



The Corporation of the Town of Fort Erie By-law 81-2024

Being a By-law to Authorize Debenture Financing for the Fire Station 4 Project

Whereas Section 401(1) of the *Municipal Act, S.O. 2001, c.25*, as amended, (the “Act”) provides that subject to this or any other Act, 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 Section 401(2)(a) of the said Act provides that the municipal purposes referred to in subsection (1) include in the case of an upper-tier municipality, the purposes or joint purposes of one or more of its lower-tier municipalities; and

Whereas Section 401(3) of the said Act provides that a lower-tier municipality in a regional municipality does not have the power to issue debentures; and

Whereas Ontario Regulation 403/02 as amended provides that the annual debt and financial obligation limit for municipalities shall be determined under this Regulation; and

Whereas Ontario Regulation 403/02 Section 4(1) as amended provides before authorizing any specific work or class of work or any increase in expenditure for a previously authorized specific work or class of work that would require a long-term debt or financial obligation described in section 2, the council of the municipality shall have its treasurer calculate an updated limit using the most recent debt and financial obligation limit determined by the Ministry; and

Whereas By-law No. 156-2019 was passed by the Municipal Council of the Town of Fort Erie on the 9th day of December, 2019 adopting the 2020 Preliminary Capital Budget, including \$1,400,000 debenture funding for the Fire Station 4 Project; and

Whereas Report No. FES-03-2021 was considered at the Council-in-Committee Meeting held on March 8, 2021, and subsequently authorized and approved by Council to increase debenture funding by \$2,650,000; and

Whereas Report No. CS-17-2022 was considered at the Council-in-Committee Meeting held on October 17, 2022, and subsequently authorized and approved by Council to note final debenture funding estimated requirements of \$3,916,273; and

Whereas it is deemed necessary to debenture funds in the amount of Three Million One Hundred Eighty-One Thousand Dollars (\$3,916,273) to meet the financial obligations under the aforesaid Project; and

Whereas the Treasurer of The Corporation of the Town of Fort Erie has certified this long-term debt financing arrangement is within the Town’s overall annual repayment limit and is within the 2024 debt and financial obligation limits as determined by the Treasurer; and

Whereas it is deemed desirable to authorize the Treasurer of The Corporation of the Town of Fort Erie to file an application for long-term borrowing with The Regional Municipality of Niagara for the issuance of debentures and prescribed financial instruments, in an amount not to exceed Three Million Nine Hundred Sixteen Thousand Two Hundred Seventy-Three Dollars (\$3,916,273) for a term of fifteen (10) years for the Fire Station 4 Project as set out herein;

Now therefore the Municipal Council of The Corporation of the Town of Fort Erie enacts as follows:

1. **That** the Treasurer of The Corporation of the Town of Fort Erie is authorized to file an application with The Regional Municipality of Niagara for approval of the issuance of debentures on behalf of the Town of Fort Erie in an amount not to exceed Three Million Nine Hundred Sixteen Thousand Two Hundred Seventy-Three Dollars (\$3,916,273) for a term of fifteen (10) years for the Fire Station 4 Project.
2. **That** the Mayor and Clerk and/or Treasurer are authorized and directed to execute all documentation necessary to complete the intent of this by-law.
3. **That** the Clerk of the Town is authorized to affect any minor modifications, corrections or omissions, solely of an administrative, numerical, grammatical, semantical or descriptive nature to this by-law or its schedules after the passage of this by-law.

Read a first, second and third time and finally passed this 22nd day of July 2024.

Mayor

Clerk