

BILL

No. 2 of 1944.

An Act to amend the Acts and Ordinances constituting the
Charter of the City of Calgary.

(Assented to _____, 1944.)

WHEREAS the City of Calgary has prayed for certain amendments to Ordinance 33 of 1893, of the North-West Territories and amendments thereto;

And whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Alberta enacts as follows:

Ordinance 33 of 1893, North-West Territories and amendments thereto is hereby amended as follows:

1. By adding the following proviso at the end of section 42 thereof:

“Provided that the Council may in each year during the continuance of the present War, and for one year thereafter, including the year 1944, by levy or otherwise, create and accumulate a fund to cover the cost of unspecified municipal works or delayed public improvements within the City, including the construction, maintenance and repair of buildings, bridges or highways, and also including new housing accommodation and equipment replacements, the said works and improvements to be undertaken before or after the conclusion of the present War as the Council may from time to time determine.”

2. As to section 94 thereof,—

(1) By deleting the words “during the month of June in such year”, where said words occur in the eleventh and twelfth lines of subsection (e) of said section 94, and substituting therefor the following: “during the period from the 1st day of January to the 15th day of September in each year at such times when the said City Clerk’s office is open to the public.”

(2) By deleting the words “during the month of June of each year”, where the said words occur in the sixteenth line of subsection (e) of said section 94, and substituting therefor the following: “during the period from the 1st day of January to the 15th day of September in each year at such times when the said City Clerk’s office is open to the public.”

(3) By repealing subsection (m) of said section 94.

3. As to subsection 49 of section 117 thereof by inserting between the words "inspection of same" and "and for seizure", where they occur in the said subsection 49, the following: "and for imposing and collecting fees for such inspection."

4. As to section 209 thereof,—

(1) By inserting between the words "Calgary" and "and", where the said words occur in the sixth line of the opening paragraph thereof, the words "or to redeem in advance of the maturity date thereof any redeemable debentures, stock or other securities of the City from time to time outstanding".

(2) By inserting between the words "in" and "and", where the said words occur in the ninth line of the opening paragraph thereof, the words "or redeemed".

(3) By adding after the words "bought in", where they occur at the end of the opening paragraph thereof, the words "or redeemed".

(4) By inserting between the words "buying in" and "of such", where said words occur in the second line of subsection (b) thereof, the words "or redeeming".

(5) By inserting between the words "bought in" and "shall", where the said words occur in the second line of subsection (c) thereof, the words "or redeemed".

(6) By inserting between the words "bought in", and "and cancelled", where the said words occur in the fourth and fifth lines of said subsection (c) thereof, the words "or redeemed".

(7) By inserting between the words "bought in" and "and cancelled", where the said words occur in the eleventh line of said subsection (c) thereof, the words "or redeemed".

(8) By inserting between the words "buying in" and "any debentures", where the said words occur in the fourteenth line of said subsection (c) thereof, the words "or redeeming".

(9) By inserting between the words "bought in" and "and", where the said words occur both in the nineteenth and twentieth lines of said subsection (c) thereof, the words "or redeemed".

5. By adding the following as section 209a thereof:

"209a.—(1) In addition to all other powers contained in the Calgary Charter the Council of the City may from time to time, and at any time or times, pass by-laws without the assent of the ratepayers, to authorize the issue and sale of new debentures in such amount or amounts, bearing such rate or rates of interest, payable in such manner and in such currency or currencies, and at such place or places, and at such time or times, all as the Council may deem expedient, to realize moneys for the purpose of enabling the City to purchase or redeem in advance of maturity thereof the whole or any part or parts of "The New Debentures" issued

pursuant to Order No. 8315 of the Board of Public Utility Commissioners of the Province of Alberta, dated the 24th day of November, A.D. 1937. (For the purpose of clarity the expression 'the new debentures', referred to in the said Order No. 8315 shall hereinafter and throughout this section be referred to as 'the 1937 debentures'.) Any such by-law or by-laws may be passed, and any such new debentures may be issued and sold either before or after arrangements are made for the purchase or redemption of the 1937 debentures to be purchased or redeemed with the moneys realized from such new debentures, and in determining the amount of new debentures to be issued and sold at any time the Council need not take into account the moneys or assets, if any, which may be held by the Sinking Fund Trustees of the City of Calgary in respect of the 1937 debentures, or any of them.

"(2) The net amount realized by the issue and sale of new debentures issued under any by-law passed pursuant to this section 209a shall be applied in the purchase or redemption of the 1937 debentures issued pursuant to the said order in the manner provided in this subsection (2), namely:

"(a) Subject to the provisions of paragraph (b) of this subsection (2) such net amount shall be paid to the Sinking Fund Trustees as 'other moneys' referred to in section 14 of the said order, and the amount so paid shall be used by the said Trustees in the manner provided in Section 13 of said order, namely:

"(i) The purchase in the open market or by private or public tender of the 1937 debentures at a price not greater than face value and accrued interest;

"(ii) The redemption on any interest date at face value and accrued interest of the 1937 debentures as the Sinking Fund Trustees may choose by lot. In choosing by lot under this clause the 1937 debentures shall be redeemed in the order of the maturity of the old debentures for which they have been exchanged, all in accordance with the provisions set forth in the said section 13 of the said order.

