New By-law  
# 1829.*

Being a By-law of the Rural Municipality of Dufferin to authorize the expenditure and borrowing of money for the construction of a three span bridge over the Boyne River on the North of Section 28-6-4 W (Mackenzie Bridge) and to replace the decking on the Deerhaunt Bridge (NW 22-6-5 W), the Sandulak Bridge (E 20-7-5 W) and the Graysville Bridge (W 25-6-6 W)

WHEREAS *The Municipal Act, S.M. 1996, c.58*, provides in part as follows:

"172 In this Division,  
"Borrowing" means the borrowing of money, and includes  
(e) issuing debentures

"Borrowing by-law" means a by-law referred to in clause 174(1)(a)."

"174(1) A municipality may make a borrowing only if  
(a) the borrowing is authorized by by-law; 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 projects, being:

*The construction of a three span bridge over the Boyne River on the North of Section 28-6-4 W (known as the Mackenzie Bridge), and to replace the decking on the Deerhaunt Bridge (NW 22-6-5 W), the Sandulak Bridge (E 20-7-5 W) and the Graysville Bridge (W 25-6-6 W)*

should be undertaken within Rural Municipality of Dufferin

AND WHEREAS in order to complete such undertaking, it will be necessary for the Rural Municipality of Dufferin to borrow the sum of \$1,100,000.00 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 (10) 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 portioned assessed value of the whole land chargeable under this by-law, according to the latest revised assessment roll is \$96,263,330;

AND WHEREAS the amount of the existing debenture debt of the Rural Municipality of Dufferin is \$794,149.50, 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 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 borrowing of

2. in an amount not exceeding one million, one hundred thousand dollars (\$1,100,000.00).
2. THAT the funds so raised shall be for the purpose of financing certain works as follows:
- The construction of a three span bridge over the Boyne River on the North of Section 28-6-4 W., and Replacing the decking on the Deerhaunt Bridge (NW 22-6-5 W), the Sandulak Bridge (E 20-7-5 W) and the Graysville Bridge (W 25-6-6 W)*
3. THAT for the aforesaid project, the said municipality may borrow one million, one hundred thousand dollars (\$1,100,000.00) 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 in Carman, Manitoba and shall be dated the 31<sup>st</sup> day of December A.D. 2008.
4. THAT the said debentures shall bear interest at a rate estimated for the time being at 6.5% per annum, and subject to 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 A.D. in each of the years 2009 to 2018, both inclusive.
5. THAT each of the debentures shall be signed by the Reeve and by the Chief Administrative Officer of the Rural Municipality of Dufferin, or by some other persons authorized by resolution to sign same, 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 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 mill rate on all the taxable property within the said Municipality, an amount sufficient to meet the requirement for principal and interest, which amount may be reduced by application of Gas Tax revenues.
7. THAT pursuant to subsection 174(3) 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 million, one hundred thousand dollars (\$1,100,000.00).
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 of term of debentures shall be reduced accordingly.

DONE AND PASSED as a by-law of the Rural Municipality of Dufferin, in the Province of Manitoba, this 16th day of December A.D. 2008.



Shawn McCutcheon, Reeve

Read a first time this 19<sup>th</sup> day of February, 2008.

Read a second time this 16<sup>th</sup> of December, 2008

Read a third time this 16<sup>th</sup> of December, 2008



Ruth Stege, Chief Administrative Officer



RURAL MUNICIPALITY OF DUFFERIN

By-Law No. 1820

Being a By-law of the Rural Municipality of Dufferin to authorize the expenditure and borrowing of money for the construction of a three span bridge over the Boyne River on the North of Section 28-6-4 W (Mackenzie Bridge) and to replace the decking on the Deerhaunt Bridge (NW 22-6-5 W), the Sandulak Bridge (E 20-7-5 W) and the Graysville Bridge (W 25-6-6 W)

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"Borrowing by-law" means a by-law referred to in clause 174(1)(a)."

"174(1) A municipality may make a borrowing only if  
(a) the borrowing is authorized by by-law; and  
(b) subject to subsection (2), the borrowing is set out as a debt obligation in the operating budget or capital budget"

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

*The construction of a three span bridge over the Boyne River on the North of Section 28-6-4 W (known as the Mackenzie Bridge), and to replace the decking on the Deerhaunt Bridge (NW 22-6-5 W), the Sandulak Bridge (E 20-7-5 W) and the Graysville Bridge (W 25-6-6 W)*

should be undertaken within Rural Municipality of Dufferin

AND WHEREAS in order to complete such undertaking, it will be necessary for the Rural Municipality of Dufferin to borrow the sum of \$1,100,000.00 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 (10) 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 portioned taxable assessed value of the whole land chargeable under this by-law, according to the latest revised assessment roll is \$96,263,330;

AND WHEREAS the amount of the existing debenture debt of the Rural Municipality of Dufferin is \$905,081.22, 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 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 one million, one hundred thousand dollars (\$1,100,000.00.)

