

THE CITY OF CALGARY

TABULATION OF CAPITAL BORROWING AND LOAN BYLAWS TO BE PRESENTED TO THE COUNCIL OF THE CITY OF CALGARY ON MONDAY 2014 APRIL 28

BORROWING BYLAW INFORMATION

Borrowing Bylaws	- 2B2014 - 4B2014 inclusive
Purpose	- To finance the 2014 Capital Budget of the regulated operations of ENMAX Corporation
Borrowing Authority	- \$210.31 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:

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.	- 13M2014
Loan made to	- ENMAX Corporation
Purpose of loan	- To loan to ENMAX Corporation the funds to be raised under Borrowing Bylaw Nos. 1B2014 - 4B2013 inclusive
Amount	- \$232.06 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 Reference	- MGA Sections No. 264(1)(b) & 265

Purpose of loans

264(1)(b) stipulates that a municipality may only lend money to one of its controlled corporations, if the council considers that the money loaned will be used for a purpose that will benefit the municipality.

Loan Bylaw

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 2014 Capital Budget of the regulated operations of ENMAX Corporation
Council's Approval Date (as Shareholder)	- 2013 November 19

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. 1B2014 - 4B2014 inclusive are for financing ENMAX Corporation's 2014 Capital Budget.

Borrowing Bylaw 1B2014 financing capital projects with a borrowing term of 5 years received three readings on 2014 March 31.

To loan the debenture funds to a controlled corporation pursuant to MGA sections 264 and 265, Loan Bylaw No. 13M2014 is also required.

On 2014 March 31, Council gave first reading to Borrowing Bylaws 2B2014, 3B2014 and 4B2014 and Loan Bylaw 13M2014. Pursuant to Section 231 of the Municipal Government Act, Borrowing Bylaws 2B2014, 3B2014 and 4B2014 and Loan Bylaw 13M2014 were advertised in the Calgary Herald on 2014 April 3 and 10. The 15-day statutory deadline for a petition asking for a vote on the bylaws was 2014 April 25. The City Clerk is requested to report to Council at this meeting the status of the petition. If a valid petition for the bylaw has been received, Finance & Supply request that the bylaws be withdrawn from today's agenda and be submitted to a vote of the electors.

OTHER LEGISLATIVE REQUIREMENTS

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 2B2014 to 4B2014 inclusive second and third readings.
2. Loan Bylaw 13M2014 second and third readings.

ATTACHMENTS

1. Summary of Borrowing Bylaws Requiring approval
2. Debt Limit Regulation
3. Borrowing Bylaw 2B2014
4. Borrowing Bylaw 3B2014
5. Borrowing Bylaw 4B2014
6. Loan Bylaw 13M2014