

THE CORPORATION OF THE TOWNSHIP OF PELEE

BY-LAW NUMBER 2015-33

(August 10, 2015)

**A BY-LAW TO AUTHORIZE CERTAIN CAPITAL WORKS OF THE
CORPORATION OF THE TOWNSHIP OF PELEE
(THE "MUNICIPALITY");
TO AUTHORIZE LONG TERM BORROWING FROM LIBRO CREDIT UNION LIMITED
FOR SUCH WORKS THROUGH A BANK LOAN**

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 (1) of Schedule "A" (individually a "Project", collectively the "Project") attached hereto and forming part of this By-law ("Schedule "A") in the amount of the estimated expenditure set out in column (2) of Schedule "A";

AND WHEREAS in accordance with section 4 of Ontario Regulation 403/02, the Council of the Municipality has had its CAO/Clerk/Treasurer update its most recent annual debt and financial obligation limit received from the Ministry of Municipal Affairs and Housing 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 loans 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 Loans 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 loans for the work; or

(c) the municipality has approved the issue of Loans for another municipality or a school board under section 404;

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 loans 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 loans or through another municipality under section 403 or 404 of the Act;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF PELEE ENACTS AS FOLLOWS:

1. The Council of the Municipality hereby confirms, ratifies and approves the completion by the CAO/Clerk/Treasurer of an Application and the submission by such authorized official of an Application, duly executed by such authorized official, to LIBRO CREDIT UNION LIMITED for the financing of the Projects in the maximum aggregate principal amount of \$284,642.69 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 (2) of Schedule "A" is hereby approved and authorized;

(b) any one or more of the Mayor and the CAO/Clerk/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;

3. The Mayor and CAO/Clerk/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 LIBRO CREDIT UNION LIMITED that provides for

temporary and long term borrowing from LIBRO CREDIT UNION LIMITED 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 CAO/Clerk/Treasurer are hereby authorized, pending the substantial completion of a Project or as otherwise agreed with LIBRO CREDIT UNION LIMITED, 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 LIBRO CREDIT UNION LIMITED may require (a "Note"); and the CAO/Clerk/Treasurer is authorized to sign such certifications as LIBRO CREDIT UNION LIMITED 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 (3) 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 LIBRO CREDIT UNION LIMITED may otherwise require, The Mayor and the CAO/Clerk/Treasurer are hereby authorized to enter into long term borrowing in respect of the Projects to LIBRO CREDIT UNION LIMITED on the terms and conditions provided in the Financing Agreement and on such other terms and conditions as such authorized officials may agree; provided that the principal amount of the loan 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 (3) of Schedule "A" in respect of such Project.

7. For the purposes of meeting the obligations of the Municipality in respect of the loan, 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 loan and any outstanding loan, 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.

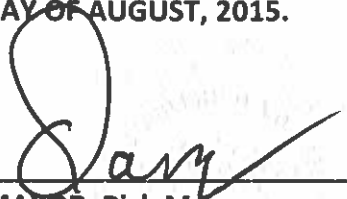
8. (a) The Mayor and/or the CAO/Clerk/Treasurer are hereby authorized to execute and deliver the loan, the Mayor and the Clerk/CAO/Clerk/Treasurer are hereby authorized to enter into, execute and deliver the Financing Agreement and to cause a loan to be issued, the CAO/Clerk/Treasurer are severally hereby 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 loan, and the CAO/Clerk/Treasurer is authorized to affix the Municipality's municipal seal to any such documents and papers.

(b) The proceeds realized in respect of the loan, 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.

This By-law takes effect on the day of passing.

READ A FIRST, SECOND, AND THIRD TIME AND PASSED THIS 10TH DAY OF AUGUST, 2015.



MAYOR, Rick Masse



CAO, Wayne Miller

Schedule "A"
to By-Law Number 2015-33

(1) <u>Description of Capital Work</u>	(2) <u>Expenditure</u>	(3) <u>Loan Amount</u>
Marina Dock Capital Project	\$327,736.87	\$284,642.69

Schedule "B"
By-Law Number 2015-33

LIBRO CREDIT UNION LIMITED Application:

Marina Dock Captial Project - Budget Etimates

ITEM		Final Costs
Riggs Engineering (Upset limit)	20,000.00	
Cheque 11802		13,078.77
Payable		3,862.31
Riggs Total		16,941.08
Approved Tender (Kehoe Marine)		
Mobilization	13,800.00	13,800.00
Removal and Disposal of Existing Docks	9,800.00	9,800.00
Remove and Replace access ramp	12,800.00	12,800.00
Build and Install new finger piers and main modules	201,650.00	201,650.00
Relocate existing anchor blocks	11,700.00	-
Supply & Install new anchor blocks	17,100.00	38,000.00
Total Tender Amount	266,850.00	276,050.00
Bailey - Repair connections on centre docks	20,000.00	
Invoice 1130		-
Invoice 1135		-
Invoice 1142		12,534.19
Invoice 1145		2,670.00
Bailey Total		15,204.19
Dredging (Provisional)	20,000.00	19,000.00
Chapman Signs - Dock Numbers	-	541.60
Total Cost Before Taxes	326,850.00	327,736.87
HST	42,490.50	42,605.79
Less: HST Rebate	(36,737.29)	(36,836.97)
TOTAL TAX-IN	332,603.21	333,505.69
Funding		
DFO Construction Grant (Confirmed)	35,400.00	35,400.00
DFO Dredging Grant (Provisional)	10,000.00	-
DFO Repair Grant	-	13,463.00
LT Financing	287,203.21	284,642.69