



The Municipal Corporation of the Town of Fort Erie

BY-LAW NO. 4-2014

**BEING A BY-LAW TO AUTHORIZE THE ENTRY INTO AND EXECUTION OF
A LETTER OF AGREEMENT WITH HER MAJESTY THE QUEEN IN RIGHT
OF THE PROVINCE OF ONTARIO REPRESENTED BY THE
MINISTER OF TRANSPORTATION UNDER THE DEDICATED
GAS TAX FUNDS FOR PUBLIC TRANSPORTATION PROGRAM**

WHEREAS the Province of Ontario through the Ministry of Transportation has established the Dedicated Gas Tax Funds for Public Transportation Program, and

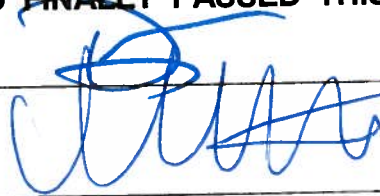
WHEREAS the Ministry of Transportation has advised that the Town of Fort Erie will be eligible to receive an allocation up to One Hundred and Thirty-Five Thousand and Nine Hundred and Ninety-Seven Dollars (\$135,997) for the 2013/2014 interim six-month program year, and

WHEREAS in order to receive the said funds, the Municipality must enter into a Letter of Agreement with the Province of Ontario;

NOW THEREFORE the Municipal Council of the Corporation of the Town of Fort Erie hereby enacts as follows:

1. **THAT** the entry into a Letter of Agreement with Her Majesty the Queen in Right of the Province of Ontario represented by the Minister of Transportation to receive funding in the amount up to One Hundred and Thirty-Five Thousand and Nine Hundred and Ninety-Seven Dollars (\$135,997) under the Dedicated Gas Tax Funds for Public Transportation Program – 2013/2014 interim six-month program year is hereby authorized and approved.
2. **THAT** the Mayor and Director of Financial Services/Treasurer are hereby authorized and directed to execute the Letter of Agreement and to affix the Corporate Seal thereto.
3. **THAT** pursuant to the provisions of Sections 23.1 to 23.5 inclusive of the *Municipal Act, 2001*, as amended, the Clerk of the Town of Fort Erie is hereby authorized to effect any minor modifications or corrections solely of an administrative, numerical, grammatical, semantical or descriptive nature or kind to this by-law or its schedules as such may be determined to be necessary after the passage of this by-law.

**READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 20th DAY OF
JANUARY, 2014.**


MAYOR

CLERK

I, Carolyn J. Kett, the Clerk, of The Corporation of the Town of Fort Erie hereby certifies the foregoing to be a true certified copy of By-law No. 4-2014 of the said Town. Given under my hand and the seal of the said Corporation, this day of _____, 2014.

Ministry of
Transportation

Office of the Minister

Ferguson Block, 3rd Floor
77 Wellesley St. West
Toronto, Ontario
M7A 1Z8
(416) 327-9200
www.mto.gov.on.ca

Ministère des
Transports

Bureau du ministre

Édifice Ferguson, 3^e étage
77, rue Wellesley ouest
Toronto (Ontario)
M7A 1Z8
(416) 327-9200
www.mto.gov.on.ca



December 12, 2013

His Worship Douglas Martin
Mayor
Town of Fort Erie
1 Municipal Centre Drive
Fort Erie, ON L2A 2S6

Dear Mayor Martin,

RE: Letter of Agreement between Her Majesty the Queen in right of the Province of Ontario, represented by the Minister of Transportation for the Province of Ontario (the "Ministry") and Town of Fort Erie (the "Municipality") Related to Funding Provided by the Province of Ontario (the "Province") to the Municipality under the Dedicated Gas Tax Funds for Public Transportation Program (this "Letter of Agreement")

This Letter of Agreement sets out the terms and conditions for the use of dedicated gas tax funds by municipalities for public transportation.

As the Province desires to increase public transportation ridership to support the development of strong communities, the Ministry maintains a Dedicated Gas Tax Funds for Public Transportation Program (the "Program"), under which two cents of the existing provincial gas tax will be provided to municipalities for public transportation expenditures.

Following the passage of the *Dedicated Funding for Public Transportation Act, 2013*, S.O. 2013, c.2, Sched. 3 (the "DFPTA"), on or after April 1, 2013 and without requiring the amounts to be approved by the Legislature each year, a portion of the provincial gasoline tax revenue is now dedicated to the provision of grants to municipalities for public transportation, including those pursuant to the Program. As a consequence, the Ministry is aligning the Program with the provincial fiscal year. For the past nine years the Program has run from October to September. In future, it will run from April to March.

