

**THE CORPORATION OF THE
TOWNSHIP OF EDWARDSBURGH CARDINAL**

BY-LAW NO. 2022-

**“A BY-LAW: TO AUTHORIZE CERTAIN NEW CAPITAL DRAINAGE WORKS OF
THE TOWNSHIP OF EDWARDSBURGH CARDINAL; AND
TO AUTHORIZE THE SUBMISSION OF AN APPLICATION TO ONTARIO
INFRASTRUCTURE AND LANDS CORPORATION (“OILC”) FOR FINANCING OF
SUCH NEW CAPITAL WORKS; AND
TO AUTHORIZE TEMPORARY BORROWING FROM OILC TO MEET
EXPENDITURES IN CONNECTION WITH ALL OF SUCH CAPITAL WORKS”**

WHEREAS the Municipal Act 2001, S.O. 2001, c. 25, Section 8(1) states that the powers of a municipality shall be interpreted broadly so as to confer broad authority on municipalities to govern their affairs as they consider appropriate and to enhance their ability to respond to municipal issues; and

WHEREAS the Municipal Act 2001, S.O. 2001, c. 25, Section 8(2) states that in the event of ambiguity, the ambiguity shall be resolved so as to include, rather than exclude, municipal powers that existed before the Municipal Act, 2001 came into force; and

WHEREAS the Municipal Act 2001, S.O. 2001, c. 25, Section 9 gives the Municipality the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this Act; and

WHEREAS the Municipal Act 2001, S.O. 2001, c. 25, Section 401(1) 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 Municipal Act 2001, S.O. 2001, c. 25, Section 408 (2.1) provides that a municipality may issue a debenture or other financial instrument for long-term borrowing only to provide financing for a capital work; and

WHEREAS the Council of the Corporation of the Township of Edwardsburgh Cardinal has passed bylaw 2022-22 enumerated in column (1) of Schedule “A” attached hereto and forming part of this bylaw authorizing the capital works described in column (2) of Schedule “A” (the New Capital Works) in the amount of the respective estimated expenditure set out in column (3) of Schedule “A”, subject to each case to approval by OILC of the financing for such new capital works requested by the Corporation of the Township of Edwardsburgh Cardinal in the application as hereinafter defined; and

WHEREAS before authorizing the new capital works in accordance with section 4 of Ontario Regulation 403/02, the Treasurer calculated an updated limit in respect of its then most recent annual debt and financial obligation limit received from the Ministry of Municipal Affairs and Housing, and, on the basis of the authorized estimated expenditure for the new capital works, the Treasurer calculated the estimated annual amount payable in respect of the new capital works, as the case may be, and determined that the estimated annual amount payable in respect of the new capital works did not cause the Corporation of the Township of Edwardsburgh Cardinal to exceed the prior updated limit, and accordingly the approval of the Local Planning Appeal Tribunal pursuant to the Regulation, was not required before any such new capital works was authorized by the Council of the Corporation of the Township of Edwardsburgh Cardinal; and

WHEREAS the OILC has invited Ontario municipalities desirous of obtaining temporary or long-term debt financing in order to meet capital expenditures incurred

on or after the year that is five years prior to the year of an application in connection with eligible capital works to make application to OILC for such financing by completing and submitting an application of the form provided by OILC; and

WHEREAS OILC will notify the Corporation of the Township of Edwardsburgh Cardinal only if it accepts and approves the application; and

WHEREAS the Corporation of the Township of Edwardsburgh Cardinal has submitted an application to OILC for borrowing through the issue of debentures to OILC in respect of the new capital works and is deemed to be expedient to borrow money by the issue of amortizing debentures in the maximum amount of \$1,894,706.53; and

WHEREAS pursuant to OILC terms, OILC will provide temporary advances to the Corporation of the Township of Edwardsburgh Cardinal in respect of the new capital works projects;

NOW THEREFORE the Council of the Corporation of the Township of Edwardsburgh Cardinal enacts as follows:

