

THE CORPORATION OF THE TOWN OF WASAGA BEACH

BY-LAW 2024-27

A By-law to authorize the Execution of a Letter of Agreement between his Majesty the King in Right of the Province of Ontario, Represented by the Minister of Transportation for the Province of Ontario and the Town of Wasaga Beach for funding provided under the Dedicated Gas Tax Funds for the Public Transportation Program

WHEREAS Section 9 of the *Municipal Act, 2001*, as amended, grants municipalities the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under the Act;

AND WHEREAS signing agreements and documents is considered to be a natural person capacity, right, power or privilege;

AND WHEREAS the Council of The Corporation of the Town of Wasaga Beach deems it necessary and expedient that the Town of Wasaga Beach enter into a Letter of Agreement with His Majesty the King in Right of the Province of Ontario, represented by the Minister of Transportation, related to funding provided under the dedicated gas tax funds for public transportation;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF WASAGA BEACH HEREBY ENACTS AS FOLLOWS:

1. That Schedule "A" attached hereto forms part of this by-law being the Letter of Agreement between the Town of Wasaga Beach and His Majesty the King in Right of the Province of Ontario, represented by the Minister of Transportation, related to funding provided under the dedicated gas tax funds for public transportation.
2. That the Mayor and the Clerk are hereby authorized to execute the said Agreement in substantially the same format as attached hereto on behalf of the Corporation and to affix the corporate seal thereto.
3. That the Mayor and the Clerk authority and direction to execute the above noted Agreement extends to any renewal agreements or administrative amendments to the Agreements and related documents.

4. That this By-Law shall come into force and effect on the final passage thereof.

**BY-LAW READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED
THIS 25th DAY OF April, 2024.**

THE CORPORATION OF THE TOWN OF WASAGA BEACH

Brian Smith, Mayor

Nicole Rubli, Director of Legislative Services & Clerk

Ministry of
Transportation

Office of the Minister

777 Bay Street, 5th Floor
Toronto ON M7A 1Z8
416 327-9200
www.ontario.ca/transportation

Ministère des
Transports

Bureau du ministre

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March 15, 2024

107-2024-484

Brian Smith
Mayor
Town of Wasaga Beach
30 Lewis Street
Wasaga Beach ON L9Z 1A1
mayor@wasagabeach.com

Dear Mayor Smith:

I am pleased to announce the launch of the 2023-24 Gas Tax Program and to advise you of your increased funding allocation.


Our government is committed to working with municipalities to improve Ontario's transportation network and support economic growth. Investing in transit will reduce traffic, create jobs and help businesses grow the economy for everyone.

That is why I'm happy to let you know the Town of Wasaga Beach will be eligible to receive **\$239,168** for this program year, to improve your transportation network even more.

In the coming days we will be distributing, through the Transfer Payment Ontario Network (TPON) system, the electronic versions of your Letter of Agreement, along with program guidelines, reporting forms and the Canadian Content for Transit Vehicle Procurement policy. The primary staff contact at the Town of Wasaga Beach will be notified when these documents are available and next steps, including details on when we can communicate this good news publicly together.

If you have any questions regarding the Gas Tax program, please contact Kevin Dowling, Director, Transit Strategy and Programs Branch, at kevin.dowling@ontario.ca.

Sincerely,



Prabmeet Singh Sarkaria
Minister of Transportation

c. Brian Saunderson, MPP, Simcoe—Grey

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March 15, 2024

Mayor Brian Smith
Town of Wasaga Beach
30 Lewis Street
Wasaga Beach ON L9Z 1A1

Dear Mayor Smith:

RE: Dedicated Gas Tax Funds for Public Transportation Program

This Letter of Agreement between the **Town of Wasaga Beach** (the "Municipality") and His Majesty the King in right of the Province of Ontario, as represented by the Minister of Transportation for the Province of Ontario (the "Ministry"), sets out the terms and conditions for the provision and use of dedicated gas tax funds under the Dedicated Gas Tax Funds for Public Transportation Program (the "Program"). Under the Program, the Province of Ontario provides two cents out of the provincial gas tax to municipalities to improve Ontario's transportation network and support economic development in communities for public transportation expenditures.

