



Hamilton

CITY OF HAMILTON

CORPORATE SERVICES
Taxation Division

TO: Chair and Members Audit, Finance and Administration Committee	WARD(S) AFFECTED: CITY WIDE
COMMITTEE DATE: December 9, 2013	
SUBJECT/REPORT NO: 2014 Interim Tax Levy and Temporary Borrowing By-Laws (FCS13087) (City Wide)	
SUBMITTED BY: Mike Zegarac Acting General Manager Finance & Corporate Services	PREPARED BY: Larry Friday 905 546-2424 ext 2425
SIGNATURE:	

RECOMMENDATION

- (a) That Appendix "A" attached to report FCS13087, "By-law to Authorize the Temporary Borrowing of Monies to Meet Current Expenditures Pending Receipt of Current Revenues for 2014," be passed;
- (b) That Appendix "B" attached to report FCS13087, "By-law to Authorize an Interim Tax Levy for 2014," be passed.

EXECUTIVE SUMMARY

Both the Interim Tax Levy and Temporary Borrowing By-laws ensure that the City has access to a continuing cash flow to fund operations until a final 2014 budget has been approved.

Alternatives for Consideration – Not Applicable

FINANCIAL / STAFFING / LEGAL IMPLICATIONS (for Recommendation(s) only)

Financial: The city would have to pay negotiated interest payments should it have to borrow funds under the Temporary Borrowing By-law.

Staffing: None

Legal: The Temporary Borrowing By-law is required under Section 407 of the Municipal Act, 2001. An interim Tax Levy By-law is required under section 317 of the Municipal Act, 2001.

HISTORICAL BACKGROUND (Chronology of events)

Appendix “A” of Report FCS13087 is a Temporary Borrowing By-law allowing the City to ensure that it has access to adequate cash flow in order to meet operating commitments. The allowable percentages to borrow as set out in Section 407 of the Municipal Act, 2001 are 50% of estimated revenues prior to September 30th and 25% afterwards. It is important to note that actual borrowings under this provision have historically been very limited in both magnitude and duration. The most recent case of the City taking advantage of this provision was in late 1998 and 1999 under the Current Value Assessment conversion, when the Province was adjusting the rules and regulations for taxation of commercial and industrial properties, which held up final tax bills to August and September, respectively.

Appendix “B” of Report FCS13087 is an Interim Tax Levy By-law. In the course of its’ operations, before a final budget has been approved, the City incurs expenses on a regular basis. These expenses, including such items as employee wages, material

**SUBJECT: 2014 Interim Tax Levy and Temporary Borrowing By-Laws (City Wide) -
Page 3 of 4**

expenditures and School Board tax payments, would require significant temporary borrowing without the ability to levy taxes in advance of the final tax bills being issued. Section 317 of the Municipal Act, 2001 permits the levy of up to 50% of the prior year's taxes (annualized for adjustments such as supplementary taxes or tax appeals). The Interim Tax Levy By-law provides the formal mechanism whereby Council can affect this pre-levy. The due dates of the instalments for the Interim Levy are proposed to be the last working days of February and April, set at February 28th and April 30th, 2014.

POLICY IMPLICATIONS/LEGISLATED REQUIREMENTS

Sections 317 and 407 of the Municipal Act, 2001

RELEVANT CONSULTATION

The Legal Services Department has been consulted as to the form of the By-laws.

ANALYSIS / RATIONALE FOR RECOMMENDATION

(include Performance Measurement/Benchmarking Data, if applicable)

By-laws are required under the Municipal Act and both the Interim Tax Levy and the Temporary Borrowing By-laws ensure we have adequate funding to run day-to-day operations.

ALTERNATIVES FOR CONSIDERATION

(include Financial, Staffing, Legal and Policy Implications and pros and cons for each alternative)

There are no alternatives

ALIGNMENT TO THE 2012 – 2015 STRATEGIC PLAN:

Strategic Priority #2

Valued & Sustainable Services

WE deliver high quality services that meet citizen needs and expectations, in a cost effective and responsible manner.

APPENDICES / SCHEDULES

Appendix A – 2014 Temporary Borrowing By-law.

Appendix B – 2014 Interim Tax Levy By-law.

Authority:

Bill No.

CITY OF HAMILTON

BY-LAW NO.

To Authorize the Temporary Borrowing of Monies to Meet Current Expenditures Pending Receipt of Current Revenues for 2014.

WHEREAS the Council for the City of Hamilton deems it necessary to pass and enact a by-law to authorize the temporary borrowing of monies by the city to meet current budget expenditures for the year 2014 pending receipt of current revenues;

AND WHEREAS section 407(1) of the Municipal Act, 2001, provides as follows:

"A municipality may authorize temporary borrowing, until the taxes are collected and other revenues are received, of the amount council considers necessary to meet the current expenditures of the municipality for the year"

AND WHEREAS Section 407(2) of the said Act, imposes certain limitations on the amounts that may be borrowed at any one time:

NOW THEREFORE the Council for the City of Hamilton hereby enacts as follows:

1. (a) The City of Hamilton is hereby authorized to borrow from a Bank or person by way of Promissory Notes or Bankers Acceptances from time to time a sum or sums of monies not exceeding at any one time the amounts specified in subsection (2) to pay off temporary bank overdrafts for the current expenditures of the City for the year 2014, including amounts for sinking funds, principal and interest falling due within such fiscal year and the sums required by law to provide for the purposes of the City.
- (b) The amount of monies that may be borrowed at any one time for the purposes of subsection (1), together with the total of any similar borrowings that have not been repaid, shall not, except with the approval of the Ontario Municipal Board, exceed the prescribed percentages of the total of the estimated revenues of the City as set forth in the estimates adopted for the year, which percentages are set out in section 407 of the Municipal Act, 2001 as it may be amended from time to time.

