



## Memorandum

**Corporate By-law Number:** 220-2023-Corporate Services & Long-Term Care-Financial Services

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**TO:** Office of the City Clerk **FILE:**

**FROM:** Melanie Davis, Policy & Research Analyst  
Administrative Services, Corporate Services

**DATE PREPARED:** 6/16/23

**SUBJECT:** By-law 220-2023 - Consolidated Reserve Fund By-Law

**MEETING DATE:** 8/28/23

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**By-law Description:** A By-law to Consolidate the Reserve Funds of The Corporation of the City of Thunder Bay.

**Authorization:** Report 63-2023 (Corporate Services & Long-Term Care-Financial Services) – Committee of the Whole – August 28, 2023. Committee of the Whole Revised Resolution – August 28, 2023.

**By-law Explanation:** The purpose of this by-law is to repeal certain reserve fund by-laws and Municipal Code sections and to consolidate and establish the requirements of all reserve funds and include a schedule for each providing details as outlined.

**Schedules and Attachments:**

- Schedule 1 – 55 Plus Centre Reserve Fund
- Schedule 2 – 55 Plus Centre Food Program Reserve Fund
- Schedule 3 – 55 Plus South Side Centre Reserve Fund
- Schedule 4 – Boater Services Capital Reserve Fund
- Schedule 5 – Building Permit Reserve Fund
- Schedule 6 – Canada-Community Building Fund Reserve Fund,
- Schedule 7 – Capital Arthur Street Reserve Fund
- Schedule 8 – Capital General Reserve Fund
- Schedule 9 – Capital Transit Reserve Fund
- Schedule 10 – CEDC Project Reserve Fund
- Schedule 11 – Clean, Green and Beautiful Reserve Fund
- Schedule 12 – Community Centres Reserve Fund

Schedule 13 – Community Partnership Reserve Fund  
Schedule 14 – Corporate Energy Innovation Reserve Fund  
Schedule 15 – Corporate Information Technology (CIT) Reserve Fund  
Schedule 16 – Dedicated Gas Tax Fund Reserve Fund  
Schedule 17 – Digital Parcel Mapping Database Reserve Fund,  
Schedule 18 – Fire Rescue Apparatus/Equipment Reserve Fund  
Schedule 19 – Fire Training Centre Capital Reserve Fund  
Schedule 20 – Fort William Stadium Reserve Fund  
Schedule 21 – Fuel Farm Reserve Fund  
Schedule 22 – Hillcourt Estates Mobile Home Park Reserve Fund  
Schedule 23 – Indoor Turf Facility Reserve Fund  
Schedule 24 – McKellar Mall Capital Reserve Fund  
Schedule 25 – MTO Capital Transit Reserve Fund  
Schedule 26 – Municipal Accommodation Tax Reserve Fund  
Schedule 27 – Ontario Community Infrastructure Fund (OCIF) Reserve Fund  
Schedule 28 – Ontario Municipal Commuter Cycling (OMCC) Reserve Fund  
Schedule 29 – Parking Reserve Fund  
Schedule 30 – Parkland Dedication Reserve Fund  
Schedule 31 – Pioneer Ridge Capital Reserve Fund  
Schedule 32 – Police Capital Projects Reserve Fund  
Schedule 33 – Positive Recreation Opportunities for Kids (P.R.O. Kids) Reserve Fund  
Schedule 34 – Post-Retirement Benefits Reserve Fund  
Schedule 35 – Recreation Trails Reserve Fund  
Schedule 36 – Renew Thunder Bay Reserve Fund  
Schedule 37 – Sick Pay Liability Reserve Fund  
Schedule 38 – Solid Waste – Landfill Reserve Fund  
Schedule 39 – Superior North EMS (SNEMS) Capital Reserve Fund  
Schedule 40 – Thunder Bay Community Auditorium (TBCA) Capital Reserve Fund  
Schedule 41 – Tournament Centre Capital Reserve Fund  
Schedule 42 – Vested Property Rehabilitation Reserve Fund  
Schedule 43 – Victoriaville Centre Capital Reserve Fund  
Schedule 44 – Wastewater Reserve Fund  
Schedule 45 – Waterfront Capital Reserve Fund  
Schedule 46 – Waterworks Reserve Fund  
Schedule 47 – Whalen Building Capital Reserve Fund  
Schedule 48 – Worker’s Safety Insurance Board (WSIB) Benefits Reserve Fund

