

# CITY OF HAMILTON

## MOTION

Council: December 16, 2020

**MOVED BY COUNCILLOR J. P. DANKO.....**

**SECONDED BY MAYOR / COUNCILLOR.....**

**Amendments to Item 1 of the General Issues Committee Report 19-019, respecting Report PW19083/FCS18048 - Investing in Canada Infrastructure Program – Public Transit Stream Grant Program**

WHEREAS, Transit staff have been advised by the Ministry of Transportation Ontario that one of the projects, PRESTO Device Refresh at a cost of \$5M, in the Investing in Canada Infrastructure Program (ICIP) submission is not eligible for funding; and,

WHEREAS, the Transit Division has received a payment arrangement from the Province of Ontario for the PRESTO equipment being installed by November 27, 2020 for an estimated cost of \$4,500,000, inclusive of non-recoverable taxes, and are required to make four equal payments of \$1,125,000, which are required in 2021 (December 31, 2020, March 31, 2021, June 30, 2021 and September 30, 2021).

THEREFORE BE IT RESOLVED:

- (a) That Appendix “A” to Item 1 of the General Issues Committee Report 19-019, respecting Report PW19083/FCS18048 - Investing in Canada Infrastructure Program – Public Transit Stream Grant Program (attached hereto), which was approved by Council on October 9, 2019, be **amended** by deleting the current funding strategy for the PRESTO Device Refresh and replacing it with the following:

Total 2020 Gross Amount:       ~~\$5,000,000~~ to **\$4,500,000**  
 Federal Contribution: ~~\$2,000,000 (40%)~~ to **\$0**  
 Provincial Contribution: ~~\$1,666,500 (33.33%)~~ to **\$0**  
 City Debt **Reserves (110023)** Contribution: ~~\$1,333,500 (26.67%)~~ to **\$4,500,000**

- (b) That sub-section (a) to Item 1 of the General Issues Committee Report 19-019, respecting Report PW19083/FCS18048 - Investing in Canada Infrastructure Program – Public Transit Stream Grant Program, be **amended**:
- (i) by adding the words “**as amended**”;
  - (ii) by adding the words “**as per the Ministry of Transportation Ontario’s approval**”;

- (iii) by deleting the dollar amount of \$374,684,401 and replacing it with the dollar amount of **\$370,984,500**;
- (iv) by deleting the dollar amount of \$510,911,000 and replacing it with the dollar amount of **\$505,911,000**;
- (v) by deleting the words “submission for consideration by the Ministry of Transportation Ontario”; and
- (vi) by adding the words “**and as the Province of Ontario’s approval of the City of Hamilton’s contribution to the PRESTO Device Refresh in the amount of \$4,500,000, inclusive of non-recoverable taxes**”, to read as follows:
  - (a) That the projects listed in Appendix “A”, **as amended**, attached to Report 19-019, be approved **as per the Ministry of Transportation Ontario’s approval** of the City of Hamilton’s projects ~~submission for consideration by the Ministry of Transportation Ontario~~ for the requested funding amount of ~~\$374,684,401~~ **\$370,984,500** for projects with a total project cost of ~~\$510,911,000~~ **\$505,911,000**, in accordance with the terms and conditions associated with the Investing in Canada Infrastructure Program (ICIP), Public Transit Stream; **and as the Province of Ontario’s approval of the City of Hamilton’s contribution to the PRESTO Device Refresh in the amount of \$4,500,000, inclusive of non-recoverable taxes**;
- (c) That sub-sections (b), (d), (i), (j), (k), (l) and (m), be amended by adding the words “**as amended**” after the words “Appendix “A””;
- (d) That sub-section (k) be further amended by deleting the dollar amounts of \$83,611,200 and replacing it with the dollar amount of **\$82,277,000**; and, by deleting the dollar amount of \$48,410,200 and replacing it with the dollar amount of **\$47,067,000**, to read as follows:
  - (k) That the General Manager, Finance and Corporate Services, be authorized to negotiate and confirm the terms and placement of all debenture issue(s), and/or private placement debenture issue(s), in either a public or private market and/or bank loan agreements and debenture issue(s) and/or variable interest rate bank loan agreements and debenture issue(s), in an amount not to exceed ~~\$83,611,200~~ **\$82,277,000** Canadian currency for capital projects for Investing in Canada Infrastructure Program, Public Transit Stream as attached in Appendix “A”, **as amended**, to Report 19-019, which includes ~~\$48,410,200~~ **\$47,067,000** in Tax Supported municipal debt and \$35,210,000 in Tax Supported Development Charges municipal debt;
- (e) That sub-section (l) be further amended by adding the words “**and any agreements related to PRESTO Device Refresh**”, to read as follows:

- (l) That the Mayor and City Clerk be authorized and directed to enter into and/or execute, on behalf of the City of Hamilton, all agreements and necessary ancillary documents required for Investing in Canada Infrastructure Program, Public Transit Stream, as attached in Appendix "A" , **as amended**, to Report 19-019 **and any agreements related to PRESTO Device Refresh** including those required to secure and confirm the terms and issuance of any required debenture issue(s), with content acceptable to the General Manager, Finance and Corporate Services, and in a form satisfactory to the City Solicitor; and,

