

Authority: Policy and Finance Committee Report No. 2, Clause No. 8,
as adopted by City of Toronto Council on February 13, 14 and 15, 2002
Enacted by Council: February 15, 2002

CITY OF TORONTO

BY-LAW No. 52-2002

To authorize agreements respecting the issue and sale of debentures.

WHEREAS section 102 of the *City of Toronto Act*, 1997 (No. 2) provides that when the Council of the City of Toronto or the Municipal Board has authorized the City to borrow money and issue debentures for its purposes, including the purposes of any former area municipality, the former municipality called The Municipality of Metropolitan Toronto, and a board of education, Council may, by by-law, authorize the Mayor and Treasurer, at any time in the year in which the by-law is passed, and subject to such terms and conditions as the by-law specifies, to enter into an agreement or agreements, with any person or persons, for the issue and sale of debentures upon such terms and conditions including price or prices, as the Mayor and Treasurer consider expedient; and

WHEREAS subsection 146(2) of the *Municipal Act* (“the Act”) permits such municipalities as may be prescribed by provincial regulation to issue debentures expressed and payable in such foreign currencies as may be prescribed provided that the prescribed conditions are satisfied; and

WHEREAS subsection 146(7) of the Act permits such municipalities as may be prescribed by provincial regulation to enter into prescribed agreements to minimize costs or counteract the risk associated with issuing its debentures in any currency due to fluctuations in interest rates or fluctuations in rates of exchange between the Canadian dollar and other currencies provided that the prescribed conditions are met; and

WHEREAS subsection 149.1(2) of the Act permits prescribed municipalities to pass a by-law for the issue of debentures providing for a variable rate of interest and for the payment of other amounts, subject to the rules prescribed by provincial regulation; and

WHEREAS the City of Toronto is a prescribed municipality for the purposes of subsections 146(2), 146(7) and 149.1(2) of the Act, by virtue of Ontario Regulation 247/01.

The Council of the City of Toronto HEREBY ENACTS as follows:

1. The Mayor and Treasurer are authorized to enter into an agreement or agreements with a purchaser or purchasers, during the year 2002 for the sale and issue of debentures upon such terms and conditions including price or prices as they deem expedient to provide an amount not exceeding \$500,000,000.00 for the purposes of the City of Toronto, including:
 - (a) the purposes of any former area municipality;
 - (b) the purposes of the former municipality called The Municipality of Metropolitan Toronto; and

- (c) the permanent improvement of a school board which exercises jurisdiction in all or part of the City of Toronto provided the provisions of subsections 123(2) to (5) inclusive of the Act have been complied with in respect of each such permanent improvement.
2. Any agreement or agreements entered into under the authority contained in section 1 may provide that the debentures to be issued may be expressed and be payable in lawful money of Canada or in such foreign currency as may be prescribed by provincial regulation and such agreements may include any additional agreement, as described in any applicable legislation, to minimize costs or counteract the risk associated with the issuing of debentures due to fluctuations in interest rates or fluctuations in rates of exchange between the Canadian dollar and other currencies.
3. Any agreement or agreements entered into under the authority contained in section 1 may provide that the debentures to be issued, to the extent permitted by applicable law, may provide for a variable rate of interest, for the payment of other amounts, and may include any additional authorized agreements.
4. The Mayor and Treasurer are authorized to apply on behalf of the City of Toronto to any regulatory body in Canada or outside Canada for any approvals required in connection with any such agreement or agreements or for the issue and sale of debentures thereunder.
5. Where the Mayor and the Treasurer have entered into an agreement or agreements in accordance with section 1, the Treasurer shall report the terms of the agreement(s) to Council not later than the second regular Council meeting next following the entering into of such agreement(s).

ENACTED AND PASSED this 15th day of February, A.D. 2002.

CASE OOTES,
Deputy Mayor

ULLI S. WATKISS
City Clerk

(Corporate Seal)