

EC2005-339

PROVINCIAL DEBENTURE ISSUES TO
CANADA PENSION PLAN INVESTMENT BOARD
VARIOUS, MONTHLY
TOTALLING \$5,939,000.00

The Executive Council having under consideration the matter of issuing Provincial Debentures:

WHEREAS by virtue of the *Loan Act* (No. 2) 2004, Stats., P.E.I. 2004, c.8 (the “second *Loan Act* 2004”), and the *Financial Administration Act*, R.S.P.E.I. 1988, Cap. F-9, as amended (the “*Financial Administration Act*”), the Lieutenant Governor in Council is authorized to raise from time to time by way of loan such sum or sums of money as may be deemed expedient for any or all of the purposes mentioned in the said Acts, inter alia, for discharging the cost of carrying on public works authorized by the Legislature and the payment of any indebtedness of the Province, provided that the principal amount of any securities issued and the amount of any temporary loans raised under the authority of these Acts, including any securities issued for the retirement of the said securities or temporary loans, at any time outstanding, shall not exceed in the whole the sum of the second *Loan Act* 2004 - One Hundred Million Dollars (\$100,000,000.00); and

WHEREAS an amount of Sixty-four Million, Four Hundred and Seven Thousand, Five Hundred Dollars (\$64,407,500.00) authorized by Order-in-Council No. EC2005-59 and an amount of Three Million and Thirty-six Thousand Dollars (\$3,036,000.00) authorized by Order-in-Council No. EC2005-150 [REISSUED] have been borrowed under the authority of the second *Loan Act* 2004 and it is deemed expedient to borrow under the said authority, by the rollover and reissue of new five (5) to thirty (30) year Debentures on a monthly basis, in varying amounts, and at various rates of interest to the Canada Pension Plan Investment Board for the purpose of discharging the cost of carrying on public works authorized by the Legislature and the payment, in part, of certain indebtedness of the Province;

THE EXECUTIVE COUNCIL THEREFORE ADVISES THAT under the authority of and pursuant to the provisions of the second *Loan Act* 2004 and the *Financial Administration Act*, the Province may borrow by the issue and sale of Debentures of the Province in the principal amount of Five Million, Nine Hundred and Thirty-nine Thousand Dollars (\$5,939,000.00) over the ten months commencing June 1, 2005 until March 31, 2006 in various amounts, at various interest rates, with interest payments being payable every six months from the date of issuance.

THE EXECUTIVE COUNCIL FURTHER ADVISES THAT the Debentures will be represented by certificates issued directly to the Canada Pension Plan Investment Board on a monthly basis.

THE EXECUTIVE COUNCIL FURTHER ADVISES THAT the principal amounts totalling Five Million, Nine Hundred and Thirty-nine Thousand Dollars (\$5,939,000.00) of the Debentures, the issue whereof is hereby provided for, is and is declared to be necessary to realize the net sum required to be raised by way of

loan pursuant to the said second *Loan Act 2004* and the *Financial Administration Act*.

THE EXECUTIVE COUNCIL FURTHER ADVISES THAT the said interest shall be payable on the new Debentures semi-annually on the issue dates and six months later for each individual Debenture and that both the principal and interest payments on each individual Debenture shall be payable in lawful money of Canada, in the manner provided in the conditions thereon. The first such interest payment shall be made six months from the date of initial issue.

THE EXECUTIVE COUNCIL FURTHER ADVISES that the said Debenture be in substantially the following form:

No. CPP-195-PE05 \$1,394,000.00

Province of Prince Edward Island

THE PROVINCE OF PRINCE EDWARD ISLAND will pay to the Canada Pension Plan Investment Board, on the 2nd day of July 2035, on presentation and surrender of this Debenture, the principal sum of One Million Three Hundred and Ninety-four Thousand Dollars (\$1,394,000.00) in lawful money of Canada, and will pay interest on the said principal sum, in like money from the date of this Debenture until the day of maturity at the rate of Five and Zero Hundredths per cent (5.0%) per annum payable semi-annually on the 2nd day of July and on the 2nd day of January in each year. Such principal and interest are payable in the City of Toronto.

This debenture is issued pursuant to, and governed by, the letter agreement dated July 1, 2005 attached hereto, the terms of which letter as they relate to this debenture being hereby incorporated by reference and thereby forming part hereof.

