

## Agreements Update

### Staffing Agreement

The Staffing Agreement creates temporary and permanent full-time equivalents (FTEs) for the City to work on the LRT Project, provided there is no levy impact. The Staffing Agreement has been executed by the City Manager pursuant to the delegated authority provided in Report PED21176.

### Communications Protocol

The Communications Protocol sets out the roles of the Ministry of Transportation, Metrolinx, and the City for all communications related to the LRT Project. The Communications Protocol for the pre-procurement phase has been executed by the City Manager pursuant to the delegated authority provided in Report PED21176(a). An update to this protocol for the procurement and construction phases has been recently finalized between the City and Metrolinx. Staff is aiming to bring this updated Communication Protocol for Council's approval in Q1 2025.

### Governance Protocol

The main purpose of the Governance Framework is to identify, escalate and resolve intergovernmental delivery issues affecting delivery of the project. The Governance Protocol has been finalized, and the Council has provided delegated authority to the City Manager to execute pursuant to Report PED21176(a). Staff is aiming to execute this protocol in Q1 2025.

### Real Estate Protocol

The Real Estate Protocol addresses the transfer of lands from the City to Metrolinx, (to build the LRT) and from Metrolinx to the City (for example, for transfer of future road allowances). Council has provided delegated authority to the City Manager to negotiate and execute the Real Estate Protocol pursuant to Report PED21176(a). As of the date of writing this report, the City and Metrolinx are working toward finalizing the Real Estate Protocol, with anticipated execution in Q2 2025.

### Dispute Resolution Protocol

The Dispute Resolution Protocol sets out a process to expedite resolution of disputes with a view to ensuring construction delays are reduced or eliminated. This protocol has been recently finalized between the City and Metrolinx. Staff is aiming to seek Council approval of this protocol in Q1 2025.

### **Municipal Funding Agreement**

The Municipal Funding Agreement (also known as Payment for Services Agreement) sets out the terms which will govern the payments by the City for operation, and non-lifecycle maintenance costs related to the LRT Project. Over the past year, Metrolinx and the City have been working on a Term Sheet which is currently going through an internal approval process. Upon receiving internal approval, staff will seek Council approval of the Term Sheet.

### **Permits, Licenses and Approvals Protocol**

The Permits, Licenses, and Approvals Protocol sets out the provisions applicable to the City’s engagement in design, processing the City’s permits, licences, and approvals pertaining to the LRT Project and the City’s role as regulatory and planning authority related thereto. City staff have supplied Metrolinx with current city-wide requirements on permits, licenses, and approvals. Metrolinx and City staff have recently started working to develop this protocol. When both parties have agreed to the terms of this protocol, staff will seek Council approval for execution.

### **Commissioning and Acceptance Protocol**

The Commissioning and Acceptance Protocol sets out the requirements for commissioning and acceptance of infrastructure owned by the City and the step-by-step process pertaining to such commissioning and acceptance. Metrolinx and City staff have recently started working to develop this protocol. When both parties have agreed to the terms of this protocol, staff will seek Council approval for execution.

### **Fare and Non-Fare Revenue Matters Protocol**

The Fare and Non-Fare Revenue Matters Protocol sets out the fare and certain non-fare revenue to which the City is entitled, in consideration of the City’s obligations for the payment of operations and non-lifecycle maintenance for LRT. City staff is currently awaiting the first draft of this protocol from Metrolinx. When both parties have finalized this protocol, staff will seek Council approval for execution.

### **Municipal Infrastructure Agreement**

The Municipal Infrastructure Agreement sets out the terms applicable to “additional City infrastructure” the City may request Metrolinx build as part of the LRT Project (at the City’s sole expense). This agreement will be developed based on Metrolinx’s standard process, the Third Party Scope Request (TPSR) process, which is being applied to all Metrolinx projects. City staff is currently awaiting the first draft of this agreement from Metrolinx. When both parties have finalized this agreement, staff will seek Council approval for execution.

### **Train Operator Services Agreement**

The Train Operator Services Agreement will outline details pertinent between the City and Metrolinx, subject to the agreement between Metrolinx and the LRT operator when selected. Work on this agreement will begin once the LRT’s operator has been confirmed.

### **Preparatory Activities Agreement (Outside of MOU)**

In addition to the agreements and protocols contemplated in the MOU, Council authorized and directed the Mayor and City Manager to execute a Preparatory Activities Agreement (PAA) pursuant to Report Preparatory Activities Agreement - Hamilton Light Rail Transit (LRT) (PED23050), received by Council on March 22, 2023. The PAA has been executed and outlines the process that obliges the City to deliver certain municipal infrastructure works required before major LRT construction can begin and obliges Metrolinx to fund the required City staffing costs and the actual construction costs for such preliminary infrastructure works. A work authorization form is required prior to commencement of each enabling work project.