

PROPOSED

C2023-0301
ATTACHMENT 4

BYLAW NUMBER 4B2023

**BEING A BYLAW TO AUTHORIZE
THE CITY OF CALGARY
TO INCUR INDEBTEDNESS BY THE ISSUANCE
OF ONE OR MORE DEBENTURES IN THE
TOTAL AMOUNT OF UP TO \$176.372 MILLION
FOR FINANCING THE ELECTRIC SYSTEM AND
BUILDING IMPROVEMENTS FOR THE
REGULATED OPERATIONS
OF ENMAX CORPORATION**

WHEREAS Council of The City of Calgary ("**Council**") has reviewed the 2023 Consolidated Operating and Capital Budget for ENMAX Corporation ("**ENMAX**"), a controlled corporation of The City of Calgary ("**The City**");

AND WHEREAS the electric system and building improvements for the regulated operations of ENMAX (the "**Projects**") are estimated to cost \$341.695 million;

AND WHEREAS it is estimated that \$165.323 million of the total cost will be financed from sources other than debenture borrowing;

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, to authorize borrowing an amount not exceeding \$176.372 million from the Province of Alberta (the "**Province**") or other financial institutions or capital markets by the issuance of debentures for the purpose of financing a portion of the Projects;

AND WHEREAS the primary estimated lifetime of the Projects financed under this Bylaw are equal to, or in excess of twenty-five (25) years;

AND WHEREAS the amount of the long-term debt of 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 WHEREAS all required approvals for the Projects will be obtained to ensure they are in compliance with all applicable laws in force in the Province of Alberta.

NOW, THEREFORE, COUNCIL, DULY ASSEMBLED, ENACTS AS FOLLOWS:

1. The City is hereby authorized to issue one or more debentures to a maximum sum of \$176.372 million to finance a portion of the Projects.
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.

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3. The City shall repay the indebtedness over a period not exceeding twenty-five (25) years in semi-annual equal principal and interest installments, with interest being calculated at a rate not exceeding the rate fixed by the Province on the date of the borrowing, up to a maximum rate of 8% per annum.
4. The City shall obtain funds from ENMAX to repay the said indebtedness under the terms of the agreement between The City and ENMAX, as described in Bylaw Number 1M2023. In the event of any revenue deficiency, The City shall levy and raise municipal taxes sufficient to pay the indebtedness.
5. The indebtedness shall be contracted on the credit and security of The City.
6. The net amount borrowed under this Bylaw shall be applied only to the purposes specified by this Bylaw.
7. This Bylaw comes into force on the date it is passed.

READ A FIRST TIME ON FEBRUARY 14, 2023

READ A SECOND TIME ON _____

READ A THIRD TIME ON _____

MAYOR

SIGNED ON _____

CITY CLERK

SIGNED ON _____