

CORPORATION OF THE CITY OF CLARENCE-ROCKLAND

BY-LAW NUMBER 2019-112

BEING A BY-LAW TO AUTHORIZE THE BORROWING OF SUMS FROM TIME TO TIME TO MEET CURRENT EXPENDITURES DURING THE FISCAL YEAR ENDING DECEMBER 31ST, 2020.

WHEREAS paragraph 407 (1) of the *Municipal Act, 2001*, provides authority, by by-law, for a council to borrow from time to time, by way of promissory note or banker's acceptance, such 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; and

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 paragraphs 407 (2) and (3) of the *Municipal Act, 2001*;

NOW THEREFORE, the Council of the Corporation of the City of Clarence-Rockland enacts as follows:

1. The head of Council and the Treasurer are hereby authorized to borrow from time to time by way of promissory note or banker's acceptance during the year 2017 (hereinafter referred to as the current year) such sums as may be necessary to meet, until the taxes are collected and other revenues received, the current expenditures of the Corporation and the other amounts that are set out in subsection 407 (1) of the *Municipal Act, 2001*.
2. The lender(s) from whom amounts may be borrowed under authority of this by-law shall be National Bank of Canada and such other lender(s) as may be determined from time to time by resolution of council.
3. 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 from January 1st to September 30th of the current year, 50 per cent of the total estimated revenues of the municipality as set out in the budget adopted for the year and from October 1st to December 31st of the current year, 25 per cent of the total estimated revenues of the municipality as set out in the budget adopted for the year.
4. Until the budget is adopted in a year, the limits upon borrowing under section 407 (2) of the *Municipal Act, 2001* shall temporarily be calculated using the estimated revenues of the municipality set out in the budget adopted for the previous year.

5. 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 determining the lender) if applicable, and a statement showing the nature and amount of the estimated revenues for the current year and also showing the total of any other amounts borrowed from any and all sources under authority of section 407 (1) of the Municipal Act, 2001 that have not been repaid.
6.
 - a) 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 3 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 previous 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 5 shall show the nature and amount of the estimated revenues of the Corporation as set forth in the estimates adopted for the current preceding year and the nature and amount of the revenues received for and on account of the current year.
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; provided that such charge does not defeat or affect and is subject to any prior charge then subsisting in favor of any other lender.
8. The 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 monies hereafter collected or received, either on account of 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.
9. Promissory Notes or banker's acceptances made under section 1 shall be signed by the treasurer and the head of council or by such other person as is authorized by by-law to sign it.

**READ A FIRST AND SECOND TIME AND PASSED IN OPEN COUNCIL
THIS 2nd DAY OF DECEMBER 2019.**

Guy Desjardins, Mayor

Monique Ouellet, Clerk