2. (a) Until estimates of revenue of the City for the 2014 year are adopted, borrowing shall be limited to the estimated revenues of the City as set forth in estimates adopted for the next preceding year.
- (b) The total estimated revenues of the City, including the amounts levied for Education purposes, adopted for the year 2014 are One Billion, Three Hundred Million Dollars (\$1,300,000,000).
3. All sums borrowed pursuant to the authority of this By-law, together with any and all similar borrowings in the current year and in previous years that have not been repaid shall, together with interest thereon, be a charge upon the whole of the revenues of the City for the current year and for all preceding years, as and when such revenues are collected or received.
4. The Treasurer shall, and is hereby authorized and directed to, apply in payment of all sums borrowed pursuant to this By-law, together with interest thereon, all of the monies thereafter collected or received for the current and preceding years, either on account or realized in respect of taxes levied for the current year and preceding years or from any other sources which may lawfully be applied for such purpose.
5. That the Mayor and failing such person, the Deputy Mayor of the City Council and failing such person, the City Manager, together with the Treasurer or any one of the Temporary Acting Treasurers be authorized and directed to sign and execute the aforesaid Promissory Notes and Bankers Acceptances, hypothecations, agreements and such other documents, writings and papers which shall give effect to the foregoing.
6. This By-law shall come into force and effect on the 1st day of January 2014, and shall remain in force and effect until December 31, 2014.

PASSED and ENACTED this day of , 2013 A.D.

MAYOR

CITY CLERK

Authority:

BILL NO.

CITY OF HAMILTON

BY-LAW NO.

To Authorize an Interim Tax Levy for 2014

WHEREAS the Council for the City of Hamilton deems it necessary to pass a by-law to levy on the whole of the assessment for each property class in the local municipality rateable for a local municipality purpose, a sum not to exceed that which would be produced by applying the prescribed percentage (or 50 percent if no percentage is otherwise prescribed) of the total amounts billed to each property for all purposes in the previous year on the properties that, in the current year, are in the property class as provided for in Section 317 of The Municipal Act, 2001;

AND WHEREAS Section 317 of The Municipal Act, also authorizes a Municipal Council, by by-law, to adjust the interim taxes on a property if the Council is of the opinion that the Interim Levy on a property is too high or too low in relation to its estimate of the total taxes which will be levied on the property in 2014;

NOW THEREFORE the Council for the City of Hamilton hereby enacts as follows:

1. The interim tax levies shall be levied and collected upon the whole of the rateable property categories in columns 1 and 2, shown below:

<u>Column 1</u>	<u>Column 2</u>
Class	Class Code
Residential	RT
Farmlands Awaiting Development	C1/R1
Multi-Residential	MT
New Multi-Residential	NT
Residual Commercial	CT/DT
New Residual Commercial	XT/YT
Residual Commercial Vacant Unit	CU/DU
New Residual Commercial Vacant Unit	XU/YU
Shopping Centre	ST
New Shopping Centre	ZT
Shopping Centre Vacant Unit	SU
New Shopping Centre Vacant Unit	ZU
Parking and Vacant Commercial Land	GT/CX
Residual Industrial	IT

New Residual Industrial	JT
Residual Industrial Vacant Unit/Land	IU/IX
New Residual Industrial Vacant Unit	JU/JX
New Construction Large Industrial	KT
New Construction Large Industrial Vacant Unit	KU
Large Industrial	LT
Large Industrial Vacant Unit	LU
Pipeline	PT
Farmland	FT
Managed Forest	TT
Rail Right of Way	WT CN
Rail Right of Way	WT CP
Utility Right of Way	UT

2. The interim tax levy shall become due and payable in two installments as allowed under Section 342(a) of the Municipal Act, as follows:

Fifty percent of the interim levy, rounded, shall become due and payable on the 28th day of February, 2014 and the balance of the interim levy shall become due and payable on the 30th day of April, 2014 and non-payment of the amounts due on the dates stated, in accordance with this section, shall constitute default.

3. That when payment of any instalment or any part of any instalment of taxes levied by this by-law is in default, penalties and where applicable interest, shall be imposed respectively in accordance with City of Hamilton policies.
4. Section 342 (b) of the Municipal Act allows for alternative instalment due dates to spread the payment of taxes more evenly over the year. Therefore, the interim tax levy for those on a 12 month pre-authorized automatic withdrawal payment plan shall be paid in 6 equal installments due and payable on or after the first or fifteenth day of each month January to June. For those on the 10-month pre-authorized automatic withdrawal payment plan the interim levy shall be paid in 5 equal installments due and payable on or after the first day of each month February to June, inclusive. The pre-authorized payment plans shall be penalty free for as long as the taxpayer is in good standing with the terms of the plan agreements.
5. The interim tax levy rates shall also apply to any property added to the assessment roll after this by-law is enacted.
6. This by-law shall come into force and effect on the 1st day of January, 2014.

PASSED and ENACTED this day of , 2014 A.D.

MAYOR

CITY CLERK