

THE CORPORATION OF THE NORTH BAY

BY-LAW NUMBER 2005-183

A BY-LAW TO AUTHORIZE CERTAIN CAPITAL WORKS OF THE CORPORATION OF NORTH BAY (THE "MUNICIPALITY");

TO AUTHORIZE THE SUBMISSION OF AN APPLICATION TO THE ONTARIO STRATEGIC INFRASTRUCTURE FINANCING AUTHORITY ("OSIFA") FOR FINANCING SUCH CAPITAL WORKS;

TO AUTHORIZE TEMPORARY BORROWING FROM OSIFA TO MEET EXPENDITURES IN CONNECTION WITH SUCH WORKS;

AND TO AUTHORIZE LONG TERM BORROWING FROM OSIFA FOR SUCH WORKS THROUGH THE ISSUE OF DEBENTURES

WHEREAS the *Municipal Act, 2001* (Ontario), as amended, (the "Act") provides that a municipal power shall be exercised by by-law unless the municipality is specifically authorized to do otherwise;

AND WHEREAS it is now deemed to be expedient to authorize for the municipal purposes of the Municipality the new capital works described in column (2) of Schedule "A" (individually a "Project", collectively the "Projects") attached hereto and forming part of this By-law ("Schedule "A") in the amount of the estimated expenditure set out in column (3) of Schedule "A", subject in each case to approval by OSIFA of the financing for such Projects that will be requested by the Municipality in the Application as hereinafter described;

AND WHEREAS in accordance with section 4 of Ontario Regulation 403/02, the Council of the Municipality has had its Treasurer update its most recent annual debt and financial obligation limit received from the Ministry of Municipal Affairs and Housing (as so updated, the "Updated Limit"), and, on the basis of the authorized expenditure for each Project as set out in column (3) of Schedule "A" ("Authorized Expenditure"), the Treasurer has calculated the estimated annual amount payable in respect of each Project (collectively the "Project Limits") and has determined that the aggregate of the Project Limits does not exceed the Updated Limit, and accordingly the approval of the Ontario Municipal Board under the *Ontario Municipal Board Act* (Ontario), as amended, is not required before any such Project is authorized by Council;

AND WHEREAS subsection 405(1) of the Act provides that a municipality may authorize temporary borrowing to meet expenditures made in connection with a work to be financed in whole or in part by the issue of debentures if,

- (a) the municipality is an upper-tier municipality, a lower-tier municipality in a county or a single-tier municipality and it has approved the issue of debentures for the work;
- (b) the municipality is a lower-tier municipality in a regional municipality and it has approved the work and the upper-tier municipality has approved the issue of debentures for the work; or
- (c) the municipality has approved the issue of debentures for another municipality or a school board under section 404;

AND WHEREAS subsection 405(4) of the Act provides that a municipality may delegate the power set out in subsection 405(1) to the head of council, to the treasurer, or to both of them;

AND WHEREAS subsection 401(1) of the Act provides that a municipality may incur a debt for municipal purposes, whether by borrowing money or in any other way; and may issue debentures and prescribed financial instruments and enter prescribed financial agreements for or in relation to the debt;

AND WHEREAS the Act also provides that a municipality shall authorize long term borrowing by the issue of debentures or through another municipality under section 403 or 404 of the Act;

AND WHEREAS OSIFA has invited Ontario municipalities desirous of obtaining temporary and long term debt financing in order to meet capital expenditures incurred after December 31, 2003 in connection with eligible capital projects to make application to OSIFA for such financing by completing and submitting an application on the form provided by OSIFA (the "**Application**");

AND WHEREAS the Municipality has submitted an Application to OSIFA to request financing for the Projects by way of long term borrowing through the issue of debentures to OSIFA and by way of temporary borrowing from OSIFA pending the issue of such debentures;

AND WHEREAS OSIFA has accepted and has approved the municipality's application;

