

BYLAW NO. 20-944

A BYLAW OF THE MUNICIPAL DISTRICT OF SMOKY RIVER NO. 130, IN THE PROVINCE OF ALBERTA FOR THE PURPOSE OF BORROWING CERTAIN SUMS OF MONEY FOR FINANCING OPERATING EXPENDITURES.

WHEREAS, The Council of the Municipal District of Smoky River No. 130 (hereinafter called the "Corporation") in the Province of Alberta, considers it necessary to borrow certain sums of money for the purpose of Short Term borrowing for 2021.

WHEREAS, Section 256 of the *Municipal Government Act*, Revised Statutes of Alberta 2000, Chapter M-26, provides that a Council may borrow a sum of money for the purpose of financing operating expenditures.

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

1. That the *Municipal Borrowing Bylaw*, attached hereto and forming part of this bylaw, be adopted.
2. That this Bylaw shall come into force and effect when it receives third reading and is duly signed.

Received First Reading this 13 day of January, 2021.

Received Second Reading this 13 day of January, 2021.

Received Third Reading and Finally Passed this 13 day of January, 2021.



Reeve



Chief Administrative Officer

~Seal~



Municipal Borrowing Bylaw

For the Purpose Specified in Section 256 of the Municipal Government Act
Bylaw No. 20-944

WHEREAS the Council of The Municipal District of Smoky River No.130 (hereinafter called the "Corporation") in the Province of Alberta, considers it necessary to borrow certain sums of money for the purpose of:

Short Term borrowing for 2021

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 is hereby authorized to borrow from ATB Financial, ("ATB") up to the principal sum of \$ 3,000,000 repayable upon demand at a rate of interest per annum from time to time established by ATB, not to exceed 10%, and such interest will be calculated daily and due and payable monthly on the last day of each and every month.

(Check whichever clause is applicable)

~~2. The borrowing is a term loan repayable on demand and the Corporation is required to make, _____ payments of \$ _____ each, for a term of _____ years.~~

The borrowing is a line of credit repayable on demand and the Corporation is required to pay accrued interest monthly.

3. The Chief Elected Officer 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 to 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 favour 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.

- 4. The source or sources of money to be used to repay the principal and interest owing under the borrowing from ATB are:

Source of funds for repayment will come from general revenues of the Municipal District of Smoky River No. 130

- 5. The amount to be borrowed and the term of the loan will not exceed any restrictions set forth in the Municipal Government Act.
- 6. 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.
- 7. This Bylaw comes into force on the final passing thereof.

Certificate

WE HEREBY CERTIFY that the foregoing Bylaw was duly passed by the Council of the Corporation therein mentioned at a duly and regularly constituted meeting thereof held on the 9th day of December, 2020 at which a quorum was present, as entered in the minutes of the said Council, and that the Bylaw has come into force and is still in full force and effect.

THIS Municipal Borrowing Bylaw, inclusive of its Certificate: (a) may be executed electronically; and (b) may be delivered by email, facsimile or other functionally-equivalent means.

WITNESS our hands and the seal of the Corporation this 9th day of December, 2020

Robert Brochu


Chief Elected Official



Signature

Rita Therriault

Chief Administrative Officer



Signature

Completing Form 7115 - Municipal Borrowing Bylaw

Heading

Signing officers must complete the heading of the form ("Section ___ of the Municipal Government Act" or "Bylaw No. ___" to ensure they are aware of all conditions and restrictions set forth in the Municipal Government Act. Refer to clause 5 of form. Depending on the loan purpose, officers should enter the following section of the Municipal Government Act in this space.

- For Operating expenditures, enter section 256
- For Short-term capital borrowing, enter section 257
- For Long-term capital borrowing, enter section 258
- For Interim financing - capital projects, enter section 259
- For Special projects, enter section 260
- For Refinancing, enter section 261
- For Interim financing of joint project, enter section 262
- For Local improvements, enter section 263

Name of Municipality

- Enter legal name of municipality.

Loan Purpose

- Enter purpose of the loan in general terms.

Clause 1

- Loan Amount

Clause 2 - Line of Credit

- Delete the portion of Clause 2 that references term loans
- Ensure both officers signing the form initial the deletion

Clause 2 - Term Loan

- Delete the portions of Clause 2 that reference a line of credit
- Ensure both officers signing the form initial the deletion
- Enter: The frequency of principal payments. For example, monthly, quarterly, semi-annual, or annual.
- Enter: The payment amount. If payments are equalized, enter the equalized payment. If payments are principal plus interest, enter only the principal payment.
- The loan term should not exceed 1 year.

Clause 4 - Source of Repayment

Insert the source of repayment. Use the following guidelines:

- Operating Expenditures - For example, enter: taxes, reserves, or grants.
- Short-Term Capital Borrowing - For example, enter: business tax, property tax, well drilling equipment tax, reserves, or grants.
- Long-Term Capital Borrowing - For example, enter: business revitalization zone tax, reserves, or grants.
- Interim Financing - Capital Projects - Enter: payout from long-term capital loan.
- Special Works - For example, enter: special tax.
- Refinancing - For example, enter: property tax, business tax, reserves, or grants.
- Interim Financing of Joint Project - For example, enter: share of joint venture with _____ County.
- Local Improvements - For example, enter: local improvement tax.

Clause 5 - Compliance to Municipal Government Act: Interpretation

- The onus is on the municipality to comply with the Municipal Government Act and its regulations.
- ATB can rely on the bylaw 30 days after the municipality passed the bylaw provided that within that 30-day period:
 - no Court application has been filed to have the By-law declared invalid; or
 - if an application has been filed within the 30-day period, the application is dismissed without the further right of appeal.
- If a bylaw appears to be outside restrictions established by the Municipal Government Act, contact your lender, who will contact their Credit department for direction.

Certificate And Signing

- Officers must complete and sign the certificate on the date the meeting is held to pass the bylaw. :
- Execution of the form:
 - Signed by the Chief Elected Official
 - Signed by the Chief Administrative Officer
 - Sealed with the municipality's corporate seal
 - All signing parties must initial any changes.