The Ministry intends to provide dedicated gas tax funds to the Municipality 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 2023-24 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 are hereby incorporated by reference, and other good and valuable consideration, the receipt and sufficiency of which are expressly acknowledged, the Ministry and the Municipality agree as follows:

1. To support local public transportation services in the Municipality, the Ministry agrees to provide funding to the Municipality under the Program to a maximum amount of up to **\$239,168** ("the "Maximum Funds") in accordance with, and subject to, the terms and conditions set out in this Letter of Agreement and, for greater clarity, the guidelines and requirements.
2. Subject to Section 1, the Ministry will, upon receipt of a fully signed copy of this Letter of Agreement and a copy of the authorizing municipal by-law(s) and, if applicable, resolution(s) for the Municipality to enter into this Letter of Agreement, provide the Municipality with **\$179,376**; and any remaining payment(s) will be provided thereafter.

3. If another municipality authorizes the Municipality to provide local public transportation services on its behalf and authorizes the Municipality to request and receive dedicated gas tax funds for those services also on its behalf, the Municipality will in the by-law(s) and, if applicable, resolution(s) described in Section 2 confirm that the Municipality has the authority to provide those services and request and receive those funds.
4. The Municipality agrees that any amount payable under this Letter of Agreement may be subject, at the Ministry's sole discretion, to any other adjustments as set out in the guidelines and requirements.
5. The Municipality will deposit the funds received under this Letter of Agreement in a dedicated gas tax funds reserve account, and use such funds and any related interest only in accordance with the guidelines and requirements.
6. The Municipality will adhere to the reporting and accountability measures set out in the guidelines and requirements, and will provide all requested documents to the Ministry.
7. The Municipality agrees that the funding provided to the Municipality pursuant to this Letter of Agreement represents the full extent of the financial contribution from the Ministry and the Province of Ontario under the Program for the 2023-24 Program year.
8. The Ministry may terminate this Letter of Agreement at any time, without liability, penalty or costs upon giving at least thirty (30) days written notice to the Municipality. If the Ministry terminates this Letter of Agreement, the Ministry may take one or more of the following actions: (a) cancel all further payments of dedicated gas tax funds; (b) demand the return of any dedicated gas tax funds remaining in the possession or under the control of the Municipality; and (c) determine the reasonable costs for the Municipality to terminate any binding agreement(s) for the acquisition of eligible public transportation services acquired, or to be acquired, with dedicated gas tax funds provided under this Letter of Agreement, and do either or both of the following: (i) permit the Municipality to offset such costs against the amount the Municipality owes pursuant to paragraph 8(b); and (ii) subject to Section 1, provide the Municipality with funding to cover, in whole or in part, such costs. The funding may be provided only if there is an appropriation for this purpose, and in no event will the funding result in the Maximum Funding exceeding the amount specified under Section 1.
9. Any provisions which by their nature are intended to survive the termination or expiration of this Letter of Agreement including, without limitation, those related to disposition, accountability, records, audit, inspection, reporting, communication, liability, indemnity, and rights and remedies will survive its termination or expiration.
10. This Letter of Agreement may only be amended by a written agreement duly executed by the Ministry and the Municipality.
11. The Municipality agrees that it will not assign any of its rights or obligations, or both, under this Letter of Agreement.

12. The invalidity or unenforceability of any provision of this Letter of Agreement will not affect the validity or enforceability of any other provision of this Letter of Agreement. Any invalid or unenforceable provision will be deemed to be severed.
13. The term of this Letter of Agreement will commence on the date of the last signature of this Letter of Agreement.
14. 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 print and secure the required signatures, and then deliver a fully signed pdf copy to the Ministry at the email account below. Subject to the province's prior written consent, including any terms and conditions the Ministry may attach to the consent, the Municipality may execute and deliver the Letter of Agreement to the Ministry electronically. In addition, all program documents are also to be sent to the following email account:

MTO-PGT@ontario.ca

Sincerely,



Prabmeet Singh Sarkaria
Minister of Transportation

I have read and understand the terms and conditions 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 and conditions.

Municipality

Date

Name (print):
Title (head of council or
authorized delegate):

I have authority to bind the Municipality.

Date:

Name (print):
Title (clerk or authorized delegate):

I have authority to bind the Municipality.