

BYLAW 003:2024

A bylaw of the Town of Irricana, in the Province of Alberta, for the purpose of borrowing to refinance or restructure existing borrowing as specified in Section 261 of the Municipal Government Act.

WHEREAS the Town of Irricana considers it necessary to borrowing certain sums of money for the purpose of:

Refinancing or restructuring the borrowing used to purchase lands described as Lot 1, Block 2, Plan 0514328 (+/- 31 Acres) within the Town of Irricana (the “Lands”);

AND WHEREAS the Section 261 of the Municipal Government Act (the “MGA”) does not require the advertisement of borrowing for the purpose of refinancing or restructuring previously approved borrowing;

AND WHEREAS having considered various options at the March 18, 2024 Regular Meeting of Council (Item L1), the Town of Irricana wishes to place that borrowing with ATB;

AND THEREFORE the Municipal Council of the Corporation of the Town of Irricana, duly assembled in Council, enacts as follows:

Title

1. This Bylaw may be cited as the “*2024 Term Borrowing for Town Lands Bylaw*”.

Definitions

2. In this bylaw, the following definitions apply:
 - a. “**ATB**” means ATB Financial, a financial institution or a subsidiary or division thereof, and Crown corporation wholly owned by the Province of Alberta;
 - b. “**Chief Administrative Officer**” means the Chief Administrative Officer of the Town of Irricana or their authorized delegate;
 - c. “**Chief Elected Official**” means the person elected or appointed as the Chief Elected Official under Section 150 of the Municipal Government Act; and
 - d. “**Municipal Government Act**” means the Municipal Government Act, RSA 2000, c M-26, as amended or replaced from time to time.

Effect

3. The Town of Irricana is hereby authorized to borrow from ATB up to the principal sum of \$249,168, payable upon demand by ATB, not to exceed 6.92%, and for a term of 12-months.
4. The Chief Elected Official and Chief Administrative Officer are authorized for and on behalf of the Town of Irricana:
 - a. to apply for or maintain the aforesaid loan and to arrange with ATB the amount(s), terms, and conditions of the loan and security / securities to be given to ATB;
 - b. to execute promissory notes and other negotiable instruments or evidences of debt for such loans and the renewal of such negotiable instruments or evidences of debt;
 - c. to give or furnish to ATB all such securities and promises as ATB may require to secure repayment of such loans and interest thereon; and
 - d. to execute all security agreements, hypothecations, debentures, charges, pledges, conveyances, assignments, and transfers to and in favor of ATB of all or any property, real or personal, moveable or immovable, now or hereafter owned by the Town of Irricana or in which the Town of Irricana may have any interest, and any other documents or contracts necessary to give to or to furnish to ATB the security or securities required by it.
5. The source(s) of money to be used to repay the principal and interest owing under the borrowing from ATB are municipal taxes, reserves, and grants.
6. The amount to be borrowed and the term of the loan will not exceed any restrictions set forth in the Municipal Government Act.
7. In the event that the Municipal Government Act permits extension of the term of the loan and in the event the Council of the Town of Irricana decides to extend the loan and ATB is prepared to extend the loan, any renewal or extension, bill, debenture, promissory note, or other obligation executed by the officers designated in paragraph five (5) hereof and delivered to ATB will be valid and conclusive proof against the Town of Irricana 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 ATB will not be bound to inquire into the authority of such officers to execute and deliver any such renewal, extension document, or security.

Severability

8. If any provision of this Bylaw is declared invalid for any reason by a court of competent jurisdiction, all other provisions of the Bylaw will remain valid and enforceable.

Repeal of Bylaw(s)

9. *Revised Bylaw 001:2018*, being the *Revised Municipal Borrowing Bylaw*, is repealed upon this Bylaw passing and coming into full force and effect.

Effective Date

10. *Bylaw 003:2024*, being the *2024 Term Borrowing for Town Lands Bylaw*, is passed when it receives third reading and is signed pursuant to the *Municipal Government Act*.

READ A FIRST TIME this 2nd day of April 2024.

READ A SECOND TIME this 2nd day of April 2024.

UNANIMOUS CONSENT for THIRD READING given this 2nd day of April 2024.

READ A THIRD TIME this 2nd day of April 2024.

"Original Signed"
Jim Bryson
Mayor

"Original Signed"
Doug Hafichuk
Chief Administrative Officer