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

1. The Council of the Municipality hereby confirms, ratifies and approves the completion by the Treasurer of an Application and the submission by such authorized official of an Application, duly executed by such authorized official, to OSIFA for the financing of the Projects in the maximum aggregate principal amount of \$1,970,000 substantially in the form of Schedule "B" hereto and forming part of this By-law, with such changes thereon as such authorized official approved.
2.
 - (a) Construction of each Project in the amount of the respective estimated Authorized Expenditure set out in column (3) of Schedule "A" is hereby approved and authorized;
 - (b) any one or more of the Mayor and the Treasurer are hereby authorized to conclude contracts on behalf of the Municipality for the construction of the Projects in accordance with the Municipality's usual protocol;
 - (c) where applicable, the Engineer of the Municipality will forthwith make such plans, profiles and specifications and furnish such information as in the opinion of the Engineer is necessary for the construction of the Projects; and
 - (d) where applicable, the construction of the Projects shall be carried on and executed under the superintendence and according to the direction and orders of such Engineer.
3. The Mayor and the Treasurer are hereby authorized to negotiate and enter into, execute and deliver for and on behalf of the Municipality a financing agreement (a "**Financing Agreement**") with OSIFA that provides for temporary and long term borrowing from OSIFA in respect of the Projects on such terms and conditions as such authorized officials may approve, such execution and delivery to be conclusive evidence of such approval.
4. The Mayor and/or the Treasurer are hereby authorized, pending the substantial completion of a Project or as otherwise agreed with OSIFA, to make temporary borrowings pursuant to section 405 of the Act in respect of each Project, on the terms and conditions provided in the Financing Agreement and on such other terms and conditions as such authorized officials may agree, and to sign such evidence of indebtedness as OSIFA may require (a "**Note**"); and the Treasurer is authorized to sign such certifications as OSIFA may require in connection with such borrowings in respect of the Projects; provided that the amount of borrowings allocated to any Project does not exceed the Authorized Expenditure for such Project and does not exceed the loan amount set out in column (4) of Schedule "A" in respect of such Project.
5. Subject to the terms and conditions of the Financing Agreement and such other terms and conditions as OSIFA may otherwise require, the Mayor and the Treasurer are hereby authorized to enter into long term borrowing in respect of the Projects and to issue debentures to OSIFA on the terms and conditions provided in the Financing Agreement and on such other terms and conditions as such authorized officials may agree ("**Debentures**"); provided that the principal amount of such

Debentures issued in respect of a Project does not exceed the Authorized Expenditure for such Project and does not exceed the loan amount set out in column (4) of Schedule "A" in respect of such Project.

6. In accordance with the provisions of section 18 of the *Ontario Municipal Economic Infrastructure Financing Authority Act, 2002* (Ontario), as security for the payment by the Municipality of any indebtedness of the Municipality to OSIFA incurred under the Note or any Debentures, the Municipality is hereby authorized to agree in writing with OSIFA that the Minister of Finance is entitled to deduct from money appropriated by the Legislative Assembly of Ontario for payment to the Municipality, or from money appropriated by the Assembly for payment to the Municipality in respect of specified matters, amounts not exceeding the amounts that the Municipality fails to pay to OSIFA on account of the outstanding indebtedness evidenced by the Note or any Debentures issued by the Municipality to OSIFA, and to pay such amounts to OSIFA.
7. For the purposes of meeting the obligations of the Municipality in respect of the Note and any Debentures, the Municipality shall provide for raising in each year as part of the general levy, the amounts of principal and interest payable in each year under the Note and any outstanding Debenture, to the extent that the amounts have not been provided for by any other available source including other taxes or fees or charges imposed on persons or property by a by-law of any municipality.
8. (a) The Mayor and/or the Treasurer are hereby authorized to execute and deliver the Note, the Mayor and the Treasurer are hereby authorized to enter into, execute and deliver the Financing Agreement and to cause Debentures to be issued, the Clerk and Treasurer are severally hereby authorized to generally do all things and to execute all other documents and papers in the name of the Municipality in order to perform the obligations of the Municipality under the Financing Agreement and to carry out the issuance of the Note and Debentures, and the Treasurer is authorized to affix the Municipality's municipal seal to any such documents and papers.

(b) The proceeds realized in respect of the Note and Debentures, after providing for the expenses related to their issue, if any, shall be apportioned and applied for the respective Projects and for no other purpose except as permitted by the Act.
9. This By-law takes effect on the day of passing.

READ A FIRST TIME IN OPEN COUNCIL THIS 25TH DAY OF JULY, 2005.

READ A SECOND TIME IN OPEN COUNCIL THIS 25TH DAY OF JULY, 2005.

READ A THIRD TIME IN OPEN COUNCIL AND ENACTED AND PASSED THIS 25TH DAY OF JULY, 2005.


