

## **The Corporation of the Township of Matachewan**

### **By-Law 2009-01**

#### **Being a By-Law to authorize borrowing from time to time to meet current expenditures during the fiscal year ending December 31, 2009.**

Whereas the Municipal Act 2001, Section 407, provides authority of a Council by By-Law to authorize the head of Council and the CAO-Clerk-Treasurer to borrow from time to time, by way of promissory note or bankers acceptance, such sums as the Council considers necessary to meet, until taxes are collected, and until other revenues are received, the current expenditure of the Corporation for the year;

And Whereas 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 Municipal Board, is limited by Section 407 of the Municipal Act.

Now Therefore the Council of the Corporation of the Township of Matachewan enacts as follows:

#### **Borrowing Authority**

- 1) The Reeve of the Corporation and the CAO-Clerk-Treasurer are Authorized to borrow from time to time by way of promissory note of bankers acceptance during the year 2009 (hereinafter referred to as the current year) such sums as may be necessary to meet, until the taxes are collected, and until other revenues are received, the current expenditures of the Corporation and other amounts that are set in Section 407 of the Municipal Act.

#### **Instruments**

- 2) A promissory note or banker's acceptance made under Section 1 of this By-Law shall be signed by the Reeve of the Corporation or such person as is authorized by By-Law to sign it and by the CAO-Clerk-Treasurer.

#### **Lenders**

- 3) The lender from whom amounts may be borrowed under authority of this By-Law shall be the Royal Bank of Canada and such other lender(s) and reserve funds of the municipality as may be determined from time to time by resolution of the Corporation.

### **Limit on Borrowing**

- 4) The total amount which may be borrowed at any one time under this By-Law, together with the totals of a similar borrowing that have not been repaid, shall not exceed from January 1<sup>st</sup> until September 30<sup>th</sup> of the current year, 50 percent of the estimated revenues of the Corporation as set forth in the estimates adopted for that year. Such borrowing shall not exceed from October 1<sup>st</sup> until December 31<sup>st</sup> of the current year, 25 percent of the said estimated revenues of the Corporation as set forth in the estimates adopted for that year. For the purposes of this By-Law, the estimated revenues of the Corporation shall not include revenues derivable or derived from borrowing or issues of debentures, or a surplus, including arrears of levies, or a transfer from the capital fund, reserve funds or reserves.

### **Borrowing Documents**

- 5) The CAO-Clerk-Treasurer shall, at the time when any required 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 aforementioned in Section 3 of this By-Law, determining the lender if applicable a certified copy of the estimates of the Corporation adopted for the current year and also showing the total of any other amounts borrowed from any and all sources under authority of Section 407 of the Municipal Act that have not been repaid.

### **Estimates**

- 6) If the estimates for the current year have not been adopted at the time an amount is borrowed under this By-Law. The limitation on total borrowing, as set out in Section 4 of this By-Law, shall be calculated for the time being upon the estimated revenues of the Corporation as set forth in the estimates adopted for the preceding year and, the certified copy furnished under Section 5 of this By-Law shall indicate the nature and the amount of the estimated revenues of the Corporation as set forth in the estimates adopted for the preceding year.

### **Charge on Revenue**

- 7) All or any sums borrowed under this By-Law shall, with interest thereon, be a charge upon the whole of the revenues of the Corporation for the current year and for any preceding years as and when such revenues are received but such charge does not defeat or affect and is subject to any prior charge then subsisting in favour of any other lender.

**Directive to CAO-Clerk-Treasurer**

- 8) The CAO-Clerk-Treasurer is hereby authorized and directed to apply in payment of all or any sums borrowed under this By-Law, together with interest thereon. All or any of the money hereafter collected or received, either on account 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 such purpose.

**Repeal**

- 9) That all previous by-laws and/or motions, or parts thereof, in conflict with, or contrary hereto or inconsistent herewith, be and the same, are hereby repealed.

**Effective Date**

- 10) That this By-Law shall come into full force and effect upon it's final passing thereof and remain in full force and effect until such time as it is repealed by the Council of the Corporation of the Township of Matachewan.

READ A FIRST, SECOND, AND THIRD TIME AND FINALLY ENACTED AND PASSED IN OPEN COUNCIL THIS 19<sup>TH</sup> DAY OF JANUARY 2009. SIGNED, SEALED AND NUMBERED 2009-01.

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Beverley Hine  
Reeve

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Andrew Van Oosten  
CAO-Clerk-Treasurer