

# CORPORATION OF THE TOWNSHIP OF MCKELLAR

October 3, 2022 – 4:00 p.m.

## AGENDA

**Topic: Special Meeting of Council**  
**Time: October 3, 2022 4:00 P.M.**

**Join Zoom Meeting**

<https://us06web.zoom.us/j/85611052626>

**Dial by your location**

**+1 647 374 4685 Canada**

**+1 647 558 0588 Canada**

**22-380      1<sup>st</sup> resolution**

**2022-50    1<sup>st</sup> by-law**

- 1. CALL TO ORDER**
- 2. RESPECT AND ACKNOWLEDGMENT DECLARATION**

We would like to begin by acknowledging that the land on which we gather is the traditional territory of the Anishnaabe and the Mississauga People
- 3. ROLL CALL**
- 4. DECLARATIONS OF CONFLICT OF INTEREST**
- 5. ADOPTION OF AGENDA**
- 6. PUBLIC MEETING - None**
- 7. DELEGATIONS AND PRESENTATIONS - None**
- 8. MOTION TO REVIEW A PREVIOUS MOTION - None**
- 9. ADOPTION OF MINUTES OF PREVIOUS MEETING(S) - None**
- 10. PLANNING MATTERS - None**
- 11. COMMITTEE/BOARD MINUTES WITH RECOMMENDATIONS FOR APPROVAL - None**
- 12. STAFF REPORTS WITH RECOMMENDATIONS FOR APPROVAL - None**
- 13. MAYOR'S REPORT - None**
- 14. CORRESPONDENCE FOR CONSIDERATION - None**

15. **MOTION AND NOTICE OF MOTION - None**
16. **BY-LAWS**
  - 16.1 By-law 2022-50 Capital Works Rate Borrowing for West Parry Sound Recreation and Culture Centre
17. **UNFINISHED BUSINESS - None**
18. **NEW BUSINESS - None**
19. **PUBLIC NOTICES, ANNOUNCEMENTS, INQUIRIES AND REPORTS BY COUNCIL MEMBERS - None**
20. **CONSENT AGENDA – CORRESPONDENCE - None**
21. **QUESTION/COMMENT PERIOD (RELATED TO ITEMS ON AGENDA)**
22. **CLOSED SESSION**
  - 22.1 Advice that is subject to solicitor-client privilege, including communications for that purpose. 239(2)(f) – 2022 Municipal Election
23. **CONFIRMING BY-LAW**
  - 23.1 By-law 2022-51 to confirm the proceedings of Council
24. **ADJOURNMENT**

## **Instructions for Joining the Council Meeting**

1. Please try to sign in between 3:50 to 4:00 if possible; you are still welcome to sign in after 4:00 if necessary
2. Please wait to be let in the 'meeting room'; this won't take long
3. Please have your mic and video on mute unless you are speaking; this ensures there are no distractions or background noise to disrupt the meeting
4. When you sign in please sign in with your full name (first and last), not a company name
5. A question and answer opportunity will be available at the end of the meeting as per normal protocol or during the Public Meeting
6. If you have permission to speak please identify yourself (first and last name).
7. Please respect meeting protocol and do not interrupt the meeting. The Municipality reserves the right to remove attendees who are disruptive or disrespect meeting protocol.



**CORPORATION OF THE TOWNSHIP OF MCKELLAR**

**BY-LAW NO. 2022-50**

**Being a By-law to Approve The Submission Of An Application To Ontario Infrastructure And Lands Corporation ("OILC") For The Long-Term Financing Of Certain Capital Works Of The Corporation of the Township of McKellar (THE "MUNICIPALITY"); And To Authorize The Entering Into of a Rate Offer Letter Agreement Pursuant to Which The Municipality Will Issue debentures To OILC**

**WHEREAS** the *Municipal Act, 2001* (Ontario), as amended, (the "**Act**") provides that a municipal power shall be exercised by by-law unless the municipality is specifically authorized to do otherwise;

