

CITY OF CHESTERMERE

PROVINCE OF ALBERTA

BYLAW #005-15

A Bylaw of the City of Chestermere, in the Province of Alberta, to provide for municipal borrowing

WHEREAS Section 251 of the Municipal Government Act, RSA 2000, C. M-26 and amendments thereto provides that a Municipal Council may borrow money for the purpose of financing a capital property;

AND WHEREAS Council deems it desirable to acquire land for future development;

NOW THEREFORE The Municipal Council of the City of Chestermere, Alberta duly assembled, hereby enacts as follows:

1. Title

(1) This bylaw may be cited as "capital property borrowing bylaw"

2. Definitions

In this bylaw:

(a) "*Financial Institution*" means a bank, trust company, credit company or similar establishment;

(b) "*Corporation*" means the City of Chestermere;

3. Application

(1) Nothing in this Bylaw relieves a person from complying with any provision of any federal or provincial law or regulation, other bylaw or any requirement of any lawful permit, order or license.

(2) Any heading, sub-headings, or tables of contents in this Bylaw are included for guidance purposes and convenience only, and shall not form part of this Bylaw.

(3) Where this Bylaw refers to another Act, bylaw, regulation or agency, it includes reference to any Act, bylaw, regulation or agency that may be substituted therefore.

- (4) This bylaw is gender-neutral and, accordingly, any reference to one gender includes the other.

4. Terms and Conditions

- (1) The Corporation borrow from a Financial Institution up to the principal sum of \$8,500,000.00 repayable upon demand at a rate of interest per annum not to exceed the Prime Lending Rate from time to time established by the Financial Institution, and such interest will be calculated daily and due and payable monthly on the last day of each and every month
- (2) The Mayor and the Chief Administrative Officer are authorized for and on behalf of the Corporation:
 - (a) to apply to a Financial Institution for the aforesaid loan to the Corporation and to arrange with the Financial Institution, terms and conditions of the loan and security or securities to be given to the Financial Institution
 - (b) To set repayment terms consisting of interest only and repayable upon demand, or a fixed principal and interest payment providing for an amortization and/or term not to exceed 20 years.
 - (c) as security for any money borrowed from the Financial Institution
 - (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 the Financial Institution all such securities and promises as the Financial Institution 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 the Financial Institution 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 the Financial Institution the security or securities required by it
- (3) The source or sources of money to be used to repay the principal and interest owing under the borrowing from the Financial Institution are:

Property taxes, reserves, resale in whole or in part of the capital asset

- (4) The amount to be borrowed and the term of the loan will not exceed any restrictions set forth in the Municipal Government Act.
- (5) 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 the Financial Institution 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 the Financial Institution 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 the Financial Institution will not be bound to inquire into the authority of such officers to execute and deliver any such renewal, extension document or security.

5. Severability

- (1) If any Section or parts of this Bylaw are found in any court of law to be illegal or beyond the power of Council to enact, such Section or parts shall be deemed to be severable and all other Section or parts of this Bylaw shall be deemed to be separate and independent there from and to be enacted as such.

6. General

- (1) This bylaw shall take effect on the day which it is finally passed.

READ A FIRST TIME this 1st day of April 2015

READ A SECOND TIME this 4th day of May 2015

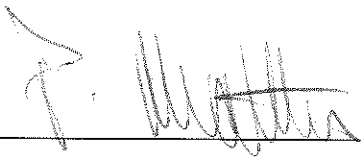
READ A THIRD TIME this 4th day of May 2015

Resolution Numbers –


1.019.040115
100-15

1.019.050415
142-15

1.019.050415
143-15



MAYOR



CAO