

Authority: Item 6, Committee of the Whole
Report 08-009 (FCS08015)
CM: February 13, 2008

Bill No. 036

**CITY OF HAMILTON
BY-LAW NUMBER 08-036**

A BY-LAW TO AUTHORIZE THE SUBMISSION OF AN APPLICATION TO THE ONTARIO INFRASTRUCTURE PROJECTS CORPORATION (“OIPC”) FOR FUNDING FROM THE MUNICIPAL INFRASTRUCTURE INVESTMENT INITIATIVE FOR A NEW ELIGIBLE CAPITAL PROJECT OF THE CITY OF HAMILTON, AND TO APPROVE THE EXPENDITURE OF FUNDS ON SAID ELIGIBLE CAPITAL PROJECT;

WHEREAS the *Municipal Act, 2001* (Ontario), as amended, (the “Act”) provides that a municipal power shall be exercised by by-law unless the municipality is specifically authorized to do otherwise;

AND WHEREAS the Province of Ontario has recently announced an investment of \$300 million dollars for municipal infrastructure as a one-time grant for eligible municipal infrastructure initiatives to Ontario municipalities and Local Services Boards;

AND WHEREAS on behalf of the Province of Ontario, OIPC will be administering the Municipal Infrastructure Investment Initiative available to Ontario municipalities and Local Services Boards for the purposes of new eligible municipal infrastructure initiative projects;

AND WHEREAS it is now deemed to be expedient to authorize for the municipal purposes of the Municipality the new capital project described in column (2) of Schedule “A” (the “**Project**”) attached hereto and forming part of this By-law (“**Schedule “A”**”) in the amount of the estimated expenditure set out in column (3) of Schedule “A”;

AND WHEREAS OIPC has invited eligible Ontario municipalities and Local Services Boards desirous of obtaining funding pursuant to the Municipal Infrastructure Investment Initiative in order to meet capital expenditures in connection with a new eligible capital project to apply to OIPC for such funding by completing and submitting an application through the form provided by OIPC (the “**Application**”);

AND WHEREAS the Municipality has submitted an Application to OIPC to request funding in respect of the Project;

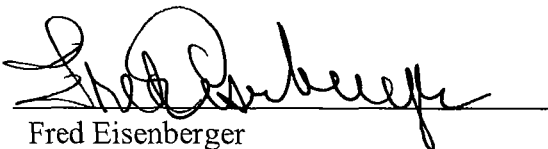
NOW THEREFORE THE COUNCIL OF THE CITY OF HAMILTON ENACTS AS FOLLOWS:

1. The Council of the Municipality hereby confirms, ratifies and approves the completion by the General Manager of Finance and Corporate Services of an Application and the submission by such authorized official of an Application, duly executed by such authorized official, to OIPC for the funding of the Project in connection with the Municipal

Infrastructure Investment Initiative in the maximum aggregate principal amount of \$14 million (the "Funding").

2.
 - (a) Construction of the Project in the amount of the respective Estimated Expenditure set out in column (3) of Schedule "A" is hereby approved and authorized;
 - (b) any one or more of the Mayor or Clerk are hereby authorized to conclude contracts on behalf of the Municipality for the construction of the Project in accordance with the Municipality's usual protocol;
 - (c) any one or more of the Mayor or Clerk are hereby authorized to submit to OIPC or the Minister of Public Infrastructure Renewal on behalf of the Municipality such reports or other documents regarding the Project as may be requested in connection with the Municipal Infrastructure Investment Initiative;
 - (d) where applicable, the General Manager of Public Works will forthwith make such plans, profiles and specifications and furnish such information as in the opinion of the General Manager of Public Works is necessary for the construction of the Project;
 - (e) where applicable, the construction of the Project shall be carried on and executed under the superintendence and according to the direction and orders of the General Manager of Public Works; and
 - (f) the General Manager of Public Works charged with the management of the Project shall report semi-annually to the Council of the Municipality on the status of the Project.
3. The Council of the Municipality hereby confirms that the Funding will be applied and shall be used exclusively for financing the Project eligible under the Municipal Infrastructure Investment Initiative as set out in Schedule "A" to this By-Law and for no other purposes.
4. This By-law takes effect on the day of passing.

PASSED AND ENACTED this 13th day of February, 2008.



Fred Eisenberger
Mayor



Kevin C. Christenson
City Clerk

Schedule "A"
to By-Law Number 08-036

(1)	(2)	(3)	(4)
<u>Project Name</u>	<u>Description of Eligible Capital Work</u>	<u>Estimated Expenditure</u>	<u>Grant Amount</u>
East Hamilton Recreation Trail Hub and Waterfront Link	A pedestrian / cycling bridge gateway feature over the QEW, to link with the Lake Ontario Waterfront Trail.	\$14,000,000	\$14,000,000

Also a Recreational Trail Hub at the area's former landfill sites, which would provide a soccer field, multi-purpose court, and parking as a recreation node.

The trail and Waterfront Link will be barrier-free and include interpretive signage highlighting the area's heritage.

An important part of the plan is the habitat restoration of the former landfills in this area, which in partnership with Six Nations Kayanese, will include a habitat restoration with plant materials.