

CITY OF CALGARY
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ITEM: 11.6 EC2025-0912
Distrib-Attach 9
CITY CLERK'S DEPARTMENT

PROPOSED

EC2025-0940
Attachment 9

BYLAW NUMBER 9B2025

**AUTHORIZATION OF THE CITY OF CALGARY TO AMEND
BORROWING BYLAW 7B2020**

WHEREAS the municipal Council ("**Council**") of The City of Calgary (the "**City**") considered Report PFC2021-0445, Community Services Report to Priorities and Finance Committee, dated 2021 May 18 (the "**Report**"), and passed borrowing Bylaw Number 7B2020 on 2021 July 05 authorizing The City to incur indebtedness in the total amount of up to \$10,000,000 to finance the construction of a portfolio of housing projects which include an estimated 150 affordable housing units (collectively, the "**Portfolio**");

AND WHEREAS pursuant to the Report, a non-exclusive list of projects is referred to as potential candidates for inclusion in the Portfolio, further noting that the Portfolio will be amended as development progresses to meet affordable housing needs;

AND WHEREAS the Portfolio is now comprised of the Bridgeland and Mount Pleasant affordable housing projects, which collectively include an estimated 211 affordable housing units;

AND WHEREAS Council wishes to amend borrowing Bylaw Number 7B2020 to increase the amount the City is authorized to borrow, from \$10,000,000 to \$21,500,000, to finance the projects comprising the Portfolio, and to better align the content of such borrowing bylaw with Portfolio status, current borrowing procedures, generally, and the City's debt related policies, as amended, supplemented or replaced from time to time;

AND WHEREAS Council considers it expedient to amend Bylaw Number 7B2020 pursuant to Section 191 of the *Municipal Government Act*, R.S.A. 2000 c. M-26, as amended by the *City of Calgary Charter*, 2018 Regulation, Alta Reg 40/2018.

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

1. AMENDMENTS

Bylaw Number 7B2020 is hereby amended as follows:

- a. By replacing all parts of its title following reference to its bylaw number, "7B2020", with the following:

AUTHORIZATION OF THE CITY OF CALGARY TO INCUR INDEBTEDNESS IN THE TOTAL AMOUNT OF UP TO \$21.5 MILLION TO FINANCE THE DEVELOPMENT AND REDEVELOPMENT OF PERPETUALLY AFFORDABLE RENTAL HOUSING PROJECTS

- b. By replacing the preamble in its entirety with the following preamble:

"WHEREAS the City has a portfolio of affordable housing projects comprised of the Bridgeland redevelopment and the Mount Pleasant development projects, which collectively include an estimated 211 affordable housing units (the "**Projects**");

AND WHEREAS the total estimated cost of the Projects is \$98,916,000, which is anticipated to be funded based on the following estimates: (i) \$21,500,000 borrowed, as contemplated under this Bylaw; (ii) \$18,702,060 in provincial and federal grants; and (iii) \$58,713,940 in capital or cash infusion by The City;

AND WHEREAS The City is subject to the MGA, which provides in Section 251(1) that The City may only make a borrowing if such borrowing is authorized by a borrowing bylaw;

AND WHEREAS The City has established a Debt Policy, which provides, among other things, that the issuance of any new debt by The City be approved by Council in accordance with the MGA;

AND WHEREAS Council wishes to pass this Bylaw pursuant to Section 251 of the MGA and the Debt Policy to authorize borrowing(s), all at once or from time to time and by way of the Financing Options, up to the Principal Amount for the purpose of financing the Projects;

AND WHEREAS the term of any borrowing authorized under this Bylaw will not exceed the probable (useful) lifetime of the completed Project to which the borrowing relates;

AND WHEREAS The City is, as of the date hereof, within its Debt Limit, and the borrowing(s) contemplated in this Bylaw will not cause The City to exceed its Debt Limit.”

- c. By replacing Sections 1 through to and including Section 5 in their entirety with the following Sections 1 through 3.

