

The Corporation of the City of Kawartha Lakes

By-Law 2019-TBD

A By-law to Authorize Borrowing from Time to Time to Meet Current Expenditures During the Fiscal Year ending December 31, 2019 in the City of Kawartha Lakes

Recitals

1. The *Municipal Act* provides authority for a Council by by-law to authorize the Head of Council and the Treasurer to borrow from time to time, by way of promissory note any sums as the Council considers necessary to meet, until taxes are collected and other revenues received, the current expenditures of the Corporation for the year.
2. The total amount which may be borrowed from all sources at any one time to meet the current expenditures of the Corporation, except with the approval of the Ontario Municipal Board, is limited by Section 407 of the *Municipal Act, 2001*.

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2019-TBD.

Section 1.00: Definitions and Interpretation

1.01 Definitions: In this by-law,

“City”, “City of Kawartha Lakes” or “Kawartha Lakes” means The Corporation of the City of Kawartha Lakes and includes its entire geographic area;

"City Clerk" means the person appointed by Council to carry out the duties of the clerk described in section 228 of the *Municipal Act, 2001*;

“Council” or “City Council” means the municipal council for the City;

"Current Year" means 2019.

“Treasurer” means the person within the administration of the City who fulfills the function of the Treasurer as required by the *Municipal Act*.

1.02 Interpretation Rules:

(a) Wherever this By-law refers to a person or thing with reference to gender or the gender neutral, the intention is to read the By-law with the gender applicable to the circumstances.

(b) References to items in the plural include the singular, as applicable.

- (c) The words “include” and “including” are not to be read as limiting the meaning of a word or term to the phrases or descriptions that follow.
- 1.03 **Statutes**: References to laws in this by-law are meant to refer to the statutes, as amended from time to time, that are applicable within the Province of Ontario.
- 1.04 **Severability**: If a court or tribunal of competent jurisdiction declares any portion of this by-law to be illegal or unenforceable, that portion of this by-law shall be considered to be severed from the balance of the by-law, which shall continue to operate in full force and effect.

Section 2.00: Authorization

2.01 Authorization

The Head of Council and the Treasurer are authorized to borrow from time to time by way of promissory note during the Current Year, the sums necessary to meet, until the taxes are collected, the current expenditures of the City, and the other amounts that are set out in Subsection 407(1) of the *Municipal Act, 2001*.

2.02 Lender

The lender from whom amounts may be borrowed under authority of this By-law shall be the Royal Bank of Canada and any other lenders as named from time to time by resolution of Council.

2.03 Amount Borrowed

The total amount which may be borrowed at any one time under this By-law together with the total of any similar borrowings that have not been repaid, shall not exceed those limits established by the appropriate Provincial Ministries from time to time, and any borrowing limitations shall be temporarily calculated upon the estimated revenues of the City as set forth in the estimates adopted for the 2019 fiscal year until the estimates are adopted from the Current Year.

2.04 When Borrowing

The Treasurer shall, at the time when any amount is borrowed under this By-law, ensure that the lender is or has been furnished with a certified copy of this By-law a certified copy of the resolution mentioned in Section 2.02 determining the lender, if applicable, and a statement showing the nature and amount of the estimated revenues for the Current Year not yet collected and also showing the total of any other amounts borrowed from any and all sources under authority of Section 407 of the *Municipal Act, 2001* that have not been repaid.

2.05 **Where Estimates Not Yet Adopted**

- (a) If the estimates for the Current Year have not been adopted at the time an amount is borrowed under this By-law, the total borrowings, as set out in Section 2.03 of this By-law, shall be calculated for the time being upon the estimated revenues of the City as set forth in the estimates adopted for the next preceding year, less all revenues for and on account of the Current Year.
- (b) If the estimates for the Current Year have not been adopted at the time an amount is borrowed under this By-law, the statement furnished under Section 2.04 shall show the nature and amount of the estimated revenues of the City as set forth in the estimates adopted for the next preceding year and the nature and amount of the revenues received for and on account of the Current Year.

2.06 **Security Interest**

All or any sums borrowed under this By-law shall, with interest thereon, be a charge upon the whole of the revenue of the City for the Current Year and for any preceding years as and when those revenues are received, provided that the charge does not defeat or affect and is subject to any prior charge then subsisting in favour of any other lender.

2.07 **Payment on Debt**

The Treasurer is authorized and directed to apply in payment of all or any sums borrowed under this By-law, together with interest, all or any of the monies collected or received, either on account or, or realized in respect of, the taxes levied for the Current Year and preceding years or from any other source, which may lawfully be applied for those purposes.

2.08 **Promissory Notes**

Promissory notes made under Section 2.01 shall be sealed with the seal of the City and signed by the Head of Council and Treasurer.

Section 3.00: Administration and Effective Date

3.01 **Administration** The Treasurer shall be responsible for the administration of this By-law.

3.02 **Effective Date**: This By-law shall come into force on the date it is finally passed.

By-law read a first, second and third time, and finally passed, this 15th day of January, 2019.

Andy Letham, Mayor

Cathie Richie, City Clerk