Main Motion, **As Amended**, to read as follows:

**1. Investing in Canada Infrastructure Program – Public Transit Stream Grant Program (PW19083/FCS18048(a)) (City Wide) (Item 9.1)**

- (a) That the projects listed in Appendix "A" , **as amended**, attached to Report 19-019, be approved **as per the Ministry of Transportation Ontario's approval** of the City of Hamilton's projects for the requested funding amount of **\$370,984,500** for projects with a total project cost of **\$505,911,000**, in accordance with the terms and conditions associated with the Investing in Canada Infrastructure Program (ICIP), Public Transit Stream; **and as the Province of Ontario's approval of the City of Hamilton's contribution to the PRESTO Device Refresh in the amount of \$4,500,000, inclusive of non-recoverable taxes;**
- (b) That Investing in Canada Infrastructure Program, Public Transit Stream Project Financing Strategy, as detailed in Appendix "A" , **as amended**, attached to Report 19-019, be approved;
- (c) That the Mayor and Clerk be authorized and directed to execute all necessary documentation, including Funding Agreements to receive funding under Investing in Canada Infrastructure Program, Public Transit Stream with content satisfactory to the General Manager of Public Works and in a form satisfactory to the City Solicitor;
- (d) That staff be authorized and directed to tender and implement projects contained in Appendix "A" , **as amended**, attached to Report 19-019 upon execution of a Transfer Payment Agreement between the City of Hamilton and Her Majesty the Queen in right of Ontario as represented by the Minister of Transportation for the Province of Ontario to Receive Funding Investing in Canada Infrastructure Program, Public Transit Stream;
- (e) That the Director of Transit be authorized and directed to submit future project amendments that may be required to Infrastructure Canada and the

Province of Ontario provided that such amendments are acceptable to the General Manager of Public Works and that no amendment shall result in the City's maximum funding share being exceeded;

- (f) That the operating budget and staffing full time equivalent (FTE) impacts related to approved ICIP projects, as shown in Appendix "B" attached to Report 19-019, be incorporated in the Tax Supported Operating Budget for the appropriate fiscal year;
- (g) That where required to give effect and authorize the signing of a Transfer Payment Agreement between the City of Hamilton and Her Majesty the Queen in right of Ontario as represented by the Minister of Transportation for the Province of Ontario, to receive funding under Investing in Canada Infrastructure Program, Public Transit Stream, Legal staff be directed to prepare a By-law in the form satisfactory to the City Solicitor for consideration by Council;
- (h) That where required to give effect and authorize the signing of amendments to the Transfer Payment Agreement between the City of Hamilton and Her Majesty the Queen in right of Ontario as represented by the Minister of Transportation for the Province of Ontario, to receive funding under Investing in Canada Infrastructure Program, Public Transit Stream, Legal staff be directed to prepare By-law(s) in the form satisfactory to the City Solicitor for consideration by Council;
- (i) That the General Manager, Finance and Corporate Services, be authorized and directed to enter into and execute any necessary agreements including any agreements with Infrastructure Ontario's Loan Program to secure the capital funding required for capital projects for Investing in Canada Infrastructure Program, Public Transit Stream, as attached in Appendix "A, **as amended**," to Report 19-019;
- (j) That the General Manager, Finance and Corporate Services, be authorized and directed to enter into and execute any necessary agreements to engage the services of all required persons, agencies and companies to negotiate and confirm the terms and issuance of all necessary debenture issue(s) including, but not limited to, external legal counsel, fiscal agents and financial professionals, to secure the capital funding required capital projects for Investing in Canada Infrastructure Program, Public Transit Stream, as attached in Appendix "A", **as amended**, to Report 19-019;
- (k) That the General Manager, Finance and Corporate Services, be authorized to negotiate and confirm the terms and placement of all debenture issue(s), and/or private placement debenture issue(s), in either a public or private market and/or bank loan agreements and debenture issue(s) and/or variable interest rate bank loan agreements and debenture issue(s), in an amount not to exceed **\$82,277,000** Canadian currency for capital projects for Investing in Canada Infrastructure Program, Public Transit Stream as

attached in Appendix "A", **as amended**, to Report 19-019, which includes **\$47,067,000** in Tax Supported municipal debt and \$35,210,000 in Tax Supported Development Charges municipal debt;

- (l) That the Mayor and City Clerk be authorized and directed to enter into and/or execute, on behalf of the City of Hamilton, all agreements and necessary ancillary documents required for Investing in Canada Infrastructure Program, Public Transit Stream, as attached in Appendix "A", **as amended**, to Report 19-019 **and any agreements related to PRESTO Device Refresh** including those required to secure and confirm the terms and issuance of any required debenture issue(s), with content acceptable to the General Manager, Finance and Corporate Services, and in a form satisfactory to the City Solicitor; and,
- (m) That staff be directed to prepare all necessary By-Law(s) to authorize and implement Investing in Canada Infrastructure Program, Public Transit Stream Projects, as attached in Appendix "A", **as amended**, to Report 19-019 including those By-laws necessary to negotiate, place and secure all required capital funding.