“1. DEFINITIONS

In this Bylaw, including in the preamble, the following capitalized terms have the following meanings, respectively:

- (a) “*Bylaw*” means this borrowing bylaw number 7B2020, as amended;
- (b) “*Charter*” means the *City of Calgary Charter, 2018 Regulation, Alta Reg 40/2018*;
- (c) “*Council*” means the municipal Council of The City of Calgary;
- (d) “*Debt Capital Markets Program*” means The City’s debt capital markets and private placement program established pursuant to Bylaw 10B2023;
- (e) “*Debt Limit*” means the debt limit of The City, as determined from time to time in accordance with the MGA and the Debt Policy;
- (f) “*Debt Policy*” means The City’s Debt Policy CP2020-05, as adopted by Council on 2020 November 02, and made effective on 2021 January 01;

- (g) “*Financing Options*” means the potential sources of financing for any borrowing made pursuant to this Bylaw, including: (i) the Province of Alberta; (ii) other lenders; and/or (iii) the issuance of debt in the capital markets or private placements under The City’s Debt Capital Markets Program;
- (h) “*MGA*” means the *Municipal Government Act*, R.S.A. 2000 c. M-26, as amended by the Charter;
- (i) “*Principal Amount*” means the maximum principal amount of Twenty-One Million Five Hundred Thousand (\$21,500,000) Dollars to be borrowed pursuant to this Bylaw;
- (j) “*Projects*” has the meaning ascribed to that term in the preamble of this Bylaw; and
- (k) “*The City*” means the municipal corporation of The City of Calgary.

2. INTERPRETATION

In this Bylaw, any reference to a statute, rule, regulation, bylaw, policy or program means and includes that statute, rule, regulation, bylaw, policy or program, as may be amended, amended and restated, supplemented or replaced from time to time, and in the case of a statute, it includes any rules and regulations passed thereunder.

3. BORROWING

- (a) The City is hereby authorized to borrow all at once or from time to time up to the Principal Amount to finance the Projects using any one or more of the Financing Options.
- (b) The Chief Financial Officer of The City, or any delegate of the Chief Financial Officer, is hereby authorized to negotiate, approve, execute and deliver any such agreements, instruments (including negotiable instruments), certificates, notes 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 any borrowing contemplated in this Bylaw and performing The City’s obligations under any associated agreements, instruments, certificates, notes or other documents.
- (c) Any borrowing contemplated in this Bylaw shall be repayable over a term that will not exceed the probable (useful) lifetime of the completed Project to which it relates, which term shall not exceed a maximum of thirty (30) years from the date of advance of the applicable borrowing.
- (d) Any borrowing contemplated in this Bylaw shall be repayable in accordance with one or more of the following repayment structures:
 - i. installments of principal and interest, as and when due, throughout its term;
 - ii. interest only installments, as and when due, followed by payment of the

outstanding principle at maturity;

iii. as required by the applicable lender or lenders under the Financing Options; or

iv. as established in accordance with the Debt Capital Markets Program,

with interest on outstanding amounts due from time to time, not exceeding 8% per annum.

- (e) The source or sources of repayment of principal and interest and any other amounts incurred in connection with any borrowing made under this Bylaw shall be City revenues and taxes, user fees, levies, the proceeds from the sale of any assets and funds from other sources. In the event of any revenue deficiency, The City shall levy and raise municipal taxes sufficient to repay any such amounts.
- (f) The net amount borrowed under this Bylaw shall be applied to the purposes specified in this Bylaw, which may also include: (i) repaying, redeeming or refinancing any amounts previously borrowed under this Bylaw; or (ii) replenishing cash assets or financial resources of The City that have previously been used, expended or advanced for any of the Projects, including any fees or other costs of funds associated with the use of such cash assets or financial resources.
- (g) If any borrowing associated with this Bylaw is carried out under the Debt Capital Markets Program, all additional authorities and powers granted under such program will also apply in respect of the borrowing made under this Bylaw.”
 - a. By altering the numbering arrangement of provisions such that Sections 6 and 7 become Sections 4 and 5, respectively;

and in all other respects, Bylaw Number 7B2020 shall remain in full force and effect.

4. COMING INTO FORCE

This Bylaw comes into force on the day it is passed.

READ A FIRST TIME THIS ___ DAY OF _____, 2025.

READ A SECOND TIME THIS ___ DAY OF _____, 2025.

READ A THIRD TIME THIS ___ DAY OF _____, 2025.

MAYOR
SIGNED ON _____

CITY CLERK
SIGNED ON _____