

THE CITY OF CALGARY
TABULATION OF BYLAW
TO BE PRESENTED TO THE COUNCIL OF THE CITY OF CALGARY
ON MONDAY, 2020 SEP 14

BORROWING BYLAW INFORMATION

Bylaw No.	- 6B2020
Purpose:	- to amend various Bylaws by increasing the term, to finance capital projects for Calgary Municipal Land Corporation (" CMLC ")
Term	- not to exceed 40 years
Type of Debenture	- Self-supported tax supported
Bylaw No.	- 24M2020
Purpose	- to amend various Bylaws by increasing the term
Loan made to	- Calgary Municipal Land Corporation (" CMLC ")
Term	- not to exceed 40 years
Type of Debenture	- Self-supported tax supported
Bylaw No.	- 25M2020
Purpose	- to amend Bylaw 50M2016 by replacing the term from 2020 December 31 to 2021 September 30
Loan made to	- Calgary Municipal Land Corporation (" CMLC ")
Term	- 4 years
Type of Debenture	- Self-supported tax supported
Statutory References	- Municipal Government Act – Sections No.
Borrowing Authorization	- 251
Terms of a Borrowing	- 253(1) and 258(1)
Passing a bylaw	- 187
Lending Authorization	- 264 and 265
Amendment & Repeal	- 191

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.

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Terms of a Borrowing

Section 253(1) of the MGA stipulates that a borrowing must be used for the purpose for which it is borrowed.

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.

Lending Authorization

Section 264(1)(b) of the MGA provides that a municipality may lend money to one of its controlled corporations.

Section 265 of the MGA stipulates that:

- a municipality may only lend money to one of its controlled corporations if the loan is authorized by bylaw; and
- a bylaw authorizing a 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; and
 - (c) the source or sources of the money to be loaned.

Advertising of Bylaw

Section 265(3) of the MGA stipulates that a bylaw that authorizes a loan must be advertised.

Amendment and repeal:

Section 191(1) The power to pass a bylaw under this or any other enactment includes a power to amend or repeal the bylaw.

CAPITAL PROGRAM INFORMATION

Council's Authorizing Document(s)

- C2020-0672

Council's Approval Date

- 2020 SEPTEMBER 14

AFFIRMATIVE VOTES REQUIRED

- Majority of members present

ADMINISTRATIVE COMMENTS

Borrowing Bylaw No. 6B2020 is to amend various Borrowing Bylaws by increasing the bylaw

Director Les Tochor, A/Manager Chris Jacyk, Author Fahreen Nanji

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term from 20 to 40, to finance capital projects for CMLC.

Bylaw No. 24M2020 is to amend various Loan Bylaws by increasing the term from 20 to 40 Years, lent to CMLC.

Bylaw No. 25M2020 is to amend Loan bylaw 50M2016 by increasing the term, not to exceed Sept 30, 2021, lent to CMLC.

Bylaw 6B2020, 24M2020 and 25M2020 require public notice activities after first reading by Council. The Bylaw will be scheduled for second and third readings on 2020 Sept 14 provided there are no valid petitions.

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. The proposed Bylaw reduces borrowing authority and consequently has no impact on MGA debt limits.

RECOMMENDATION

That Council gives administration direction for second and third reading for Bylaws 6B2020, 24M2020 and 25M2020

ATTACHMENTS

1. Bylaw 6B2020
2. Bylaw 24M2020
3. Bylaw 25M2020