**AND WHEREAS** the Council of the Municipality has passed the by-law enumerated in column (1) of Schedule "A" attached hereto and forming part of this By-law ("**Schedule "A"**") authorizing the capital work described in column (2) of Schedule "A" ("**Capital Work**") in the amount of the respective estimated expenditure set out in column (3) of Schedule "A" , subject in each case to approval by OILC of the long-term financing for such Capital Work requested by the Municipality in the Application as hereinafter defined;

**AND WHEREAS** before the Council of the Municipality approved the Capital Work in accordance with section 4 of Ontario Regulation 403/02 (the "**Regulation**"), the Council of the Municipality had its Treasurer calculate 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 (as so updated, the "**Updated Limit**"), and, on the basis of the authorized estimated expenditure for the Capital Work or each Capital Work, as the case may be, as set out in column (3) of Schedule "A" (the "**Authorized Expenditure**" for any such Capital Work), the Treasurer calculated the estimated annual amount payable in respect of the Capital Work or each Capital Work, as the case may be, and determined that the estimated annual amount payable in respect of the Capital Work or each Capital Work, as the case may be, did not cause the Municipality to exceed the Updated Limit, and accordingly the approval of the Local Planning Appeal Tribunal pursuant to the Regulation, was not required before any such Capital Work was authorized by the Council of the Municipality;

**AND WHEREAS** subsection 401(1) of the Act 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 Act also provides that a municipality shall authorize long-term borrowing by the issue of debentures or through another municipality under section 403 or 404 of the Act;



**AND WHEREAS** OILC has invited Ontario municipalities desirous of obtaining 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 in the form provided by OILC;

**AND WHEREAS** the Municipality has completed and submitted or is in the process of submitting an application to OILC, as the case may be to request financing for the Capital Work by way of long-term borrowing through the issue of debentures to OILC, substantially in the form of Schedule "B" hereto and forming part of this By-law (the "**Application**");

**AND WHEREAS** OILC has accepted and has approved or will notify the Municipality only if it accepts and approves the Application, as the case may be;

**AND WHEREAS** at least five (5) business days prior to the passing of the debenture by-law in connection with the issue of Debentures as defined below, OILC will provide the Municipality with a rate offer letter agreement substantially in the form as provided to the Municipality on or prior to the date of this By-law (the "**Rate Offer Letter Agreement**");

**NOW THEREFORE** THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF MCKELLAR ENACTS AS FOLLOWS:

1. The Council of the Municipality hereby confirms, ratifies and approves the execution by the Treasurer of the Application and the submission by such authorized official of the Application, duly executed by such authorized official, to OILC for the long-term financing of the Capital Work in the maximum principal amount of \$775,000.00, with such changes thereon as such authorized official may hereafter, approve such execution and delivery to be conclusive evidence of such approval.
2. The Mayor and the Treasurer are hereby authorized to execute and deliver for and on behalf of the Municipality the Rate Offer Letter Agreement under the authority of this By-law in respect of the Capital Work on such terms and conditions as such authorized officials may approve, such execution and delivery to be conclusive evidence of such approval.
3. Subject to the terms and conditions of the Rate Offer Letter Agreement, the Mayor and the Treasurer are hereby authorized to long-term borrow for the Capital Work and to issue debentures to OILC on the terms and conditions provided in the Rate Offer Letter Agreement (the "**Debentures**"); provided that the principal amount of the Debentures issued in respect of the Capital Work or of each Capital Work, as the case may be, does not exceed the Authorized Expenditure for such Capital Work and does not exceed the related loan amount set out in column (4) of Schedule "A" in respect of such Capital Work.
4. In accordance with the provisions of section 25 of the *Ontario Infrastructure and Lands Corporation Act, 2011*, as amended from time to time hereafter, the

Municipality is hereby authorized to agree in writing with OILC that the Minister of Finance is entitled, without notice to the Municipality, to deduct from money appropriated by the Legislative Assembly of Ontario for payment to the Municipality, amounts not exceeding the amounts that the Municipality fails to pay to OILC on account of any unpaid indebtedness of the Municipality to OILC under the Debentures (the "**Obligations**") and to pay such amounts to OILC from the Consolidated Revenue Fund.

