

BY-LAW No. 80/1428  
The Town of Carman

BEING a By-law to authorize the creation of a Reserve Fund for the purpose of a diversion of the Boyne River.

WHEREAS under and by virtue of Section 568 of the Municipal Act, S.M. 1970, c.100 and amendments thereto, the Council of the Municipality may, subject to the approval of the Minister, pass by-laws for creating a reserve fund for any purpose within the powers or duties conferred or charged upon it under the aforesaid Act or any other Act of the Legislature;

AND WHEREAS the reserve fund may be created or augmented

a) from surplus monies of the Municipality not presently required; or

b) by monies raised by a special tax, over and above the current requirements of the Municipality levied for such term of years as the Minister approves,

i) at such a rate as the minister approves and as is specified in a by-law; or

ii) to raise such amount as the minister approves, and as is specified in a by-law;

or from any one or more of those sources.

AND WHEREAS the Council of The Town of Carman deems it expedient and in the best interest of The Town of Carman to create a Reserve Fund for the purpose of the diversion of the Boyne River, called The Boyne River Diversion Reserve Fund;

AND WHEREAS The Town of Carman desires to create and augment the said Fund from a levy of 8 mills per year for the years 1980 to 1984 inclusive on the assessed value of all property located in Local Improvement District No. 1;

NOW THEREFORE the Council of The Town of Carman, in open Council assembled, enacts as follows:

1. That a reserve fund for the purpose of the diversion of the Boyne River, called The Boyne River Diversion Reserve Fund be created;

2. That in each of the years 1980 to 1984 inclusive, there shall be levied upon the assessed value of all rateable property in Local Improvement District No. 1 of The Town of Carman, a levy of 8 mills and the monies raised thereby shall be deposited in and form a part of the Boyne River Diversion Fund created hereby;

3. The Town of Carman shall keep both in its books and in the bank, a separate account designating the purpose for which the fund was created and showing at all times the state of the reserve fund created hereby;

4. That if the reserve fund or any portion thereof is invested the securities therefor shall be earmarked and kept separate from other securities of The Town of Carman;

5. That no portion of the reserve fund or any accretions thereto shall be applied or expended by The Town of Carman, or the Council, or any member or officer thereof, for any purpose, unless the approval of the Minister has been first obtained;

6. That the proceeds of the reserve fund may be invested or re-invested in accordance with the provisions of Section 483 (1) of The Municipal Act;

7. That this by-law shall come into force and take effect upon the date it receives the approval of the Minister of Municipal Affairs.

DONE AND PASSED in Council assembled at the Council Chamber of The Town of Carman, at Carman, in the Province of Manitoba, this 8th day of May A.D. 1980.



\_\_\_\_\_  
Mayor



\_\_\_\_\_  
Secretary-Treasurer

CERTIFIED to be a true and correct copy of a By-law, numbered 80/1428, passed by the Council of the Town of Carman, on the 8th day of May, A.D. 1980.



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Bruce Lyle — Secretary-Treasurer.



DEPARTMENT OF MUNICIPAL AFFAIRS

Municipal Budget and Finance Branch  
1322 - 405 Broadway  
Winnipeg, Manitoba  
R3C 3L6

Mr. Bruce Lyle  
Secretary-Treasurer  
Town of Carman,  
Box 160  
Carman, Manitoba.  
ROG OJO

July 7, 1980

Dear Mr. Lyle:

I am returning both copies of your by-law 80/1428, establishing a River Diversion Reserve Fund.

As indicated to you by telephone, I am not aware of any authority under which you can levy against otherwise exempt properties for reserve fund purposes. It would appear that the river diversion, when it is eventually done, may be done as a local improvement under section 617 of The Municipal Act, and so any debenture levies made as a result could be imposed on otherwise exempt property. However, there is no apparent provision to impose reserve fund levies on otherwise exempt property.

When you have made the necessary changes to your by-law 80/1428, please return two copies for approval under section 568 of The Municipal Act.

Yours very truly,

A handwritten signature in dark ink, appearing to read "F. R. Dennis", written over a horizontal line.

F. R. Dennis

/mm  
Encl.