

RURAL MUNICIPALITY OF OAKVIEW

By-law No.2025-1

Being a By-law of the Rural Municipality of Oakview to provide for the expenditure and borrowing of funds for the purchase of land for mining aggregate for municipal purposes.

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

- (d) an agreement to purchase capital property that creates an interest in the capital property to secure payment of the capital property's purchase price if payment of the purchase price under the agreement exceeds three years,

"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 a by-law passed in accordance with section 174.1; 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)."

"174.1(1) The council must give public notice before giving first reading to a borrowing by-law that authorizes the municipality to

- (a) issue debenture; and
- (b) use the money borrowed to fund a capital project that has been included in the financial plan adopted under section 162."

And Whereas the Council of the Rural Municipality of Oakview is of the opinion that the following project, being:

The purchase of a parcel of land to mine aggregate to be applied on municipal roads should be undertaken within the municipality;

And Whereas, in order to complete such undertakings, it will be necessary for the Rural Municipality of Oakview to borrow the sum of \$750,000.00 (Seven hundred fifty thousand dollars) 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 assessed value of the whole land chargeable under this by-law, according to the last revised assessment roll, is \$311,583,370;

And Whereas, the amount of the existing debenture debt of the Rural Municipality of Oakview is \$496,654.14, of which no portion of the principal or of the interest thereon is in arrears;

Now Therefore the Council of the Rural Municipality of Oakview, in regular (or special) session assembled, enacts as follows:

1. That the Rural Municipality of Oakview 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 money in an amount not exceeding seven hundred fifty thousand dollars (\$750,000.00).
2. That the funds so raised shall be for the purpose of financing certain works as follows:

Purchasing a parcel of land to mine aggregate to be applied on municipal roads
3. That the borrowing for the aforesaid project shall be issued by the Rural Municipality of Oakview, in the Province of Manitoba, and shall be payable at the Fusion Credit Union in the Village of Oak River or at the principal office of the Fusion Credit Union at the holder's option, and shall be dated the 31st day of December A.D.2025.
4. That the said borrowing shall bear interest at a rate estimated for the time being at 6.325% 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 2026 to 2035, both inclusive.
5. That the issuance of borrowings 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 Oakview and there shall be affixed thereto the corporate seal of the said municipality.
6. That during the currency of the said borrowing; namely, in each of the years 2026 to 2035, both inclusive, there shall be raised annually by a special mill rate on all the rateable property within the Rural Municipality of Oakview, an amount sufficient to meet the requirement for principal and interest.
7. That pursuant to subsection 174(3)(d) of The Municipal Act, pending the issue of the borrowing, the council of The Rural Municipality of Oakview may agree with a bank or credit union 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 seven hundred and fifty thousand dollars (\$750,000.00).

Done and Passed by a by-law of the Rural Municipality of Oakview in the Province of Manitoba this day 14 of October, 2025.

MUNICIPAL SEAL

APPROVED By Order No. E-25-083
of The Municipal Board

[Signature]
Secretary

[Signature]
Reeve

[Signature]
Chief Administrative Officer

Read a first time this 27th day of May A.D.2025.
Read a second time this 14 day of October A.D. 2025.
Read a third time this 14 day of October A.D. 2025.

APPENDIX "A" TO
MUNICIPAL BOARD ORDER
NO. E-25-083

RURAL MUNICIPALITY OF OAKVIEW			
Purchase Land for Mining Aggregate for municipal purpose			
SCHEDULE - A TO BYLAW NO. *2025-1			
Term (Yrs):	10	Debtenture Issue	
Date:	December 31, 2025	Amount:	750,000.00
Payable:	December 31, 2026-2035	Rate (%):	6.3250
		Annual Payment:	103,475.78
		First Year's Payment:	103,475.78
		Adjusted Last Year's Payment:	103,475.77
MATURITY SCHEDULE			
Year	Interest	Principal	Balance
2026	47,437.50	56,038.28	693,961.72
2027	43,893.08	59,582.70	634,379.02
2028	40,124.47	63,351.31	571,027.71
2029	36,117.50	67,358.28	503,669.43
2030	31,857.09	71,618.69	432,050.74
2031	27,327.21	76,148.57	355,902.17
2032	22,510.81	80,964.97	274,937.20
2033	17,389.78	86,086.00	188,851.20
2034	11,944.84	91,530.94	97,320.26
2035	6,155.51	97,320.26	0.00
TOTALS		284,757.79	750,000.00

THE MUNICIPAL BOARD OF MANITOBA
DECISION AND ORDER

DECISION DATE: September 18, 2025

Order No. E-25-083
File No. 25E7-0012

PANEL: Diane Stasiuk, Vice Chair
Tom Raine, Member

RURAL MUNICIPALITY OF OAKVIEW - BY-LAW NO. 2025-1

The Rural Municipality of Oakview (the "Municipality") submits By-law No. 2025-1 (the "Proposed By-law") under Section 176 of *The Municipal Act* (the "Act") for the Board's review and approval. The Board received the Proposed By-law from the Municipal Finance Officer on June 26, 2025. On August 8, 2025, the Board, through the Municipal Finance Officer, raised a number of issues with the Proposed By-law Application materials.