The Province of Prince Edward Island may, at its option and upon giving written notice to the Canada Pension Plan Investment Board in accordance with the terms set out in the letter agreement dated July 1, 2005, on or before the 6th business day prior to the Maturity Date, and at the expiration of each additional term of not less than 5 years from the initial Maturity Date, extend the maturity date of this Debenture for a minimum term of not less than 5 years, up to and including July 2nd, 2035 (the "Final Maturity Date"), at the interest rate calculated on the basis set out the letter agreement dated July 1, 2005, in respect of the relevant extension period, but in no event beyond the Final Maturity Date.

The principal moneys secured by this Debenture are raised upon the credit of the Operating Fund of Prince Edward Island and the said principal moneys and the interest thereon are hereby charged on and shall be paid out of the said Fund.

This Debenture is not negotiable or transferable and is assignable only to a wholly-owned subsidiary of the Canada Pension Plan Investment Board.

This Debenture is issued under authority of the *Financial Administration Act*, R.S.P.E.I. 1988, Cap. F-9, as amended, and of an Order of the Lieutenant Governor in Council.

DATED AT Charlottetown in the Province of Prince Edward Island this 2nd day of July 2005.

SIGNED AND SEALED on behalf of the
Province of Prince Edward Island

Paul Jelley
Deputy Provincial Treasurer

Doug Clow, C.A.
Director of Fiscal Management

EC2005-340

ROLLOVER OF PROVINCIAL DEBENTURE ISSUES

Further to the immediately preceding Order-in-Council No. EC2005-339 dated this date and entitled "Provincial Debenture Issues to Canada Pension Plan Investment Board" in the matter of the issuance of Five Million, Nine Hundred and Thirty-nine Thousand Dollars (\$5,939,000.00) in the form of eight Province of Prince Edward Island Debentures in the amounts and at the rates (only insofar as they are now known) listed below, Council agreed to reissue/rollover said debentures.

Present Maturity Date	Present CPP Principal	Present Interest Rate	Rollover Maturity Date	Rollover Principal	Forecast Interest Rate	Annual Interest Savings
01-Jun-2005	\$ 0	0.000%	01-Jun-2035	\$ 0	5.000%	\$ 0.00
02-Jul-2005	\$1,394,000	10.860%	02-Jul-2035	\$1,394,000	5.000%	\$ 81,688.40
01-Aug-2005	\$ 792,000	10.990%	01-Aug-2035	\$ 792,000	5.000%	\$ 47,440.80
03-Sept-2005	\$ 734,000	11.290%	03-Sept-2035	\$ 734,000	5.000%	\$ 46,168.60
01-Oct-2005	\$ 652,000	11.120%	01-Oct-2035	\$ 652,000	5.000%	\$ 39,902.40
01-Nov-2005	\$ 420,000	11.220%	01-Nov-2035	\$ 420,000	5.000%	\$ 26,124.00
02-Dec-2005	\$ 237,000	10.800%	02-Dec-2035	\$ 237,000	5.000%	\$ 13,746.00
02-Jan-2006	\$ 457,000	10.580%	02-Jan-2036	\$ 457,000	5.000%	\$ 25,500.60
01-Feb-2006	\$ 0	0.000%	01-Feb-2036	\$ 0	5.000%	\$ 0.00
03-Mar-2006	<u>\$1,253,000</u>	10.720%	03-Mar-2036	<u>\$1,253,000</u>	5.000%	<u>\$ 71,671.60</u>
	\$5,939,000			\$5,939,000		\$352,242.40

Delivery of the above-noted debentures will be against delivery of the maturing debentures by the Canada Pension Plan. All future payments of principal and interest will be made at the Canada Pension Plan Investment Board Offices in Toronto either electronically or in the form of cheques in lawful money of Canada.