MAYOR VIC FEDELI


CITY CLERK CATHERINE CONRAD

Schedule "A"
to By-Law Number 2005-183

(1)	(2)	(3)	(4)
<u>Project Number</u>	<u>Description of Capital Work</u>	<u>Estimated Expenditure</u>	<u>Loan Amount</u>
1	2004 Asphalt Resurfacing Program	\$900,000.00	\$900,000.00
2	Street Reconstruction-Rural Roadways	\$450,000.00	\$450,000.00
1	Transit Coach & Refurbishment Program	\$930,000.00	\$620,000.00

Schedule "B"
to By-Law Number 2005-183
(OSIFA Application)

**ONTARIO STRATEGIC INFRASTRUCTURE FINANCING AUTHORITY (OSIFA)
LOAN APPLICATION**

A. GENERAL INFORMATION – APPLICANT MUNICIPALITY

Application ID: 4016
OSIFA Number: 04Nor480444016

Program Year: 2004/2005
Application Submit Date: Feb-02-2005

Please indicate in the appropriate box whether you are a Single Tier, Upper Tier County, Lower Tier in a County or Upper Tier Region. In the case where an Upper Tier Region is applying for a loan on behalf of a Lower Tier, it is the Upper Tier that completes the application and the Lower Tier co-signs the Signature Page.

Single Tier Upper Tier – County Lower Tier - County Upper Tier - Region

Municipality name: North Bay C MUNID: 48044
Address Line 1: 200 McIntyre Street East City: North Bay
Address Line 1: P.O. Box 360 Postal Code: P1B 8H8
Name of Treasurer: Brian Rogers Fax No.: 705-495-1024
Telephone No: 705-474-0626(x250) Email: brian.rogers@cityofnorthba

B. GENERAL INFORMATION – LOWER TIER MUNICIPALITY

Only complete this section if you are a Lower Tier municipality in a Region.

Municipality name: _____ MUNID: _____
Address Line 1: _____ City: _____
Address Line 1: _____ Postal Code: _____
Name of Treasurer: _____ Fax No.: _____
Telephone No: _____ Email: _____

C. CONTACT INFORMATION

Questions regarding the information contained in the application form should be addressed to:

Name: Brian Rogers Title: City Treasurer
Telephone: 705-474-0626(x250) Fax No.: 705-495-1024
E-mail: brian.rogers@cityofnorthbay.ca

**Ontario Strategic Infrastructure Financing Authority
Loan Application**

D. CATEGORY AND CASH FLOW REQUIREMENTS

Please provide the cash flow requirements for the OSIFA loan amount.

Financing needs are to be estimated based on OSIFA's fiscal year (April 1 to March 31) as per the chart below.

For Estimated Construction Dates where there is more than one project within a category, set the date equal to the start of the first project and the finish date equal to the finish of the last project.

Eligible Category	OSIFA Loan Amount (\$)	Estimated Construction Dates		Annual OSIFA Loan Cash Flow Requirements				
		Start mm/dd/yyyy	Finish mm/dd/yyyy	Apr 1, 2004 - Mar 31, 2005	Apr 1, 2005 - Mar 31, 2006	Apr 1, 2006 - Mar 31, 2007	Apr 1, 2007 - Mar 31, 2008	Apr 1, 2008 - Mar 31, 2009
Clean Water Infrastructure	0.00			0.00	0.00	0.00	0.00	0.00
Sewage Treatment Infrastructure	0.00			0.00	0.00	0.00	0.00	0.00
Municipal Roads Infrastructure	2,575,689.00	06/01/2004	12/19/2005	2,000,000.00	575,689.00	0.00	0.00	0.00
Municipal Bridges Infrastructure	400,000.00	06/01/2004	12/19/2005	300,000.00	100,000.00	0.00	0.00	0.00
Public Transit Infrastructure	620,000.00	06/01/2004	12/19/2005	350,000.00	270,000.00	0.00	0.00	0.00
Waste Management Infrastructure	0.00			0.00	0.00	0.00	0.00	0.00
Municipal Social Housing								
Municipal Long-Term Care Facilities								
Total	3,595,689.00			2,650,000.00	945,689.00			

**Ontario Strategic Infrastructure Financing Authority
Loan Application**

E. CATEGORY FUNDING

A separate page must be completed for EACH eligible and applicable category listed in the drop down box. The page must be completed even if the OSIFA loan is the only source of funding for the projects within the category.

Please list under Funding Type all funds that will be used to finance the projects within the category. Only include the amount funding that will be applied to the project costs incurred after December 31, 2003. Please prorate the amount of total grants by the ratio of total costs from December 31 2003 to total category costs.

