



**City of Kingston
Report to Council
Report Number 21-106**

To: Mayor and Members of Council
From: Desiree Kennedy, Chief Financial Officer & City Treasurer
Resource Staff: Lana Foulds, Director, Financial Services
Date of Meeting: July 13, 2021
Subject: Repeal of By-Law Number 2000-254, A By-Law to Establish Reserve Funds for The Corporation of the City of Kingston, as amended

Council Strategic Plan Alignment:

Theme: Policies & by-laws

Goal: See above

Executive Summary:

This report requests the repeal of By-Law Number 2000-254, A By-Law to Establish Reserve Funds for The Corporation of the City of Kingston, as amended, because the authority of the *Municipal Act, 2001* supersedes the authority of By-Law 2000-254 rendering it redundant.

Recommendation:

That a draft by-law, attached as Exhibit A to Council Report Number 21-106, be presented to Council to repeal By-Law Number 2000-254, A By-Law to Establish Reserve Funds for The Corporation of the City of Kingston, as amended.

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Authorizing Signatures:

ORIGINAL SIGNED BY CHIEF FINANCIAL
OFFICER & CITY TREASURER

**Desiree Kennedy, Chief
Financial Officer & City
Treasurer**

ORIGINAL SIGNED BY CHIEF
ADMINISTRATIVE OFFICER

**Lanie Hurdle, Chief
Administrative Officer**

Consultation with the following Members of the Corporate Management Team:

Paige Agnew, Commissioner, Community Services	Not required
Peter Huigenbos, Commissioner, Business, Environment & Projects	Not required
Brad Joyce, Commissioner, Corporate Services	Not required
Jim Keech, President & CEO, Utilities Kingston	Not required
Sheila Kidd, Commissioner, Transportation & Public Works	Not required

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Options/Discussion:

Information Report Number [AP-20-010](#), Annual Review of City By-Laws, identified By-Law Number [2000-254](#), A By-Law to Establish Reserve Funds for The Corporation of the City of Kingston, as scheduled to be reviewed.

On October 10, 2000, Council passed By-Law Number 2000-254. This By-Law cited the *Municipal Act, R.S.O 1990, c. M.45*, section 163 and was established to:

1. provide for the establishment of reserve funds already approved by Council, and
2. authorize the Treasurer to set up and maintain a consolidated account into which the money raised for all reserve funds established under this by-law shall be deposited.

The *Municipal Act, R.S.O 1990, c. M.45* was repealed and replaced with *Municipal Act, 2001, S.O. 2001, c.25*.

Section 417 of the *Municipal Act, 2001* allows for the establishment of reserves and reserve funds and outlines the requirements regarding the procedures that allow for their use. In accordance with Section 417, City staff provide reports to Council with recommendations for the establishment of reserves and reserve funds, as required, and all appropriations are approved by Council either through the annual budget or by specific resolution or bylaw.

Section 418 of the *Municipal Act, 2001* provides the authority for the City Treasurer to invest funds that the municipality does not require immediately, including monies in a reserve fund, to consolidate monies held in any fund for investment purposes and to credit each separate fund with investment earnings in proportion to the amount invested.

Staff is requesting that By-Law Number 2000-254, as amended, be repealed because the authority of the *Municipal Act, 2001* supersedes the authority of By-Law 2000-254, rendering it redundant.

Existing Policy/By-Law:

Municipal Act, 2001

By-Law Number [2000-254](#), A By-Law to Establish Reserve Funds for The Corporation of the City of Kingston

Notice Provisions:

None

Accessibility Considerations:

None

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Financial Considerations:

None

Contacts:

Lana Foulds, Director, Financial Services, 613-546-4291 extension 2209

Other City of Kingston Staff Consulted:

None

Exhibits Attached:

Exhibit A - A By-Law to Repeal By-Law Number 2000-254, "A By-Law to Establish Reserves and Reserve Funds for The Corporation of the City of Kingston", as amended

By-Law Number 2021-XX

A By-Law to Repeal By-Law Number 2000-254, “A By-Law to Establish Reserves Funds for The Corporation of the City of Kingston”, as amended

Passed: Meeting date
(Month day, year)

Whereas the *Municipal Act, 2001*, Section 417 allows for the establishment of reserves and reserve funds and outlines the requirements regarding the procedures that allow for their use; and

Whereas the *Municipal Act, 2001*, Section 418 provides the authority for the Treasurer to invest money that it does not require immediately, including money in a reserve fund, to combine money held in any fund and to credit each separate fund with earnings from the combined investments in proportion to the amount invested from it; and

Whereas the authority of the *Municipal Act, 2001* supersedes the authority of By-Law Number 2000-254, as amended, and renders it redundant; and

Therefore be it resolved that the Council of The Corporation of the City of Kingston hereby enacts as follows:

1. By-Law Number 2000-254, A By-Law to Establish Reserve Funds for The Corporation of the City of Kingston, as amended, be repealed in its entirety.
2. This By-Law shall come into force and take effect on the date of its passing.

Given First and Second Readings Meeting date (Month day, year)

Given Third Reading and Passed Meeting date (Month day, year)

John Bolognone
City Clerk

Bryan Paterson
Mayor