2. THAT the funds so raised shall be for the purpose of financing certain works as follows:

*The construction of a three span bridge over the Boyne River on the North of Section 28-6-4 W., and Replacing the decking on the Deerhaunt Bridge (NW 22-6-5 W), the Sandulak Bridge (E 20-7-5 W) and the Graysville Bridge (W 25-6-6 W)*

3. THAT for the aforesaid project, the said municipality may borrow one million, one hundred thousand dollars (\$1,100,000.00) 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 in Carman, Manitoba and shall be dated the 31<sup>st</sup> day of December A.D. 2008.
4. THAT the said debentures shall bear interest at a rate estimated for the time being at 5.375% per annum, and subject to 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 A.D. in each of the years 2009 to 2018, both inclusive.
5. THAT each of the debentures shall be signed by the Reeve and by the Chief Administrative Officer of the Rural Municipality of Dufferin, or by some other persons authorized by resolution to sign same, 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 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 rate on all the taxable property within the said Municipality, an amount sufficient to meet the requirement for principal and interest.
7. THAT pursuant to subsection 174(3) 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 million, one hundred thousand dollars (\$1,100,000.00).
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 of term of debentures shall be reduced accordingly.

DONE AND PASSED as a by-law of the Rural Municipality of Dufferin, in the Province of Manitoba, this day of \_\_\_\_\_ A.D. 2008.

\_\_\_\_\_  
Shawn McCutcheon, Reeve

Read a first time this 19<sup>th</sup> day of February, 2008.

Read a second time this \_\_\_\_\_

Read a third time this \_\_\_\_\_

Certified copy of By-law # 1820  
Dated May 7, 2008  
Ruth Stege  
C.A.O. R.M. of Dufferin  
COMMISSIONER FOR OATHS  
PROVINCE OF MANITOBA  
NO EXPIRY WITH POSITION

\_\_\_\_\_  
Ruth Stege, Chief Administrative Officer  
Approved, subject to Amendment  
By Order No. E-08-169  
of The Municipal Board  
[Signature]  
Secretary

**The Municipal Board**

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

July 9, 2008

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. 1820  
FILE NO. 08E7-0021**

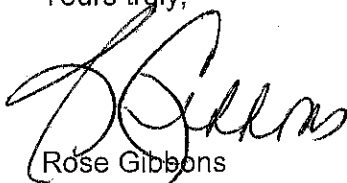
We enclose for your information a copy of Municipal Board Order No. E-08-169 together with the By-law.

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:** July 9, 2008

Order No. E-08-169

File No. 08E7-0021

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

**RURAL MUNICIPALITY OF DUFFERIN - BY-LAW NO. 1820**

The Rural Municipality of Dufferin ("the Municipality") submits By-law No. 1820 under Section 176 of *The Municipal Act, S.M. 1996 c. 58*.

By-law No. 1820 attached as Appendix "A" authorizing the construction of a three span bridge over the Boyne River on the North of Section 28-6-4W, and replacing the decking on the Deerhaunt Bridge (NW 22-6-5W), the Sandulak Bridge (E 20-7-5W) and the Graysville Bridge (W 25-6-6W) and the borrowing of \$1,100,000.00

The project has been completed despite the lack of an authorizing By-law. The Municipality is now seeking the necessary approval from the Board.

By letter dated May 8, 2008 the Municipality also applies under Section 86 of *The Municipal Board Act* for validation of an 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 to the By-law on February 19, 2008. No objections were received to the proposed borrowing.

The Board is satisfied that no one has been, or will be, adversely affected by the procedural irregularity referred to above. Therefore, pursuant to Section 86 of *The Municipal Board Act*, the Board declares By-law No. 1820 to be valid for all purposes.

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The Board also notes that with this additional borrowing, the Municipality's debt charges will increase to a ratio level of 16.48% in relation to current revenue, which approaches the Board's guidelines of 20% (maximum). While it appears that the Municipality has the capacity to take on the additional debt, the Board requests that the Municipality carefully monitor this matter so as to ensure that it will be in a financial position to absorb any future borrowings.

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

1. That the irregularity of the proceedings up to the passing of the By-law No. 1820 **BE VALIDATED**.
2. Rural Municipality of Dufferin By-law No. 1820 **BE APPROVED** subject to the following amendments:
  - (a) At the end of the first "Whereas" Clause, insert "**or it is made to fund an expenditure authorized under subsection 169(5)**";
  - (b) In the fifth "Whereas" Clause, delete "**taxable**";
  - (c) In the sixth "Whereas" Clause, delete "**\$905,081.22**" and replace with "**\$794,149.50**";
  - (d) In Clause No. 1, delete "**issue and sale of debentures**" and replace with "**borrowing of money**";
  - (e) In Clause No. 3, delete "**by the issue and sale of debentures, such debentures**" and replace with "**such borrowing**";
  - (f) In Clause No. 4, delete "**5.625%**" and replace with "**6.5%**";  
and

(g) In Clause No. 6, amend the following:

(i) after "**special**" insert "**mill**";

(ii) at the end, insert "**which amount may be reduced by application of Gas Tax revenues**".

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

FOR THE MUNICIPAL BOARD

Date

July 9, 2008

David Gisser, Acting Chair

Rose Gibbons, Secretary





DATE December 3 2008

RECEIVED FROM R.M. of Daiflerin

ADDRESS P.O. Box 100 Carman MB R0G 0J0

THE SUM OF Fifty  $\frac{xx}{100}$  DOLLARS (\$ 50.00 )

PARTICULARS File No. 08E7-0021 By-law No. 1820

Order No. E-08-169

Bycheque No. 20081185 dated Nov. 25/2008

Alan Jack

THIS RECEIPT IS FOR MONEY RECEIVED ONLY AND DOES NOT AUTHORIZE THE HOLDER FOR ANY OTHER PURPOSE.  
MG 3680 REV. 01/02