"(b) At the option of the Council such net amount or any part thereof may be applied by the City itself in the redemption of the 1937 debentures called for redemption by the City in accordance with the provisions of section 15 of said order, and the Council shall have the rights of redemption set out in said section 15, namely: In addition to the right of redemption under said section 13 of said order, and provided the City is not in default under any of the provisions of said order, the City shall have the right to call for redemption on any interest date at face value and accrued interest the whole or any part of the 1937 debentures then outstanding, provided, however, that if such a call is made for redemption prior to January 1, 1947, for part only of the outstanding 1937 debentures, the debentures so called shall be chosen by drawing or lot, in such manner as the Sinking Fund Trustees shall determine.

“(3) Nothing herein contained shall in any way affect the provisions of said order relating to the levying of local improvement taxes or the charging and collecting of any sums from the public utilities of the said City.

“(4) The provisions of section 166 of *The Calgary Charter* shall not in any way limit or prevent the issue by the City of new debentures pursuant to the provisions of this section 209a.

“(5) If the permission or authorization of the Board of Public Utility Commissioners of the Province of Alberta under Part IV of *The Public Utilities Act* shall have been given to the issue of debentures under any by-law authorized by this section, every such by-law when finally passed, and every debenture issued thereunder, shall for all purposes be valid and binding upon the City and the ratepayers thereof, and upon the property liable for any rate levied or to be levied to pay the debentures and interest, and the validity of the by-law and every such debenture, and the coupons thereto attached, shall not be open to question on any ground whatsoever.

“(6) In case all the 1937 debentures shall be paid off in advance of maturity whether or not with the moneys realized from the sale of new debentures issued under by-laws passed pursuant to this section, the moneys or assets, if any, which may have been held by the Sinking Fund Trustees of the City of Calgary in respect of such 1937 debentures or any of them shall continue to be held by the Sinking Fund Trustees, and be available for the payment or redemption of any new debentures so issued. Provided, however, that the Council without the assent of the ratepayers may at any time and from time to time direct that such moneys and the proceeds of such assets, or any part or parts thereof, shall be paid over to the City, and be used for one or more capital expenditures, the nature of which shall be set out in such by-laws, and for which it would otherwise be necessary to issue debentures of the City, but in every such case an application shall be made to the Board of Public Utility Commissioners of the Province of Alberta for permission to use such moneys for such purposes. Such application may be made to the said Board in the same manner as applications for permission to raise loans under Part IV of *The Public Utilities Act*, and the Board shall have the same powers of inquiry and authorization as are conferred upon it by said part, and the by-law shall not be finally passed until an order has been made by the said Board granting permission to the proposed use of such moneys.

“(7) The 1937 debentures purchased or redeemed as hereinbefore in this section provided shall be cancelled.

“(8) New debentures may be issued under the authority of this section 209a notwithstanding that the principal amount of new debentures issued at any time may exceed the principal amount of 1937 debentures redeemed or to be redeemed out of the moneys realized from the sale of such new debentures, and notwithstanding that the aggregate

principal amount of new debentures issued, under such authority shall exceed the amount of the 1937 debentures outstanding at the date of the passage of the first by-law passed under such authority. If the net amount realized by the issue of new debentures authorized by this section shall be more than sufficient to purchase or redeem all of the 1937 debentures outstanding, the portion of such net amount not required for such purchase or redemption shall be paid to the Sinking Fund Trustees of the City, and be held available in such manner as the said trustees may determine for the payment or redemption of new debentures issued under the authority of this section."

6. By adding the following as section 209b thereof:

209b.—(1) The Council by by-law authorizing the issue of any debentures, may provide that all or any part of the debentures so authorized shall be redeemed at the option of the City on any date prior to maturity, and in such case the following provisions shall apply.

"(2) The by-law shall specify the place of redemption, and the value at which such debenture may be so redeemed.

"(3) Interest shall be paid to the date set for such redemption and shall cease thereafter to accrue.

"(4) Notice of intention so to redeem shall be sent by post at least thirty days prior to the date set for such redemption, to the person, if any, in whose name the debenture is registered, at the address shown in the register referred to in section 331 of the Charter.

"(5) At least sixty days prior to the date set for such redemption, notice of intention so to redeem shall be published in such other manner as may be set out in the by-law.

"(6) Any debenture issued under such by-law shall bear an endorsement to the effect that they are issued subject to redemption, and such endorsement shall specify the place of redemption, the value at which debentures may be redeemed, and the manner of publication of notice of intention to redeem."

7. As to section 290 thereof by striking out the words "the City Clerk shall in all municipal elections", where the said words occur at the beginning of subsection (1) of said section 290, and substituting therefor the following: "the Council of the City of Calgary may by resolution at any time prior to the 30th day of June direct that in any year the City Clerk shall at the annual municipal election for that year."

8. This Act shall come into force on the day on which it is assented to.

FOURTH SESSION
NINTH LEGISLATURE
8 GEORGE VI
1944

BILL

An Act to amend the Acts and Ordinances constituting the Charter of the City of Calgary.

Received and read the

First time.....

Second time.....

Third time.....

MR. MAHAFFY.

EDMONTON:
A Shnitka, King's Printer
1944