**Amended/Repealed By-law Number(s):**

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THE CORPORATION OF THE CITY OF THUNDER BAY  
BY-LAW NUMBER 220-2023

A By-law to consolidate and provide for the establishment of and maintenance of all Reserve Funds of The Corporation of the City of Thunder Bay (“the Corporation”).

Recitals

1. Section 417 (1) of the *Municipal Act, 2001, S.O. 2001*, states if a local board, conservation authority or any other body exercising a power with respect to municipal affairs under any Act in unorganized territory does not have power under another Act or another section of this Act to establish and maintain a reserve fund, it may, under this subsection, provide in its budget for the establishment or maintenance of a reserve fund for any purpose for which it has authority to spend money.
2. Section 417 (4) of the *Municipal Act, 2001, S.O. 2001*, provides that a municipality may by by-law provide that the money raised for a reserve fund established under subsection (1) may be spent, pledged or applied to a purpose other than that for which the fund was established.
3. Section 110 (1) of the *Municipal Act, 2001, S.O. 2001*, states that the section of the Act applies to an agreement entered into by a municipality for the provision of municipal capital facilities by any person, including another municipality.
4. Section 110 (10) of the *Municipal Act, 2001, S.O. 2001*, states that the Council of a municipality may establish a reserve fund to be used for the exclusive purpose of renovating, repairing or maintaining facilities that are provided under an agreement under this section.
5. On August 28, 2023, Committee of the Whole approved a revised resolution to authorize the consolidation of all current City of Thunder Bay Reserve Fund By-laws and further authorized that a new consolidated Reserve Fund By-law be presented to City Council for adoption.
6. This by-law will establish the requirements for all Reserve Funds and contain a schedule for each Reserve Fund detailing the name, purpose, type, contributions and withdrawals, and if any, target balances and special reporting requirements.
7. It is deemed necessary to repeal, replace and/or amend the City of Thunder Bay Reserve Fund By-laws and Municipal Code sections as authorized through Corporate Report 63-2023 (Corporate Services).

8. Allows for the consolidation of all current Reserve Fund By-laws.

ACCORDINGLY, THE COUNCIL OF THE CORPORATION OF THE CITY OF THUNDER BAY ENACTS AS FOLLOWS:

### 1. Authority

- 1.1. Pursuant to Section 417 of the *Municipal Act, 2001*, Council may in each year, provide in its budget for the establishment or maintenance of a Reserve Fund for any purpose for which it has authority to spend money.

### 2. Title

- 2.1. This By-law shall be known and cited to as the “Consolidated Reserve Fund By-law”.

### 3. Definitions

- a) **By-law:** means this By-law, including its recitals and schedules, which form integral parts of it.
- b) **Corporation:** means The Corporation of the City of Thunder Bay.
- c) **Council:** means the elected municipal council of the Corporation.
- d) **Municipal Act, 2001:** refers to the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended from time to time.
- e) **Reserve Fund:** means monies that are segregated and restricted for a specific purpose as required by legislation, municipal by-law or agreement and earns investment income/interest. These include Discretionary and Obligatory Reserve Funds.
  - a. **Discretionary Reserve Fund:** means monies set aside at the discretion of Council for a specific purpose by Council and legislated by municipal by-law.
  - b. **Obligatory Reserve Fund:** means monies set aside to meet the requirements of provincial legislation or agreement with other entities such as the Federal or Provincial governments. The funds are to be used solely for the purpose prescribed for them by legislation or agreement.

### 4. Reserve Fund Schedules

- 4.1. **Reserve Funds:** The *Municipal Act, 2001*, authorizes municipalities to establish Reserve Funds. The Corporation, over the years, established Reserve Funds through many different by-laws, this By-law consolidates and replaces the prior individual by-laws and establishes general rules for the formation of new Reserve Funds from time to time.

