

TOWN OF ONOWAY
By-Law 804-23

A BYLAW TO BORROW TO MEET CURRENT OPERATING EXPENDITURES AND OBLIGATIONS FOR THE TOWN OF ONOWAY.

WHEREAS the Council of the Town of Onoway (hereinafter called the “Corporation”) in the Province of Alberta, considers it necessary to borrow certain sums of money for the purpose of:

Operating Loan for \$1,000,000.00 – from ATB
Business Mastercard for \$30,000.00 – from ATB

WHEREAS the Town of Onoway estimates the amount of taxes to be raised in 2023 will be **\$1,424,440;**

AND WHEREAS: Section 256 of the Act further provides that a borrowing bylaw does not have to be advertised if the term of the borrowing does not exceed 3 years;

NOW THEREFORE pursuant to the provisions of the Municipal Government Act the Council of the Corporation deems it necessary to borrow from time to time (on a revolving basis) during the said year a sum or sums not exceeding the maximum principal amount of **One Million Thirty Thousand Dollars (\$1,030,000.00)** at any one time to meet the current operating expenditures and obligations of the Corporation incurred during the said year until such time as the taxes levied or to be levied therefore can be collected; and

WHEREAS, after the borrowing during the said year of the amount hereby authorized to be borrowed, the total loans outstanding at any one time to meet the current operating expenditures and obligations of the Corporation incurred during the said year will not exceed the amount of taxes levied or estimated to be levied for the said year by the Corporation;

NOW THEREFORE, under the authority of the Municipal Government Act, Revised Statutes of Alberta 2000 Chapter M-26, the Council of the Town of Onoway enacts as follows:

1. That the Council of the Corporation do borrow from time to time (on a revolving basis) during the said year from ATB (the “Bank”), a sum or sums not exceeding the maximum principal amount of **One Million Thirty Thousand Dollars (\$1,030,000.00)** at any one time which the Council deems necessary to expend to meet the current operating expenditures and obligations of the Corporation incurred during the said year until such time as the taxes levied or to be levied therefore can be collected, and to pay or agree to pay interest on the sum so borrowed either in advance or at maturity, and in either case after maturity, at such rate as may be agreed upon from time to time between the Council and the Bank.”
2. That the \$1,030,000.00 in authorized borrowing from ATB (the “Bank”), is to include a sum or sums not exceeding the maximum principal amount of **Thirty Thousand Dollars (\$30,000.00)** for a Business Mastercard account that the Council of the Corporation deems necessary to expend to meet current operating expenditures and obligations of the Corporation.

3. That the sum or sums so borrowed may be evidenced and secured by a promissory note or notes or similar forms of obligation executed by the Mayor and Chief Administrative Officer on behalf of the Corporation and the same Mayor and Chief Administrative Officer are hereby authorized and empowered to execute and give such promissory note or notes or similar forms of obligation on behalf of the Corporation as may be required by the Bank and to determine and agree upon from time to time the rate of interest applicable to the amount of the sums borrowed hereunder remaining from time to time outstanding.
4. That the Council of the Corporation do hereby pledge to the said Bank as security for payment of the money borrowed hereunder, the whole of the unpaid taxes and penalties on taxes assessed and/or levied by the Corporation in years prior to the said year together with penalties thereon, and the whole of the taxes assessed or to be assessed and/or levied or to be levied for the said year, and the Corporation shall deposit in a special account with the said Bank all of the said taxes, penalties and other designated revenues as collected, as collateral security for the money to be borrowed hereunder and interest thereon, but the said Bank shall not be restricted to the said taxes, penalties and other designated revenue for the payment of the money borrowed as aforesaid or be bound to wait for repayment of such money and interest until such taxes, penalties and other designated revenue can be collected, or be required to see that the said taxes, penalties and other designated revenues are deposited as aforesaid.
5. All sums borrowed under this Bylaw shall bear interest at a rate per annum not exceeding Prime Lending Rate plus thirty percent (30%) established from time to time by the Bank.
6. That nothing herein contained shall waive, prejudicially affect or exclude any right, power, benefit or security by statute, common law or otherwise given to or implied in favor of the said Bank.
7. That Bylaw 793-22 is hereby rescinded on the passing of this bylaw.
8. That Bylaw 804-23 comes into full force and effect upon third reading.

Read a first time this 10th day of August, 2023.

Read a second time this 10th day of August, 2023.

Unanimous consent to proceed to third reading this 10th day of August, 2023.

Read a third time and passed this 10th day of August, 2023.

Signed by Mayor Lenard Kwasny

Signed by Jennifer Thompson
Chief Administrative Officer