

THE CITY OF CALGARY

TABULATION OF CAPITAL BORROWING AND LOAN BYLAWS TO BE PRESENTED TO THE COUNCIL OF THE CITY OF CALGARY ON MONDAY 2019 JANUARY 14

BORROWING BYLAW INFORMATION

Borrowing Bylaws	- 4B2018 - 6B2018 inclusive
Purpose	- To finance the 2019 Capital Budget of the regulated operations of ENMAX Corporation
Borrowing Authority	- \$161.665 million
Term	- 10, 20 & 25 years
Type of Debenture	- Self-supported
Statutory References	- Municipal Government Act - Sections No.
Borrowing Authorization	- 251 & 258
Passing a bylaw	- 187

Enabling a borrowing:

Section 251(1) A municipality may only make a borrowing if the borrowing is authorized by a borrowing bylaw.

(2) A borrowing bylaw must set out

- (a) the amount of money to be borrowed and, in general terms, the purpose for which the money is borrowed;
- (b) the maximum rate of interest, the term and the terms of repayment of the borrowing;
- (c) the source or sources of money to be used to pay the principal and interest owing under the borrowing.

Purpose of a borrowing

Section 258(1) applies to a borrowing made for the purpose of financing a capital property when the term of the borrowing exceeds 5 years. Borrowing bylaws authorized under this section require advertising.

Passing a bylaw:

Section 187 stipulates every proposed bylaw must have 3 distinct and separate readings. The readings of a bylaw must follow the legislated procedures set out in the MGA.

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LOAN BYLAW INFORMATION

Bylaw No.	- 59M2018
Loan made to	- ENMAX Corporation
Purpose of loan	- To loan to ENMAX Corporation the funds to be raised under Borrowing Bylaw Nos. 3B2018 - 6B2018 inclusive
Amount	- \$172.415 million
Repayment Terms	- ENMAX Corporation will repay the loans at ACFA's debenture rates plus a basic fee of 0.25% per annum on the average monthly outstanding debenture held by The City on behalf of ENMAX Corporation
Statutory References Loans to a controlled corporation	- Municipal Government Act - Sections No. - 264(1)(b) & 265

Purpose of loans

Section 264(1)(b) of the MGA, as modified by Section 4(11)(a)(i)) of the City of Calgary Charter, 2018 Regulation, Alta Reg 40/2018: The City may only lend money to one of its controlled corporations.

Loan Bylaw

Section 265(1) A municipality may only lend money to one of its controlled corporations if the loan is authorized by bylaw.

- (2) The bylaw authorizing the loan must set out;
- (a) the amount of money to be loaned and, in general terms, the purpose for which the money that is loaned is to be used;
 - (b) the minimum rate of interest, the term and the terms of repayment of the loan;
 - (c) the source or sources of the money to be loaned.
- (3) The Bylaw that authorizes the loan must be advertised.

Council's Authorizing Document (as Shareholder)	- The 2019 Capital Budget of the regulated operations of ENMAX Corporation
Council's Approval Date (as Shareholder)	- 2018 December 7

AFFIRMATIVE VOTES REQUIRED - Majority of members present

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ADMINISTRATIVE COMMENTS

The City has entered into a Debt Management Service Level Agreement with ENMAX Corporation to continue to issue debentures for its regulated operations. ENMAX Corporation shall pay to The City semi-annual interest and principal when due and as required, plus a basic fee of 0.25% as per the contractual agreements with The City.

Borrowing Bylaw Nos. 3B2018 - 6B2018 inclusive are for financing ENMAX Corporation's 2019 Capital Budget.

Borrowing Bylaw 3B2018 financing capital projects with a borrowing term of 5 years received three readings on 2018 December 17.

To loan the debenture funds to a controlled corporation pursuant to MGA sections 264 and 265, Loan Bylaw No. 59M2018 is also required.

On 2018 December 17, Council gave first reading to Borrowing Bylaws 4B2018, 5B2018 and 6B2018 and Loan Bylaw 59M2018. Pursuant to Section 231 of the Municipal Government Act, Borrowing Bylaws 4B2018, 5B2018 and 6B2018 and Loan Bylaw 59M2018 were advertised in the Calgary Herald on 2018 December 20 and 27. The 15-day statutory deadline for a petition asking for a vote on the bylaws was 2019 January 11. The City Clerk is requested to report the status of the petition. If a valid petition for the bylaw has been received, Finance requests that the bylaw be withdrawn from the agenda and be submitted to a vote of the electors.

FINANCIAL CAPACITY

Pursuant to MGA section 252 and the associated regulations, The City cannot make a borrowing if the borrowing will cause the municipality to exceed its debt limit. Debt issued on behalf of ENMAX is excluded from the MGA debt limits and debt service limits and as such does not impact these limits. For reference on this exclusion are Section 6 of the Debt Limit Regulation, Alta Reg 255/2000 and Section 271(1)(d) MGA.

OTHER LEGISLATIVE REQUIREMENTS

Pursuant to MGA section 254 no municipality may acquire, remove, or start the construction or improvement of a capital property that is to be financed in whole or in part through a borrowing unless the borrowing bylaw that authorizes the borrowing is passed.

RECOMMENDATION

That Council give:

1. Borrowing Bylaws 4B2018 to 6B2018 inclusive second and third readings
2. Loan Bylaw 59M2018 second and third readings

ATTACHMENTS

1. Summary of Borrowing Bylaws Requiring Approval
2. Borrowing Bylaws 4B2018 - 6B2018 inclusive and Loan Bylaw 59M2018