EC2005-341

ELECTION ACT
RETURNING OFFICERS
TO APPOINT

Pursuant to section 9 of the *Election Act* R.S.P.E.I. 1988, Cap. E-1.1 Council made the following appointments, effective 28 June 2005:

NAME	ELECTORAL DISTRICT	VICE
Florence M. Sutherland Little Pond	3 (Georgetown-Baldwin's Road)	Donalda MacDonald, resigned
Jessie E. McCrady Clyde River	17 (Crapaud-Hazel Grove)	Charles A. Frizzell, resigned
Claire C. Lockhart Bedeque	19 (Borden-Kinkora)	Kathy Montgomery, moved from the district
Tara L. Brown Summerside	22 (St. Eleanors-Summerside)	David H. MacPhee, deceased

EC2005-342

EXECUTIVE COUNCIL ACT
PROVINCIAL TREASURER
AUTHORITY TO ENTER INTO AN AGREEMENT
(CANADA-PRINCE EDWARD ISLAND
RECIPROCAL TAXATION AGREEMENT)
WITH THE
GOVERNMENT OF CANADA

Pursuant to clause 10(a) of the *Executive Council Act* R.S.P.E.I. 1988, Cap. E-12 Council authorized the Provincial Treasurer to enter into an agreement with the Government of Canada, as represented by the Minister of Finance, under which each party will bear or pay the taxes and fees imposed by the other party, such as more particularly described in the draft agreement.

EC2005-343

EXECUTIVE COUNCIL ACT
MINISTER OF EDUCATION
AUTHORITY TO ENTER INTO AN AGREEMENT
(SCHOOLNET CONTRIBUTION AGREEMENT
RE COMPUTERS FOR SCHOOLS PROGRAM)
WITH
INDUSTRY CANADA

Pursuant to clause 10(a) of the *Executive Council Act* R.S.P.E.I. 1988, Cap. E-12 Council authorized the Minister of Education to enter into an agreement with the Government of Canada, as represented by the Minister of Industry, to continue for the 2005-06 fiscal year, the Computers for Schools Program in Prince Edward Island, such as more particularly described in the draft agreement.

EC2005-344HEALTH AUTHORITIES' EMPLOYEES ACT
DECLARATION RE

Under authority of section 21 of the *Health Authorities' Employees Act* Stats. P.E.I. 2005, 2nd Session, c. 41, Council ordered that a Proclamation do issue proclaiming the said "*Health Authorities' Employees Act*" to come into force effective 28 June 2005.

EC2005-345LABOUR ACT
DEPARTMENT OF HEALTH AND SOCIAL SERVICES
DECLARATION

Under authority of clause 7(1)(i) of the *Labour Act*, R.S.P.E.I. 1988, Cap. L-1, Council declared the Department of Health and Social Services to be an employer within the meaning of Part I of the *Labour Act* with respect to the employees and positions at a health authority represented by

- the Prince Edward Island Union of Public Sector Employees,
- the International Union of Operating Engineers (Local 942),
- the Canadian Union of Public Employees (Locals 805, 1051, 1778, and 1779),
- the Prince Edward Island Nurses Union,

and who were transferred to the Department pursuant to section 4 of the *Health Authorities' Employees Act*, Stats. P.E.I. 2005, c. 41.

This Order shall remain in effect with respect to any successor department(s) to the Department of Health and Social Services.

This Order-in-Council is effective 28 June 2005.

EC2005-346PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PROPERTY NO. 249748, LOT 67, QUEENS COUNTY
IDENTIFICATION FOR NON-DEVELOPMENT USE
AMENDMENT

Pursuant to subsection 9(2) of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5, Council amended the condition of non-development use made pursuant to section 2 of the Land Identification Regulations (EC606/95) in respect of approximately one hundred and fifteen (115) acres of land, being Provincial Property No. 249748 located in Lot 67, Queens County, Prince Edward Island and currently owned by Webster Farms Inc. of Kinkora, Prince Edward Island.

Council noted that this amendment will enable subdivision of a parcel of land of approximately one (1) acre, and determined that following subdivision, identification for non-development use shall continue to apply to the remaining land.

This Order-in-Council comes into force on 28 June 2005.

EC2005-347

**PRINCE EDWARD ISLAND LANDS PROTECTION ACT
EXEMPTION REGULATIONS
AMENDMENT**

Pursuant to clause 17(1)(b) of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5, Council made the following regulations:

1. The *Prince Edward Island Lands Protection Act Exemption Regulations (EC368/88)* are amended by the addition of the following after section 29:

30. The following properties being acquired by J. D. Irving Limited and located in various parts of the province as indicated and totalling approximately 37.76 acres, are exempt from the application of section 5 of the Act: J. D. Irving Limited

(a) properties at Bloomfield, in Lot 5, owned by Christopher Montigny totalling approximately 10 acres, having Provincial Property Numbers 37424 and 677930;

(b) properties or portions of properties on the Malpeque Road and the Charlottetown Perimeter Highway, in Lot 72, owned by Pan-American Trust Company or 100209 P.E.I. Inc. totalling approximately 13.98 acres, having Provincial Property Numbers 388223, 388231, 388249 and 889428;

(c) properties or portions of properties at Summerside, in Lot 17, owned by Enterprise Venture Group Inc. totalling approximately 13.78 acres, having Provincial Property Numbers 71191 and 663211.

