

Village of Hines Creek Council Request for Decision (RFD)

Meeting:	Regular Council Meeting
Meeting Date:	December 11, 2018
Originated By:	Leanne Walmsley, Acting Chief Administrative Officer
Title:	Bylaws – Bylaw No. 582-18 for Municipal Borrowing
File:	

BACKGROUND/PROPOSAL:

Operating expenditures

MGA

256

1. This section applies to a borrowing made for the purpose of financing operating expenditures.
2. The amount to be borrowed, together with the unpaid principal of other borrowings made for the purpose of financing operating expenditures, must exceed the amount the municipality estimates will be raised in taxes in the year the borrowing is made.
3. A borrowing bylaw that authorizes the borrowing does not have to be advertised if the term of the borrowing does not exceed 3 years.

Bylaw No. 582-18

A Bylaw of the Village of Hines Creek, in the Province of Alberta, for the purpose of specified in Section 256 of the Municipal Government Act for Municipal Borrowing.

DISCUSSION/OPTIONS/BENEFITS/DISADVANTAGES

No fees are charged for a Municipal Borrowing Bylaw unless we need to use it. It is Council's decision if we need a Borrowing Bylaw in place or not.

COSTS/SOURCE OF FUNDING (if applicable)

RECOMMENDED ACTION:

That this Council gives 1st, 2nd and 3rd reading to Bylaw No. 582-18.

Initials show support- Reviewed by:

Manager:

C.A.O. *fw*

BYLAW NO. 582-18
A BYLAW OF THE VILLAGE OF HINES CREEK, IN THE PROVINCE OF ALBERTA, FOR THE
PURPOSE SPECIFIED IN SECTION 256 OF THE MUNICIPAL GOVERNMENT ACT FOR
MUNICIPAL BORROWING.

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WHEREAS, the Council of the Village of Hines Creek (hereinafter called the "Corporation") in the Province of Alberta, considers it necessary to borrow certain sums of money for the purpose of:

Operating expenses

NOW THEREFORE pursuant to the provisions of the Municipal Government Act, it is hereby enacted by the Council of the Corporation as a By-law that:

1. The Corporation borrow from Alberta Treasury Branches ("ATB") up to the principal sum of \$155,000.00 repayable upon demand at a rate of interest per annum not to exceed the Prime Lending Rate from time to time established by ATB, and such interest will be calculated daily and due and payable monthly on the last day of each and every month.
2. That the Mayor and the Chief Administrative Officer are authorized for and on behalf of the Corporation.
 - a) to apply to ATB for the aforesaid loan to the Corporation and to arrange with ATB the amount, terms and conditions of the loan and security or securities to be given to ATB;
 - b) as security for any money borrowed from ATB.
 - i) to execute promissory notes and other negotiable instruments or evidences of debt for such loans and renewals of all such promissory notes and other negotiable instruments or evidences of debts;
 - ii) to give or furnish at ATB all such securities and promises as ATB may require to secure repayment of such loans and interest thereon; and
 - iii) to execute all security agreements, hypothecations, debentures, charges, pledges, conveyances, assignments and transfers to and in favor of ATB of all or any property, real or personal, moveable or immovable, now or hereafter owned by the Corporation or in which the Corporation may have any interest, and any other documents or contracts necessary to give or to furnish to ATB the security or securities required by it.
3. The source or sources of money to be used to repay the principal and interest owing under the borrowing from ATB are:

Taxes, reserves, grants.
4. The amount to be borrowed and the term of the loan will not exceed any restrictions set forth in the Municipal Government Act.
5. In the event that the Municipal Government Act permits extension of the term of the loan and in the event the Council of the Corporation decides to extend the loan and ATB is prepared to extend the loan, any renewal or extension, bill, debenture, promissory note, or other obligation executed by the officers designated in paragraph 3 hereof and delivered to ATB will be valid and conclusive proof as against the Corporation of the decision of the Council to extend the loan in accordance with the terms of such renewal or extension, bill, debenture, promissory note, or other obligation, and ATB will not be bound to inquire into the authority of such officers to execute and deliver any such renewal, extension document or security.
6. By-law No. 575-18 is hereby repealed.
7. This Bylaw comes into force on the final passing thereof.

ENACTMENT

This Bylaw shall come into force and effect upon third reading and is duly signed.

READ a first time this ____ day of _____, 2018.

READ a second time this ____ day of _____, 2018.

GIVEN UNANIMOUS consent to go to third reading on this ____ of _____, 2018.

READ a third and final time in Council and finally passed this ____ day of _____, 2018.

Hazel Reintjes, Mayor

Leanne Walmsley,
Chief Administrative Officer