

THE CORPORATION OF THE CITY OF NORTH BAY

BY-LAW NO. 2011-161

**BEING A BY-LAW TO AUTHORIZE TEMPORARY
BORROWING FROM TIME TO TIME TO MEET
CURRENT EXPENDITURES DURING THE FISCAL
YEAR ENDING DECEMBER 31, 2011**

WHEREAS the *Municipal Act*, S.O. 2001, Chapter M.25, Section 407, provides authority for a municipality to authorize the Head of Council and the Treasurer to borrow from time to time, such sums as the Council considers necessary to meet, until the taxes are collected and other revenues are received, the current expenditures of the Municipality 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 Municipality, except with the approval of the Ontario Municipal Board, is limited by Section 407 of the *Municipal Act*;

AND WHEREAS the Council of The Corporation of the City of North Bay authorized the Treasurer to borrow from time to time to meet current expenditures by Resolution No. 2011-497 passed on the 4th day of July, 2011.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF NORTH BAY ENACTS AS FOLLOWS:

1. The Head of Council and the Treasurer are hereby authorized to borrow from time to time during the fiscal year (hereinafter referred to as the current year) such sums as may be necessary to meet, until taxes are collected and other revenues are received, the current expenditures of the Municipality for the current year.
2. The lender(s) from whom amounts may be borrowed under authority of this by-law shall be **The Toronto-Dominion Bank** and such other lender(s) as may be determined from time to time by by-law of Council.
3. The total amount which may be borrowed at any one time under this by-law plus any outstanding amounts of principal borrowed and accrued interest under Section 407 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 percent of the total estimated revenues of the Municipality as set out in the budget adopted for the current year, and from October 1st to December 31st of the current year, 25 percent of the total of the estimated revenues of the Municipality as set out in the budget adopted for the current year or \$12,000,000.00, whichever is less.
4. 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, 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 of the *Municipal Act* that have not been repaid.
5. For purposes of this by-law the estimated revenues referred to in section 3 and 4 do not include revenues derivable or derived from, a) any borrowing, including through any issue of debentures; b) a surplus, including arrears of taxes, fees or charges; or c) a transfer from the capital fund, reserve funds or reserves.
6. The Treasurer be and 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 moneys hereafter collected or received, either on account of or realized in respect of the taxes levied for the current year and previous years or from any other source, that may be lawfully applied for such purpose.

7. Evidences of indebtedness in respect of borrowings made under section 1 shall be signed by the Head of the Council or conform to the Treasurer or both of them.
8. The Bank shall not be responsible for establishing the necessity of temporary borrowing under this by-law or the manner in which the borrowing is used.
9. This by-law shall take effect on the final day of passing.

READ A FIRST TIME IN OPEN COUNCIL THIS 4TH DAY OF JULY, 2011.

READ A SECOND TIME IN OPEN COUNCIL THIS 4TH DAY OF JULY, 2011.

READ A THIRD TIME IN OPEN COUNCIL AND ENACTED AND PASSED THIS 4TH DAY OF JULY, 2011.

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MAYOR ALLAN McDONALD

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CITY CLERK CATHERINE CONRAD