2. These regulations come into force on June 28, 2005.

EXPLANATORY NOTES

These amendments to the regulations exempt the properties listed from section 5 of the *Prince Edward Island Lands Protection Act*.

EC2005-348

**PRINCE EDWARD ISLAND LANDS PROTECTION ACT
STATEMENT OF REASONS
FOR AN EXEMPTION
IN RESPECT OF THE ACQUISITION OF LAND
BY
J.D. IRVING LIMITED**

Pursuant to subsection 17(2) of the *Prince Edward Island Lands Protection Act*, R.S.P.E.I., Cap. L-5, Council authorized the following statement to be tabled in the Legislative Assembly:

STATEMENT

1. Description of the undertaking in respect of which the exemption was granted:

The exemption from the application of section 5 of the Act was granted in respect of the acquisition of lands totalling approximately 37.76 acres located in:

Bloomfield - Lot 5, portions of Provincial Property Nos. 37424 and 677930

Charlottetown - Lot 72, Provincial Property Nos. 388223 and 388231 and portions of Nos. 388249 and 889428

Summerside - Lot 17, portions of Provincial Property Nos. 71191 and 663211

2. Reasons for exemption:

The exemption was granted to enable J.D. Irving Limited to acquire the above noted lands. Approval of the acquisitions was based on the following factors:

(a) the granting of the exemption will enable the applicant corporation to complete the land transactions within the time frame established by the parties involved;

(b) the commitment of J.D. Irving Limited to expand the Schurman hardware retail operations across the province;

(c) the significance to the provincial economy of the proposed construction projects; and

(d) the commitment of J.D. Irving Limited to dispose of land from within its own land holdings or the Irving corporate land holdings, equal to the total amount of land being acquired by J.D. Irving Limited as described in the *Prince Edward Island Lands Protection Act Exemption Regulations* amendment EC2005-347, the result of which is no net increase in Irving corporations' aggregate land holdings in the province. Further, such disposition shall occur following consultation with and at the direction of the Province of Prince Edward Island.

The exemption was granted by way of an amendment to the *Prince Edward Island Lands Protection Act Exemption Regulations*, issued as Order-in-Council EC2005-347 on the 28th day of June 2005, a copy of which is attached to this statement.

EC2005-349

MUNICIPALITIES ACT
TOWN OF KENSINGTON
EXTENSION OF MUNICIPAL BOUNDARY
(APPLICATION TO ANNEX
PART OF PROVINCIAL PROPERTY NO. 762559)
APPROVED

Having under consideration an application from the Town of Kensington presented pursuant to section 12 of the *Municipalities Act* R.S.P.E.I. 1988, Cap. M-13 to extend its boundaries to include approximately seventeen (17) acres of Provincial Property No. 762559, for which no municipal government is provided under the said Act, Council having under consideration the recommendation of the Island Regulatory and Appeals Commission and under authority of subsection 14(2) of the aforesaid Act, approved the application and ordered that the boundaries of the Town of Kensington be extended to annex approximately seventeen (17) acres of Provincial Property No. 762559 as aforesaid, effective 28 June 2005, in accordance with the said application, and as indicated on a plan filed in the Registry Office for Prince County by the Minister of Community and Cultural Affairs pursuant to subsection 2(1) of the *Municipal Boundaries Act* R.S.P.E.I. 1988, Cap. M-11.

EC2005-350

PUBLIC DEPARTMENTS ACT
DEPARTMENT OF HEALTH AND SOCIAL SERVICES
ASSISTANT DEPUTY MINISTER - APPOINTMENT
WILLIAM G. HARPER
(TO RESCIND)

Council, having under consideration Order-in-Council EC1998-504 of 31 July 1998, rescinded the said Order, thus rescinding the appointment of William G. Harper (retired) as Assistant Deputy Minister of Health and Social Services, effective June 18, 2005.