

# PROPOSED

C2024-0303  
ATTACHMENT 3

## BYLAW NUMBER 3B2024

### BEING A BYLAW TO AUTHORIZE THE CITY OF CALGARY TO BORROW UP TO THE MAXIMUM AMOUNT OF \$6.173 MILLION FOR FINANCING THE NON-RESIDENTIAL DEVELOPMENT FOR THE REGULATED OPERATIONS OF ENMAX CORPORATION

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**WHEREAS** Council of The City of Calgary ("**Council**") has reviewed the 2024 Consolidated Operating and Capital Budget for ENMAX Corporation ("**ENMAX**"), a controlled corporation of The City of Calgary ("**The City**");

**AND WHEREAS** the non-residential development for the regulated operations of ENMAX (the "**Development**") is estimated to cost \$22.112 million;

**AND WHEREAS** it is estimated that \$15.939 million of the cost of the Development will be funded through sources other than the Financing Options (as defined herein);

**AND WHEREAS** it is estimated that up to a maximum amount of \$6.173 million of the cost of the Development will be funded through borrowing from the Province of Alberta or other lenders and/or by way of issuances of debt in the capital markets or private placements under The City's debt capital markets and private placement program (collectively, the "**Financing Options**");

**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 up to the maximum amount of \$6.173 million for the purpose of financing a portion of the Development;

**AND WHEREAS** the primary estimated lifetime of the Development financed under this Bylaw are equal to, or in excess of twenty (20) years;

**AND WHEREAS** the amount of the long-term debt of The City as at 2022 December 31 is \$2,695 million with \$332 million being tax supported debt, \$247 million being self-sufficient tax supported debt and \$2,116 million being self-supported debt and no part of the principal or interest is in arrears;

**AND WHEREAS** all required approvals for the Development 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 borrow the maximum sum of \$6.173 million to finance a portion of the Development.
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 indebtedness shall be payable over a period not exceeding twenty (20) years and shall bear interest at a rate not exceeding 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 7M2024. In the event of any revenue deficiency, The City shall levy and raise municipal taxes sufficient to pay the indebtedness.
5. The net amount borrowed under this Bylaw shall be applied only to the purposes specified in this Bylaw.
6. This Bylaw comes into force on the date it is passed.

READ A FIRST TIME ON JANUARY 30, 2024

READ A SECOND TIME ON \_\_\_\_\_

READ A THIRD TIME ON \_\_\_\_\_

\_\_\_\_\_  
MAYOR

SIGNED ON \_\_\_\_\_

\_\_\_\_\_  
CITY CLERK

SIGNED ON \_\_\_\_\_