

# **THE CORPORATION OF THE TOWN OF AURORA**

## **By-law Number 5439-12**

### **BEING A BY-LAW to establish the Aurora Hydro Sale Investment Reserve Fund.**

**WHEREAS** section 9 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended (the "Act"), provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under the Act or any other statute, and subsection 11(2) of the Act provides that lower-tier municipalities may pass by-laws respecting, among other items, the financial management of the municipality and its local boards;

**AND WHEREAS** The Corporation of the Town of Aurora (the "Town") sold all of its shares in Aurora Hydro Connections Limited to Powerstream Inc. in June 2005;

**AND WHEREAS** at its meeting of June 28, 2005, the Council of the Town adopted resolutions to establish the Aurora Hydro Sale Investment Reserve Fund (the "Fund") to hold the proceeds obtained from the said sale of shares in Aurora Hydro Connections Limited;

**AND WHEREAS** the Council of the Town made modifications to the conditions related to the Fund by adopting resolutions on September 26, 2006, with adjustments to the balance in the Fund to be completed at December 31, 2006;

**AND WHEREAS** no specific by-law has been adopted to create or set out the terms of the Fund;

**AND WHEREAS** the Council of the Town deems it necessary and desirable to use the proceeds of the sale of Aurora Hydro Connections Limited in specified manners and provide funding for specified special purposes;

**AND WHEREAS** the money in the Fund shall be allocated and expended subject to the provisions of this By-law;

### **NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF AURORA ENACTS AS FOLLOWS:**


1. THAT the Fund be established with a balance of \$31,699,391.67, which represents ninety percent (90%) of the net proceeds of the concluded sale of the Town's interest in Aurora Hydro Connections Limited.
2. THAT all balances in the Fund earn investment income to the credit of the Fund, as calculated by the Town's Treasurer based on the annual performance of the Town's investment portfolio comprised of balances of all reserves and reserve funds, and surplus operating and unspent cash balances throughout the year.
3. THAT the earned interest portions of the balance of this Fund from a prior year may be allocated or expended at the sole discretion of Council for new initiatives identified in the Town's Strategic Plan, as may be amended from time to time.
4. THAT proposed Strategic Plan initiatives be budgeted as separate projects for separate consideration, and should all the funds available in the current year not be used, that those unallocated funds be carried forward and remain available in the next budget year.
5. THAT, other than Strategic Plan initiatives, the earned interest portions of the balance of this Fund from a prior year may be allocated or expended for any purpose as may be determined by Council to be in the best interest of the


Town, provided that such allocation or expenditure is approved in accordance with paragraph 7 of this By-law.

6. THAT the principal of the Fund may be allocated or expended for any purpose as determined, at the sole discretion of Council, to be in the best interest of the Town, and should Council wish to allocate or expend any of the principal from the Fund for any purpose, public notice published in a local newspaper having general circulation throughout the community shall be provided at least thirty (30) days in advance before the allocation or expense is approved at an open Council meeting.
7. THAT any expenditure or allocation of monies from the principal, or earned interest portions of the Fund as specified in paragraph 5 of this By-law, shall be made by resolution of Council, as adopted by a vote of not less than two-thirds (2/3) of the entire Council, and further that,
  - (a) "entire Council" shall mean all members of Council being present in Council Chambers at the time of the vote;
  - (b) should the entire Council not be present in Council Chambers at the time of the vote, the vote shall be deferred until the entire Council is so present; and
  - (c) in the event the entire Council is not present for three (3) consecutive Council meetings, the requirement for all Council members to attend such meeting shall be reduced by one (1) member of Council.
8. THAT all past resolutions and by-laws of Council in connection with the creation of the Fund are hereby superseded and replaced by this By-law.
9. THAT this By-law is deemed to have come into force *nunc pro tunc* on December 31, 2006.

**READ A FIRST AND SECOND TIME THIS 18<sup>th</sup> DAY OF DECEMBER, 2012.**

**READ A THIRD TIME AND FINALLY PASSED THIS 18<sup>th</sup> DAY OF DECEMBER, 2012.**

  
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GEOFFREY DAWE, MAYOR

  
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JOHN D. LEACH, TOWN CLERK

Approved as to Form  
By Legal Services  
Signature W. Allen Mr  
Date: Dec. 14, 2012