The Program will be for a six-month period to bridge the gap between the end of the 2012-2013 Program on September 30, 2013, and the beginning of the 2014-2015 Program on April 1, 2014.

Any funding to the Municipality by the Ministry will be provided in accordance with the terms and conditions set out in this Letter of Agreement and the enclosed Dedicated Gas Tax Funds for Public Transportation Program Guidelines and Requirements (Interim-Six Month Program) (the "guidelines and requirements").

In consideration of the mutual covenants and agreements contained in this Letter of Agreement and the guidelines and requirements, which have been reviewed and are understood by the Municipality and are hereby incorporated by reference, the Ministry and the Municipality covenant and agree as follows:

1. To support increased public transportation ridership in the Municipality, and in recognition of the Municipality's need for predictable and sustainable funding to support investments in the renewal and expansion of public transportation systems, the Ministry agrees to provide funding to the Municipality under the Program in an amount up to \$135,997 in accordance with, and subject to, the terms set out in this Letter of Agreement, and the guidelines and requirements, with \$67,999 payable on receipt of this signed Letter of Agreement and related authorizing municipal by-law, and any remaining payment(s) payable thereafter.
2. Despite Section 1, the Municipality understands and agrees that any amount payable under this Letter of Agreement may be subject, at the Ministry's discretion, to adjustment to reflect final gas tax receipts and any other adjustments as set out in the guidelines and requirements.
3. If the Municipality receives dedicated gas tax funds on behalf of any other municipality, and the other municipality has agreed to the Municipality collecting the dedicated gas tax funds on its behalf, the Municipality shall provide, upon request and in compliance with the requirements set out in the guidelines and requirements, any applicable municipal by-law and legal agreement between the Municipality and the other municipality providing for such arrangement to the Ministry prior to the payment of any dedicated gas tax funds by the Ministry under this Letter of Agreement.
4. The Municipality shall deposit the funds received under this Letter of Agreement in a dedicated gas tax funds reserve account, and use such funds only in accordance with the guidelines and requirements.

5. The Municipality shall adhere to the reporting and accountability measures set out in the guidelines and requirements, and shall provide all requested documents to the Ministry.
6. The Municipality understands and agrees that the funding provided under this Letter of Agreement represents the full extent of the Ministry's and Province's financial contribution under the Program, and that no additional funds will be provided by either the Ministry or the Province for such purposes to the Municipality for the 2013/2014 Program year.
7. The Ministry may terminate this Letter of Agreement at any time, without cause, upon giving at least sixty (60) days written notice to the Municipality. If the Ministry terminates this Letter of Agreement without cause, it may cancel all further dedicated gas tax funds payments. Where the Ministry has terminated this Letter of Agreement under this Section, the Ministry may, after determining the Municipality's reasonable costs to terminate any binding agreement for any eligible public transportation service acquired, or to be acquired, with dedicated gas tax funds provided under this Letter of Agreement, provide the Municipality with additional funding to offset, in whole or in part, such costs. The additional funding may be provided only if there is an appropriation for this purpose, and in no event shall the additional funding result in the total funding under this Letter of Agreement exceeding the amount specified under Section 1.
8. Any provisions, including those in the guidelines and requirements, which by their nature are intended to survive the termination or expiration of this Letter of Agreement, shall survive its termination or expiration.
9. The Municipality hereby consents to the execution by the Ministry of this Letter of Agreement by means of an electronic signature.

If the Municipality is satisfied with and accepts the terms and conditions of this Letter of Agreement, please secure the required signatures for the four enclosed copies of this Letter of Agreement and return two fully signed copies to:

Ministry of Transportation
Division Services and Program Management Office
27th Floor, Suite # 2702
777 Bay Street,
Toronto, Ontario
M7A 2J8

Once the Ministry has received the signed copies, the last signature of which shall be the effective date of this Letter of Agreement, together with a copy of the authorizing municipal by-law, the Ministry will make arrangements for the payment of the dedicated gas tax funds to the Municipality.

Yours sincerely,



Glen Murray
Minister of Transportation

I have read and understand the terms of this Letter of Agreement, as set out above, and by signing below I am signifying the Municipality's consent to be bound by these terms.

Town of Fort Erie

Per: 
Mayor

Date: Jan 22/14

Per: 
Chief Financial Officer/Treasurer

Date: 2014/01/21