5. For the purposes of meeting the Obligations, the Municipality shall provide for raising in each year as part of the general levy, the amounts of principal and interest payable in each year under the Debentures issued pursuant to the Rate Offer Letter 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 by-law of any municipality.
6.
  - a) The Mayor and the Treasurer are hereby authorized to execute and deliver the Rate Offer Letter Agreement, and to issue the Debentures, one or more of the Clerk and the Treasurer are hereby authorized to generally do all things and to execute all other documents and papers in the name of the Municipality in order to perform the terms and conditions that apply to the Municipality as set out in the Rate Offer Letter Agreement and to perform the Obligations of the Municipality under the Debentures, and the Treasurer is authorized to affix the Municipality's municipal seal to any such documents and papers.
  - b) The money realized in respect of the Debentures, including any premium, and any earnings derived from the investment of that money, after providing for the expenses related to the issue of the Debentures, if any, shall be apportioned and applied to the respective Capital Work and to no other purpose except as permitted by the Act.
7. This By-law takes effect on the day of passing.

**READ** a **FIRST** and **SECOND** time this 3rd day of October, 2022.

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Peter Hopkins, Mayor

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Ina Watkinson, Clerk

**READ** a **THIRD** time and **PASSED** in **OPEN COUNCIL** this 3rd day of October, 2022.

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Peter Hopkins, Mayor

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Ina Watkinson, Clerk



**Schedule "A"  
to By-Law 2022-50  
(Capital Work)**

(1)	(2)	(3)	(4)
<u>By-Law Number</u>	<u>Description of Capital Work</u>	<u>Estimated Expenditure</u>	<u>Loan Amount</u>
2022-14	West Parry Sound Recreation And Cultural Centre	\$ 775,000.00	\$ 775,000.00

**Schedule "B"  
to By-Law 2022-50**

**Attached OILC Application.**



## Webloans Loan Application Details

**FA Number**

**Application for**

**Projects**

ID	SIT Project ID	Project Name	Construction/Purchase Start	Construction/Purchase End	Project Cost	OILC Loan Amount
1954	1	West Parry Sound Recreation and Cultural Centre	07/01/2022	01/12/2025	\$775,000.00	775,000.00

### Details of Project West Parry Sound Recreation and Cultural Centre

**Project Category**

**Project Name**

**Construction/Purchase Start**

**Construction/Purchase End**

01/12/2025

**Energy Conservation**

**Project Address 1**

36 Smith Drive

**Project Address 2**

**City / Town**

Parry Sound

**Province**

ON

**Postal Code**

P2A 2W9

**Description**

The West Parry Sound Recreation and Cultural Centre is a dream of six municipalities area and 2 First Nations. The project being built on, 49,000 sq/ft of space and include 4 lanes of 25M Pool, Leisure /Therapeutic Pool, Sauna, Gymnasium, Walking track, Viewing Area, Fitness 5,000 sq/ft area and Multipurpose area. The project estimated cost is 32million and ICIP grant has been approved for 73% of cost and the remaining 27% will be shared between 6 Municipalities.

**Comments and/or Special Requests**

**Project Life Span (Years)**

50

**Project Financial Information**

**Project Cost (A)**

\$775,000.00

**Other Project Funding / Financing (B):**

**Other Project Funding/Financing Total (B)**

\$0.00

**OILC Loan Amount (A-B)**

\$775,000.00

Only include long-term borrowing in this section. If you anticipate that you will require short-term financing during the construction phase of the project, the information will be gathered as part of the Financing Agreement.

Required Date	Amount	Term	Type
05/31/2022	\$775,000.00	10 ▼	Amortizing ▼

**Long-term Borrowing Total**

\$775,000.00

**Debt and Re-payments Summary**

Has there been any new/undisclosed debt acquired since last FIR was submitted?

Yes  No

Please describe any re-financing plans for any existing "interest only" debt, if applicable.

**Non Re-payments of Loans or Debenture**

In the last 10 years, has the borrower ever failed to make a loan payment or debenture repayment on time to any lender, including the Provincial Government?