Category: Municipal Roads Infrastructure

1) Total Category Project Costs (Incurred after December 31, 2003) \$3,079,000.00

Funding Type	Funding Source	Amount (\$)	Application Status
Provincial Contribution			

Ontario Strategic Infrastructure Financing Authority

E. CATEGORY FUNDING Municipal Roads Infrastructure

Funding Type	Funding Source	Amount (\$)
Other Contribution	Hospital	\$503,311.00

Ontario Strategic Infrastructure Financing Authority

E. CATEGORY FUNDING	Municipal Roads Infrastructure
2) Total Provincial:	\$0.00
3) Total Federal:	\$0.00
4) Municipal Share:	\$3,079,000.00
5) Total Municipal Contribution:	\$0.00
6) Total Other:	\$503,311.00
OSIFA Loan Amount	\$2,575,689.00

**Ontario Strategic Infrastructure Financing Authority
Loan Application**

E. CATEGORY FUNDING

A separate page must be completed for EACH eligible and applicable category listed in the drop down box. The page must be completed even if the OSIFA loan is the only source of funding for the projects within the category.

Please list under Funding Type all funds that will be used to finance the projects within the category. Only include the amount funding that will be applied to the project costs incurred after December 31, 2003. Please prorate the amount of total grants by the ratio of total costs from December 31 2003 to total category costs.

Category: Municipal Bridges Infrastructure

1) Total Category Project Costs (Incurred after December 31, 2003) \$400,000.00

Funding Type	Funding Source	Amount (\$)	Application Status
Provincial Contribution			

Ontario Strategic Infrastructure Financing Authority

E. CATEGORY FUNDING Municipal Bridges Infrastructure

Funding Type	Funding Source	Amount (\$)
Municipal Contribution		\$0.00

Ontario Strategic Infrastructure Financing Authority

E. CATEGORY FUNDING	Municipal Bridges Infrastructure
2) Total Provincial:	\$0.00
3) Total Federal:	\$0.00
4) Municipal Share:	\$400,000.00
5) Total Municipal Contribution:	\$0.00
6) Total Other:	\$0.00
OSIFA Loan Amount	\$400,000.00

**Ontario Strategic Infrastructure Financing Authority
Loan Application**

E. CATEGORY FUNDING

A separate page must be completed for EACH eligible and applicable category listed in the drop down box. The page must be completed even if the OSIFA loan is the only source of funding for the projects within the category.

Please list under Funding Type all funds that will be used to finance the projects within the category. Only include the amount funding that will be applied to the project costs incurred after December 31, 2003. Please prorate the amount of total grants by the ratio of total costs from December 31 2003 to total category costs.

Category: Public Transit Infrastructure

1) Total Category Project Costs (Incurred after December 31, 2003) \$930,000.00

Funding Type	Funding Source	Amount (\$)	Application Status
Provincial Contribution	Ontario Transit Renewal Program	\$310,000.00	Applied

Ontario Strategic Infrastructure Financing Authority

E. CATEGORY FUNDING	Public Transit Infrastructure
2) Total Provincial:	\$310,000.00
3) Total Federal:	\$0.00
4) Municipal Share:	\$620,000.00
5) Total Municipal Contribution:	\$0.00
6) Total Other:	\$0.00
OSIFA Loan Amount	\$620,000.00

**Ontario Strategic Infrastructure Financing Authority
Loan Application**

F. CATEGORY DETAILS

Please complete at **least one** Category Detail form for each eligible and applicable category as listed below.

It is recommended that a separate Category Detail form be completed for each distinct group of project/s with the same completion date within a category.

Clean Water Infrastructure

Project Number	Project Name	Total Project Cost	Loan Amount	Completion Date
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Ontario Strategic Infrastructure Financing Authority

F. CATEGORY DETAILS

Municipal Roads Infrastructure

Project Number	Project Name	Total Project Cost	Loan Amount	Completion Date
1	2004 Asphalt Resurfacing Program	\$900,000.00	\$900,000.00	12/19/2005
2	Jane Street and Eloy Road Reconstruction	\$1,700,000.00	\$1,225,689.00	12/19/2005
3	Street Reconstruction-Rural Roadways	\$450,000.00	\$450,000.00	12/31/2004

