

Authority: Executive Committee Item 38.1, adopted as amended,  
by City of Toronto Council on December 8, 2009

Enacted by Council: December 8, 2009

## **CITY OF TORONTO**

### **BY-LAW No. 1264-2009**

#### **To authorize agreements respecting the issue and sale of debentures for the year 2010.**

WHEREAS section 7 of the *City of Toronto Act, 2006* (the “Act”) provides that the City has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act; and

WHEREAS subsection 8(2) of the Act provides that the City may pass by-laws respecting the financial management of the City and its local boards; and

WHEREAS, paragraph 1 of section 245 of the Act provides that, without limiting sections 7 and 8 of the Act, those sections of the Act authorize the City to undertake financial activities related to borrowing and investing money in accordance with such conditions and restrictions as may be prescribed; and

WHEREAS Ontario Regulation 610/06 (the “Regulation”) provides that the City may for its purposes borrow money to obtain or provide long-term financing for any capital work by, amongst other means, issuing debentures; and

WHEREAS the Regulation provides that such debentures may provide for variations in the rate of interest or classes of rate of interest in accordance with the conditions prescribed by the Regulation; and

WHEREAS pursuant to City of Toronto Municipal Code Chapter 30, Debenture Committee, City Council has delegated to the Debenture Committee the authority to approve debenture issues and to enact the requisite borrowing by-laws; and

WHEREAS City Council wishes to delegate to the Mayor and the Deputy City Manager and Chief Financial Officer the power to enter into an agreement, or agreements, with a purchaser or purchasers for the sale and issuance of the City’s debentures in 2010 and in an amount not to exceed \$700 million;

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

1. The Mayor and Deputy City Manager and Chief Financial Officer are authorized to enter into an agreement or agreements with a purchaser or purchasers, during the year 2010 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 \$700,000,000.00 for the City’s purposes, including purposes of the former Municipality of Metropolitan Toronto.
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 and the Mayor and Deputy City Manager and Chief Financial Officer are authorized to enter into any additional agreements, as described in the Regulation, to

provide for the reduction of interest rate risk with respect to all or a portion of the interest payable under the debentures, to provide for the reduction of currency risk with regard to the entire amount of principal and interest payable under the debentures or to minimize the cost or risk associated with the debentures due to fluctuations in interest rates.

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 Deputy City Manager and Chief Financial Officer 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 Deputy City Manager and Chief Financial Officer have entered into an agreement or agreements in accordance with section 1, the Deputy City Manager and Chief Financial Officer shall report the terms of the agreement to the Debenture Committee for approval, and the Deputy City Manager and Chief Financial Officer shall report the terms of any such agreements approved by the Debenture Committee to City Council for information once every calendar year for Council's information.

ENACTED AND PASSED this 8th day of December, A.D. 2009.

SANDRA BUSSIN,  
Speaker

ULLI S. WATKISS  
City Clerk

(Corporate Seal)