

PROPOSED

C2025-0237
ATTACHMENT 3

BYLAW NUMBER 3B2025

**BEING A BYLAW TO AUTHORIZE
THE CITY OF CALGARY TO BORROW UP TO
THE MAXIMUM AMOUNT OF \$7,389,000
FOR FINANCING THE NON-RESIDENTIAL
DEVELOPMENT FOR THE REGULATED
OPERATIONS OF ENMAX CORPORATION**

WHEREAS the municipal Council of The City of Calgary ("**Council**") has reviewed the 2025 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 \$26,499,816;

AND WHEREAS it is estimated that \$19,110,816 of the cost of the Development will be funded through sources other than the Financing Options (as defined herein);

AND WHEREAS The City is subject to the *Municipal Government Act*, R.S.A. 2000 c. M-26, as may be amended from time to time (the "**MGA**"), which requires, among other matters, that The City may only make a borrowing if the borrowing is authorized by a borrowing bylaw;

AND WHEREAS The City has in place Debt Policy CP2020-05, which was adopted on November 2, 2020, and became effective on January 1, 2021, as may be amended from time to time (the "**Debt Policy**"), which requires, among other matters, that the issuance of any new debt by The City be approved by Council and authorized by adopting a borrowing bylaw;

AND WHEREAS Council wishes to pass this Bylaw Number 3B2025 (this "**Bylaw**") pursuant to Sections 251 and 258 of the MGA and Sections 1.4 and 6.2 of the Debt Policy to authorize borrowing up to the maximum amount of \$7,389,000 for the purpose of financing a portion of the Development 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 the primary estimated lifetimes 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 2023 December 31 is \$2,700 million with (i) \$299 million thereof being tax supported debt; (ii) \$278 million thereof being self-sufficient tax supported debt; and (iii) \$2,123 million thereof being self-supported debt, and no part of the principal or interest of any of the foregoing debt is in arrears. With the addition of the borrowing authorized herein, The City is within its debt limit per its Debt Policy;

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.

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

1. The City is hereby authorized to borrow the maximum sum of \$7,389,000 to finance a portion of the Development under any one or more of the Financing Options.
2. The Chief Financial Officer of The City, or delegate, 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 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 sufficient to pay the interest, principal, fees and deposits when due and as required on the indebtedness under the terms of the agreement between The City and ENMAX, as described in Bylaw Number 4M2025. In the event of any revenue deficiency, The City shall levy and raise municipal taxes sufficient to repay such indebtedness.
5. The net amount borrowed under this Bylaw shall be applied only to the purposes specified in this Bylaw (which, for the avoidance of doubt, may include: (i) repaying, redeeming or refinancing any indebtedness incurred by The City in respect of the Development; or (ii) replenishing cash assets or financial resources of The City that have previously been used, expended or advanced for the purpose of financing the Development, including any fees or other costs associated with the use of such cash assets or financial resources).
6. This Bylaw comes into force on the date it is passed.

READ A FIRST TIME ON JANUARY 28, 2025

READ A SECOND TIME ON _____

READ A THIRD TIME ON _____

MAYOR

SIGNED ON _____

CITY CLERK

SIGNED ON _____