Ontario Strategic Infrastructure Financing Authority

F. CATEGORY DETAILS

Municipal Bridges Infrastructure

Project Number	Project Name	Total Project Cost	Loan Amount	Completion Date
1	Riverbend Road Bridge Rehabilitation	\$400,000.00	\$400,000.00	12/19/2005

Ontario Strategic Infrastructure Financing Authority

F. CATEGORY DETAILS

Public Transit Infrastructure

Project Number	Project Name	Total Project Cost	Loan Amount	Completion Date
1	Transit Coach Replacement and Refurbishment Progra	\$930,000.00	\$620,000.00	12/19/2005

**Ontario Strategic Infrastructure Financing Authority
Loan Application**

G. LONG-TERM FINANCING

In this section, please provide long-term financing information based on your borrowing needs.

*Please note that the length of term cannot exceed the useful life of the project or a maximum of 40 years under sub-section 408 (3) of the Municipal Act.

Date Long-term Funds are Required (mm/dd/yyyy)	Loan Amount (\$)	Requested Term *	Loan Type
12/15/2004	\$2,650,000.00	10	Serial
12/15/2005	\$945,689.00	10	Serial

Total **\$3,595,689.00**

**Ontario Strategic Infrastructure Financing Authority
Loan Application**

H. DEBT AND REPAYMENT SUMMARY

Financial Information Returns (FIR)

2003 FIR

Please be aware that OSIFA will be unable to complete the processing of your application until you have filed your 2003 FIR with the Ministry of Municipal Affairs and Housing. If you have not filed your 2003 FIR, you should submit your application to OSIFA and send your 2003 FIR to MMAH as soon possible.

2004 ARL

Please provide a copy of the municipality's 2004 ARL issued by MMAH.

New Borrowing since December 31, 2003

Have you entered into any new long-term borrowing since December 31, 2003? Yes No

If Yes, please provide the following details in the table below.

Total Loan Amount – Total of all new long-term borrowing.

Total Payments Year X – Total interest and principal payments per year for all new borrowing.

Total Loan Amounts

Year	Principal	Interest
2004		
2005		
2006		
2007		
2008		

OSIFA Loan Repayment Information

Please indicate the source(s) of revenue you plan to use to repay the OSIFA Loan

Source	Contribution to OSIFA Loan Payments (%)
Taxation	90.00
User Fees	10.00
Service Charges	
Development Charges	
Connection Fees	
Subsidy	
Other	
Total	100.00

Audited Financial Statements

A copy of the most recent audited financial statements must be attached with this loan application.

**Ontario Strategic Infrastructure Financing Authority
Loan Application**

I. LITIGATION

Is there any litigation threatened or existing which would affect any projects or substantially impair the applicant's ability to pay debt service costs on its general obligation indebtedness? Please indicate Yes or No. Yes No

Please complete the Certificate of Litigation template found under the Forms menu.

J. NON-REPAYMENT OF LOANS OR DEBENTURES

In the last 10 years, has the municipality ever failed to make a loan or debenture repayment on time to any lender, including the Provincial Government? If yes, please provide details. If necessary, attach details. Yes No

K. PROVINCIAL GRANTS AS SECURITY

Please note that pursuant to OSIFA's enabling legislation provincial grants to municipalities may be appropriated for payment to OSIFA to satisfy any outstanding amounts owed to OSIFA by the Municipality.

**Ontario Strategic Infrastructure Financing Authority
Loan Application**

L. ATTACHMENTS

Please ensure all **'Required'** documents are submitted with the signed application. OSIFA requires originals as noted below to be mailed or couriered. Unfortunately, we are unable to accept facsimiles of these documents. Also, please retain a copy of all documents submitted to OSIFA for your records.

Please indicate with a checkmark the documents (originals where indicated) that have been submitted to OSIFA.

Required:

- | | |
|-------------------------------------|--|
| <input checked="" type="checkbox"/> | Completed application signed and dated by the appropriate individuals (original) |
| <input checked="" type="checkbox"/> | Certified copy of OSIFA template by-law authorizing project borrowing and applying for a loan (original) |
| <input checked="" type="checkbox"/> | Certificate of Litigation using the OSIFA template (original) |
| <input checked="" type="checkbox"/> | Updated Certified Annual Repayment Limit Calculation (original) |
| <input type="checkbox"/> | OMB approval if exceeding debt repayment limit, if applicable |
| <input checked="" type="checkbox"/> | Audited Financial Statements |

Please note: OSIFA retains the right to request and review any additional information or documents at its discretion.