One of the issues raised was that Section 174.1(1) of the Act was not met and that the Municipality's request, by letter, for the Board to validate the Proposed By-law under Section 86 of *The Municipal Board Act* (the "Board Act"), lacked sufficient detail (the "Validation Letter"). The requested materials were filed with the Board on August 12, 2025. On August 21, 2025, the Board once again, through the Municipal Finance Officer, raised an issue with the Validation Letter provided and requested a revised Validation Letter be provided to the Board for review. The revised Validation Letter was filed with the Board on August 26, 2025 (the "Revised Validation Letter").

The Proposed By-law attached as Appendix "A", authorizes the expenditure and borrowing of money for the purchase of land for mining aggregate for municipal purposes.

The estimated cost is \$750,000.00. The entire cost of the land purchase in the amount of \$750,000.00 is to be debentured over a 10-year period at an estimated annual interest rate of 6.325%.

The annual debt payment of \$103,475.78 will be recovered by a special mill rate on all taxable and grant-in-lieu property within the Municipality. Based on the 2025 assessment roll, an estimated mill rate of 0.332 mills will be required. Calculated on a residential property valued at \$200,000.00 (portioned value of \$90,000.00) an estimated \$29.89 tax will be levied for 10 years. The mill rate will vary each year as the assessment changes.

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The financial data presented to the Board indicates that the Municipality presently has an Authorized Debt to Municipal Assessment Ratio of 0.44% and a Debt Charge to Current Revenue Ratio of 4.80%. If the Proposed By-law is approved, the ratios will increase to 0.68% and 9.15% respectively, which are within the Board's guidelines of 7% and 20%.

In the Revised Validation Letter, the Municipality also applies under Section 86 of the Board Act for validation of an irregularity that has occurred in the public notice issued for the Proposed By-law.

Section 86 states:

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.

In its Revised Validation Letter, the Municipality states the following:

"The irregularity relates to the public notice issued for borrowing by-law, which did not clearly state that the by-law would be read for the first time as required under Section 174.1(2) of The Municipal Act.

A public hearing was duly held on April 22, 2025. Twenty persons were in attendance, of whom five spoke in opposition. In addition, two written objections were received. These concerns were formally recorded in the minutes, which were submitted with the by-law application.

Council carefully considered all objections presented, both verbal and written, during the public hearing. The concerns raised included *taxation impact to LUD of Rapid City tax payers, liability issues including theft from the pit, concerns that this gravel would only be used in one area of the municipality*. Council concluded that these matters were either addressed through the information provided at the hearing or did not demonstrate that ratepayers would be injuriously affected by the borrowing by-law.

Despite the omission in the public notice, the process allowed all interested parties to attend and present their views. No ratepayer was denied the opportunity to be heard. Council affirms that all objections were considered before first reading of the by-law, that the by-law was given first reading with full knowledge of community concerns, and that the irregularity in the notice did not prejudice the rights of any ratepayer or affect the validity of the decision-making process.

Accordingly, the municipality submits that no person has been or will likely be injuriously affected by the irregularity. Pursuant to Section 86 of The Municipal Board Act, we respectfully request that the Board validate By-law No. 2025-1 and declare it valid for all purposes."

The Board has inquired into the matter and is satisfied in the circumstances that the Proposed By-law would be lawful but for the irregularity and that no one has or will likely be injuriously affected. Therefore, pursuant to Section 86 of the Board Act, the Board declares the Proposed By-law to be valid for all purposes.

In dealing with the Proposed By-law, the Board must look at its duty which is set out in Section 64 of the Board Act, which states:

Duty of board

64 In dealing with an application the board shall consider

- (a) the nature of the work, undertaking, or object proposed;**
 - (b) the necessity or expediency thereof;**
 - (c) the financial position of the local authority; and**
 - (d) any other relevant matters;**
- and may refuse the application or require the local authority to vary the application, or may grant the application in whole or in part, or subject to conditions.**

The Board is satisfied that the purchase of land for mining aggregate for municipal purposes is needed and that it is expedient to proceed with the purchase. The Board also is satisfied that the Municipality has the financial capacity to undertake the proposed borrowing and to manage its current debt.

The Board finds the Proposed By-law is reasonable.

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THEREFORE, THE BOARD ORDERS THAT:

1. Rural Municipality of Oakview By-law No. 2025-1 **BE APPROVED.**
2. A filing fee of \$50.00 be paid by the Rural Municipality of Oakview.

FOR THE MUNICIPAL BOARD

September 18, 2025
Date


Diane Stasiuk, Vice Chair


Erin Wills, Secretary