1. That the Treasurer is hereby authorized to execute the application and submission to OILC for the financing of the new capital works by way of temporary borrowing from OILC, pending the issue of the debentures, in the maximum amount of \$1,894,706.53, substantially in the form of Schedule “B” hereto and forming part of this bylaw, with such changes thereon as such authorized official may hereafter approve, such execution and delivery to be conclusive evidence of such approval.
2. That the Mayor and Treasurer are hereby authorized to negotiate and enter into, execute and deliver for and on behalf of the Corporation of the Township of Edwardsburgh Cardinal a financing agreement with OILC that provides for temporary borrowing from OILC under the authority of this bylaw in respect of the new capital works on such terms and conditions as such authorized officials may approve, such execution and delivery to be conclusive evidence of such approval.
3. That the Mayor and Treasurer are hereby authorized, pending the substantial completion of each new capital works, or as otherwise agreed with OILC, to make temporary borrowings in respect of each new capital work, on the terms and conditions provided in the financing agreement which financing agreement provides that the information contained in the record, as defined in the financing agreement, in respect of such temporary borrowing shall be deemed final, conclusive and binding on the Corporation of the Township of Edwardsburgh Cardinal, and on such other terms and conditions as such authorized officials may agree; and the Treasurer is authorized to sign such certifications as OILC may require in connection with such borrowing in respect of the new capital works; provided that the amount of borrowings allocated to each new capital works does not exceed the related loan amount set out in column (4) of Schedule “A”, in respect of such new capital works.
4. In accordance with the provisions of Section 24 of the Ontario Infrastructure and Lands Corporation Act, 2011, as amended from time to time hereafter, the Corporation of the Township of Edwardsburgh Cardinal is hereby authorized to agree in writing with OILC that the Minister of Finance is entitled, without notice to the Corporation of the Township of Edwardsburgh Cardinal, to deduct from money appropriated by the Legislative Assembly of Ontario for payment to the Corporation of the Township of Edwardsburgh Cardinal, amounts not exceeding the amounts that the Township of Edwardsburgh Cardinal fails to pay to OILC under any outstanding indebtedness of the Corporation of the Township of Edwardsburgh Cardinal to OILC under any outstanding temporary borrowing and/or debentures, as the case may be and to pay such amounts to OILC from the consolidated revenue fund.

- 5. For the purposes of meeting the obligations, the Corporation of the Township of Edwardsburgh Cardinal shall provide for raising in each year as part of the general tax levy the amounts of principal and interest payable in each year under any outstanding temporary borrowing and/or debenture outstanding pursuant to the financing agreement, 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 bylaw of any municipality.

- 6.a. That the Mayor and Treasurer are hereby authorized to enter into, execute and deliver the financing agreement, one or more of the Clerk and Treasurer are hereby authorized to generally do all things and to execute all other documents and papers in the name of the Corporation of the Township of Edwardsburgh Cardinal in order to perform the obligations of the Corporation of the Township of Edwardsburgh Cardinal under the financing agreement, to request and receive any temporary borrowing, and the Treasurer and/or Clerk is authorized to affix the Corporation of the Township of Edwardsburgh Cardinal’s municipal seal to any such documents and papers.

- 6.b. The money realized in respect of any temporary borrowing for the new capital works and the debentures, including any premium, and any earnings derived from the investment of that money, after providing for the expenses related to any such temporary borrowing and to the issue of the debenture, shall be apportioned and applied to the respective new capital works and to no other purpose except as permitted by the Act.

- 7. That this bylaw shall come into force and take effect on the date of passing.

Read a first and second time in open Council this 25 day of July, 2022.

Read a third and final time, passed, signed and sealed in open Council this 25 day of July, 2022.

Mayor

Clerk

Schedule “A”
Bylaw 2022-__

Bylaw – New Capital Works	Description of New Capital Works	Estimated Expenditure	Loan Amount
2022-22	Capital costs in connection with the construction of the new Spencerville and Johnstown Drainage	\$3,536,457.53	\$1,894,706.53

**Schedule “B”
Bylaw 2022-22**

OILC Application