

THE CORPORATION OF THE CITY OF PETERBOROUGH

BY-LAW NUMBER 09-055

BEING A BY-LAW TO AUTHORIZE THE EXECUTION OF AN AGREEMENT BETWEEN THE CORPORATION OF THE CITY OF PETERBOROUGH AND MINISTRY OF TRANSPORTATION FOR THE PROVINCE OF ONTARIO FOR THE TRANSPORTATION DEMAND MANAGEMENT MUNICIPAL GRANT PROJECT

THE CORPORATION OF THE CITY OF PETERBOROUGH BY THE COUNCIL THEREOF HEREBY ENACTS AS FOLLOWS:

1. That the Mayor and Clerk be hereby authorized to execute an agreement between the Corporation of the City of Peterborough and The Ministry of Transportation for the Province of Ontario in the form attached hereby as Schedule "A", and to affix the Seal of the Corporation thereto.

By-law read a first, second and third time this 4th day of May 2009.

(Sgd.) D. Paul Ayotte, Mayor

(Sgd.) John Kennedy, Deputy Clerk

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



MAN 8 8 2009

His Worship Paul Ayotte
Mayor
The City of Peterborough
500 George Street North
Peterborough, Ontario
K9H 3R9

Dear Mayor Ayotte:

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 the City of Peterborough (the "Municipality") Related to Funding Provided by the Province of Ontario to the Municipality under the Ontario Transportation Demand Management Municipal Grant Program (this "Letter of Agreement")

This Letter of Agreement is in response to the Municipality's application for funding under the Ontario Transportation Demand Management Municipal Grant Program (the "TDM program") to assist the Municipality in carrying out the project described in the application package the Ministry received from the Municipality on the Bikeway and Trail Signage Project (the "project").

The Ministry has now completed its review of the applications received under the TDM program and wishes, subject to the terms and conditions set out below, to provide funding for the project, as it promotes transportation demand management strategies in advancement of sustainable transportation in Ontario.

Funding from the Ministry to the Municipality under the TDM program (the "TDM funding") will be provided in accordance with the terms and conditions set out in this Letter of Agreement and the Ontario Transportation Demand Management Municipal Grant Program – 2008-2009 Guidelines and Requirements (the "Guidelines and Requirements").

In consideration of the mutual covenants and agreements contained in this Letter of Agreement and the Guidelines and Requirements, which the Municipality has reviewed and understands and which are hereby incorporated by reference, and other good and valuable consideration (the receipt of which is hereby acknowledged), the Ministry and the Municipality covenant and agree as follows:

1. In accordance with and subject to the terms set out in this Letter of Agreement and the Guidelines and Requirements, and upon receipt of this Letter of Agreement signed by the municipality and copies of the authorizing municipal by-law and insurance certificate, the Ministry agrees to provide TDM funding to the Municipality up to a maximum amount of \$35,000, unless the Ministry otherwise agrees upon in writing, for the purpose of carrying out the project.
2. The term of this Letter of Agreement shall commence on the effective date, which shall be the last date it is signed by one of the representatives from the Municipality.
3. The Ministry may terminate this Letter of Agreement at any time, without cause, upon giving at least thirty (30) days written notice to the Municipality. If the Ministry terminates this Letter of Agreement without cause, it may: a) cancel all further TDM payments; b) demand repayment of any TDM funds remaining in the possession or under the control of the Municipality; and c) determine the Municipality's reasonable costs to wind down the project and permit it to offset these costs against the TDM funds remaining in the possession or under the control of the Municipality.
4. If the Legislature fails to appropriate sufficient funds for the project, the Ministry may terminate this Letter of Agreement immediately by giving notice to the Municipality. In such instance, the Ministry shall have the same rights as those set out in paragraphs 3 a, b and c.
5. This Letter of Agreement constitutes the entire Agreement between the Ministry and the Municipality with respect to the subject matter contained in this Letter of Agreement, and supersedes all prior oral or written representations and agreements.
6. Any changes to this letter of agreement shall be by written amendment signed by the Ministry and the Municipality. No changes shall be effective or shall be carried out in the absence of such an amendment.
7. 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 the Transportation Planning Branch, Urban Planning Office, 777 Bay Street, 30th Floor, Suite 3000, Toronto, Ontario M7A 2J8, for the Ministry's records.

Once the Ministry has received the documents set out in section 1, the Ministry may, in accordance with the TDM program, make arrangements for the payment of TDM funding to the Municipality.

Yours sincerely,



Jim Bradley
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.

The Corporation of the City of Peterborough

Per: _____ Date: _____
Mayor

Per: _____ Date: _____
Chief Financial Officer/Treasurer