If yes, please provide details.

No



## OILC Loan Repayment Information

Please indicate the source(s) of revenue you plan to use to repay the OILC Loan

**Taxation**

**User Fees**

**Service Charges**

**Development Charges**

**Connection Fees**

**Repayment Subsidies**

**Other**


**Total**

## Documentation and Acknowledgements

Please ensure all required documents are submitted with the signed application. OILC requires originals as noted below to be mailed or couriered. Also, please retain a copy of all documents submitted to OILC for your records.

To obtain templates for documents see listed below.

- Loan Application Signature Page signed and dated by the appropriate individual (original to be submitted)
- Certificate and sealed copy of OILC template By-law authorizing project borrowing and applying for a loan (original with seal)
- Certificate of Treasurer Regarding Litigation using the OILC template (original, signed & sealed)
- Updated Certified Annual Repayment Limit Calculation (original)

 I acknowledge and agree that all of the above referenced documents must be submitted in the form required by OILC and understand that the application will not be processed until such documents have been fully completed and received by Infrastructure Ontario.

**Please note: OILC retains the right to request and review any additional information or documents at its discretion.**

### ***Confidential Information***

OILC is an institution to which the Freedom of Information and Protection of Privacy Act (Ontario) applies. Information and supporting documents submitted by the Borrower to process the loan application will be kept secure and confidential, subject to any applicable laws or rules of a court or tribunal having jurisdiction.

## Infrastructure Ontario

This site is maintained by Infrastructure Ontario, a Government of Ontario crown agency.

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**CORPORATION OF THE TOWNSHIP OF MCKELLAR**

**BY-LAW NO. 2022-51**

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**Being a By-law to Confirm the Proceeding of Council  
of the Township of McKellar**

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**WHEREAS** Section 5 of the *Municipal Act, 2001, S.O. 2001, c.25 as amended*, provides that the powers of a municipality shall be exercised by its Council; and

**WHEREAS** Section 9 of the *Municipal Act, 2001, S.O. 2001, c.25 as amended*, provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purposes of exercising its authority under the Municipal Act or any other Act; and

**WHEREAS** Section 5(3) of the *Municipal Act, 2001, S.O. 2001, c.25 as amended*, provides that a municipal power, including a municipality's capacity rights, powers and privileges under Section 9 of the Municipal Act, 2001, S.O. 2001, c 25 as amended, shall be exercised by by-law unless the municipality is specifically authorized to do otherwise; and

**WHEREAS** it is deemed expedient that the proceedings of the Council of the Corporation of the Township of McKellar at this Session be confirmed and adopted by By-law.

**NOW THEREFORE** the Council of the Corporation of the Township of McKellar hereby enacts as follows:

1. **THAT** the actions of the Council of the Corporation of the Township of McKellar at its meeting held on October 3, 2022 in respect to each resolution and each action passed and taken by Council at the meeting, are, except where the prior approval of the Ontario Municipal Board is required, hereby adopted, ratified and confirmed as if the same were expressly embodied in this By-law.
2. **THAT** the Mayor, or in his/her absence the Acting Mayor, and the proper officials of the Corporation of the Township of McKellar are hereby authorized and directed to do all things necessary to give effect to the said action of the Council of the Corporation of the Township of McKellar during the said meeting referred to in Section 1 of this By-law.
3. **THAT** the Mayor, or in his/her absence the Acting Mayor, and the proper officials of the Corporation of the Township of McKellar are hereby authorized and directed to execute all documents necessary to the action taken by this Council as described in Section 1 of this By-law and to affix the Corporate Seal of the Corporation of the Township of McKellar to all documents referred to in said Section 1.

**READ a FIRST and SECOND** time this 3rd day of October, 2022.



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Peter Hopkins, Mayor

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Ina Watkinson, Clerk

**READ** a **THIRD** time and **PASSED** in **OPEN COUNCIL** this 3rd day of October, 2022.

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Peter Hopkins, Mayor

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Ina Watkinson, Clerk