4.2. **Schedule Formats:** Each schedule to this By-law governs one Reserve Fund. The Schedule format is as follows:

- Section 1: Name of the Reserve Fund
- Section 2: Statement of purpose of the Reserve Fund
- Section 3: Type of Reserve Fund
- Section 4: Contributions
- Section 5: Withdrawals
- Section 6: Target balances required, if any; and
- Section 7: Special reporting requirements, if any.

4.3. **Rules:** Each Reserve Fund is subject to the rules within Section 5 of the By-law as well as the rules contained within it's Reserve Fund Schedule.

## 5. Provisions Applicable to All Reserve Funds

5.1. **Contributions to and Withdrawals from:** The Corporation shall contribute to and withdrawal from Reserve Funds in strict accordance with the schedule that governs each Reserve Fund which is in accordance with the Reserve & Reserve Fund Policy.

As Council in each year may provide for a sum of money in the budget for that year to be contributed or withdrawn from a Reserve Fund, budgeted transfers are assumed to be a valid contribution and withdrawal source for all Reserve Funds therefore are not specifically mentioned below in each schedule unless they are typically ongoing.

If required, Council may by by-law provide that the money raised from a Reserve Fund be spent, pledged or applied to a purpose other than that for which it was established.

5.2. **Investment income/Interest:** All investment income/interest earned on sums from each Reserve Fund shall be used for the purpose of that particular Reserve Fund in accordance with the terms of the schedule that applies to it.

5.3. **Target Balances:** Council may establish target balances for any Reserve Fund. Whereby established, they shall be included in section 6 of the applicable schedule.

5.4. **Special Reporting Requirements:** Any identified legislated/regulated reporting requirements and the department responsible.

5.5. **Record Keeping Requirements:** The City Treasurer shall cause records to be kept keeping strict account of contributions to, and withdrawals from, for all Reserve Funds established by this By-law.

5.6. **Corporation Auditors:** The Corporation's External Auditors shall, in their annual report, report on the activities and position of each Reserve Fund.

5.7. **Repeal:** The following by-laws and Municipal Code Chapters of The Corporation of the City of Thunder Bay are hereby repealed:

- (a) 46/2019
- (b) 91-2001
- (c) 48-1994
- (d) 218-1993
- (e) 107-1987
- (f) 59-1972
- (g) 174-2000
- (h) 109-1996
- (i) 136-2003
- (j) 038-2006
- (k) 26-1978
- (l) 108-1987
- (m) 109-1987
- (n) 149-2000
- (o) 110-1996
- (p) 191-2000
- (q) 244-1994
- (r) 34-2022
- (s) 9-1998
- (t) 133-2003
- (u) 222-2003
- (v) 369-1980
- (w) 107-1996
- (x) 108-1998
- (y) 26-1996
- (z) 125-1988
- (aa) 81-2004
- (bb) 108-1996
- (cc) 132-2003
- (dd) 72-2004
- (ee) 134-2003
- (ff) Municipal Code Chapter 489
- (gg) Municipal Code Chapter 976, Article 3 – Section 976.3.5.
- (hh) Municipal Code Chapter 983, Article 6 – Section 983.6.1
- (ii) Municipal Code Chapter 983, Article 6 – Section 983.6.2
- (jj) Municipal Code Chapter 989, Article 2 – Section 989.2.8
- (kk) Municipal Code Chapter 989, Article 2 – Section 989.2.9
- (ll) Municipal Code Chapter 989, Article 2 – Section 989.2.10
- (mm) Municipal Code Chapter 1056, Article 3 – Section 1056.3.3

**6. Force & Effect:**

6.1 This By-law shall come into force and take effect upon the date it is passed.

Enacted and passed this 25th day of September, A.D. 2023 as witnessed by the Seal of the Corporation and the hands of its proper Officers.

Ken Boshcoff

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Mayor

Dana Earle

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Deputy City Clerk