

PROPOSED

EC2022-1159
ATTACHMENT 2

BYLAW NUMBER 8B2022

BEING A BYLAW TO AUTHORIZE THE CITY OF CALGARY TO INCUR INDEBTEDNESS BY THE ISSUANCE OF ONE OR MORE CREDIT FACILITY DOCUMENTS IN THE TOTAL AMOUNT OF \$168 MILLION FOR ZERO EMISSION BUSES

WHEREAS the municipal Council of The City of Calgary ("**Council**") has reviewed the report EC2022-1159 for the acquisition of a fleet of zero emission buses along with the procurement and implementation of associated charging infrastructure (the "**Program**");

AND WHEREAS the Program has an estimated cost of \$491 million;

AND WHEREAS it is estimated that at least \$323 million of the cost of the Program will be funded through sources other than the Canada Infrastructure Bank (the "**Lender**");

AND WHEREAS Council has decided to pass a bylaw pursuant to Sections 251 and 258 of the *Municipal Government Act*, R.S.A. 2000 c. M-26 (the "**MGA**") to authorize borrowing the sum of \$168 million from the Lender for the purpose of financing a portion of the Program;

AND WHEREAS the probable lifetime of the zero emission buses to be acquired in conjunction with the Program is equal to, or in excess of, twenty (20) years;

AND WHEREAS the amount of the long-term debt of The City of Calgary ("**The City**") as at 2021 December 31 is \$2,771 million with \$367 million being tax supported debt, \$220 million being self-sufficient tax supported debt and \$2,184 million being self-supported debt and no part of the principal or interest is in arrears; and

AND WHEREAS all required approvals for the borrowing will be obtained to ensure The City is in compliance with all laws in force in the Province of Alberta.

NOW, THEREFORE, THE COUNCIL OF THE CITY OF CALGARY ENACTS AS FOLLOWS:

1. The City is hereby authorized to borrow from the Lender the maximum sum of \$168 million to finance a portion of the Program.
2. The Chief Financial Officer of The City is hereby authorized to execute and deliver such agreements, instruments, certificates, and other documents, and do such further acts and things as may be reasonably necessary or as may be reasonably requested for the purpose of carrying out the borrowing and performing The City's obligations under any associated agreements, instruments, certificates or other documents.
3. The City shall repay the indebtedness over a period not exceeding twenty (20) years in accordance with one or more of the following repayment structures:

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- a) in installments of principal and interest, as and when due, throughout the term of the borrowing (such installments being no less often than semi-annually); and
- b) interest only installment payments followed by installments of principal and interest, as and when due under the terms of the borrowing (such installments being no less often than semi-annually);

with interest in either case not exceeding 8% per annum.

- 4. The source of repayment of principal and interest to the Lender shall be the savings generated by the lower cost of operating zero emission buses as compared to traditional diesel and greenhouse-gas-emitting buses that would otherwise be in service during the corresponding period.
- 5. In the event of any savings deficiency, The City shall levy and raise municipal taxes sufficient to pay the indebtedness.
- 6. The indebtedness shall be contracted on the credit and security of The City.
- 7. The net amount borrowed under this Bylaw shall be applied only to the purposes specified by this Bylaw.
- 8. This Bylaw comes into force on the date it is passed.

READ A FIRST TIME ON _____

READ A SECOND TIME ON _____

READ A THIRD TIME ON _____

MAYOR

SIGNED ON _____

CITY CLERK

SIGNED ON _____