TO: Mayor and Members
General Issues Committee

WARD(S) AFFECTED: WARD 8

COMMITTEE DATE: January 10, 2011

SUBJECT/REPORT NO:
Infrastructure Stimulus Fund Contribution Agreement Addendum (FCS09052(h)) (Ward 8)

SUBMITTED BY:
Roberto Rossini
General Manager
Finance and Corporate Services

PREPARED BY:
John Savoia (905) 546-2424 Ext. 7298

SIGNATURE:

RECOMMENDATION:

(a) That the Mayor and Chief Administrative Officer (City Manager) be authorized and directed to execute a Contribution Agreement Addendum between the City of Hamilton and the Ministry of Energy and Infrastructure and the Ministry of Agriculture, Food and Rural Affairs, related to the project description change for the Sir Allen MacNab Rehabilitation Project (ISF project no. 2411) as attached as Appendix “A” to Report FCS09052(h) under the Infrastructure Stimulus Fund Program;

(b) That the appropriate By-Law, City of Hamilton/Ministry of Energy and Infrastructure/Ministry of Agriculture, Food and Rural Affairs Infrastructure Stimulus Fund Contribution Agreement Addendum By-Law be passed and enacted attached as Appendix “B” to Report FCS09052(h); and

(c) That a certified copy of this By-Law be forwarded to the Canada Ontario Infrastructure Secretariat upon Council approval.
EXECUTIVE SUMMARY

On June 5, 2009, the Federal and Ontario governments approved under the Infrastructure Stimulus Fund (ISF) a project request for the Sir Allen MacNab Recreation Centre (ISF Project No. 2411) to undertake a significant rehabilitation of the recreation centre. The $1.5 million funding for this project includes $500,000 in funding from each of the three levels of government.

The project description for the originally approved project included a listing of several capital upgrades and repairs contemplated for the Sir Allen MacNab Recreation Centre. However, the ISF application submission did not include the addition of a rain water collection system for the recreation centre.

Following the project funding announcement, an analysis was conducted to develop a detailed scope of rehabilitation works for the Sir Allen MacNab Recreation Centre. Through this analysis, the addition of a rain water collection system to collect rainwater for use in lavatories was identified as an economical measure to reduce the reliance on the existing municipal water supply thereby reducing future operating costs, as well as, providing a net benefit to the environment with improved storm water management and reduced potable water requirements.

The Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA) was appointed as the lead ministry charged with administrative responsibility for the ISF program. On July 20, 2010, OMAFRA conducted a field inspection of the Sir Allen MacNab site with a City project manager acting as host for the field review. The site visit identified the addition of the rain water collection system which OMAFRA noted was not included in the project description as submitted within the ISF application form. As such, OMAFRA advised it would request that the ISF Oversight Committee formally review the addition of the rain water collection system.

On September 28, 2010, the City was advised that the ISF Oversight Committee supports the addition of a rainwater collection system for the Sir Allen MacNab Recreation Centre project with the requirement for the City to enter into an addendum to formally revise the ISF Contribution Agreement for the change in project description.

Alternatives for Consideration – Not Applicable
FINANCIAL / STAFFING / LEGAL IMPLICATIONS (for Recommendation(s) only)

Ratification of the Contribution Agreement Addendum ensures that the City will be reimbursed for the costs associated with the rainwater collection system on the equivalent one-third basis from each level of government with the City bearing one-third of the total project cost.

HISTORICAL BACKGROUND (Chronology of events)

On June 5, 2009, the City of Hamilton received funding approval, as part of the Infrastructure Stimulus Fund, to undertake the rehabilitation of the Sir Allen MacNab Recreation Centre. A total of $1.5 million was approved with funding shared equally between all levels of government (federal, provincial, and municipal).

The project description submitted on the ISF application, included a listing of several capital upgrades and repairs contemplated for the Sir Allen MacNab Recreation Centre:

- accessibility improvements
- replacing the pool filtration system
- repairs and paving of the parking lot
- replacing the HVAC system, dehumidification system and air conditioning in the community room and administrative area
- exterior wall work and interior upgrades to the pool
- removing and replacing the ceiling, replacing tiles in the change-rooms and replacing the fittings and equipment in the lavatories

However, the ISF application submission did not include the addition of a rain water collection system for the recreation centre.

Following the project funding announcement, an analysis was conducted to develop a detailed scope of rehabilitation works for the Sir Allen MacNab Recreation Centre. Through this analysis, the addition of a rain water collection system to collect rainwater for use in lavatories was identified as an economical measure to reduce the reliance on the existing municipal water supply thereby reducing future operating costs, as well as, providing a net benefit to the environment with improved storm water management and reduced potable water requirements.

A site visit conducted in July 2010 with OMAFRA noted the rain water collection system and as such, they noted that this item is considered a change to the project as submitted on the application form and would require a formal review and approval from the ISF Oversight Committee.
On September 28, 2010, the City was advised that the ISF Oversight Committee supports the addition of a rainwater collection system for the Sir Allen MacNab Recreation Centre project with the requirement for the City to enter into an addendum to formally revise the ISF Contribution Agreement for the change in project description.

POLICY IMPLICATIONS

N/A

RELEVANT CONSULTATION

Community Services – Recreation Division

ANALYSIS / RATIONALE FOR RECOMMENDATION

(include Performance Measurement/Benchmarking Data, if applicable)

N/A

ALTERNATIVES FOR CONSIDERATION:

(include Financial, Staffing, Legal and Policy Implications and pros and cons for each alternative)

N/A

CORPORATE STRATEGIC PLAN  (Linkage to Desired End Results)


Financial Sustainability

• Delivery of municipal services and management capital assets/liabilities in a sustainable, innovative and cost effective manner
• Address infrastructure deficiencies and unfunded liabilities

Intergovernmental Relationships

• Acquire greater share of Provincial and Federal grants (including those that meet specific needs)
Environmental Stewardship
- Natural resources are protected and enhanced

Healthy Community
- Adequate access to food, water, shelter and income, safety, work, recreation and support for all (Human Services)

APPENDICES / SCHEDULES

Appendix “A” to Report FCS09052(h)

Appendix “B” to Report FCS09052(h)
ADDENDUM

This Addendum made as of the ___ day of _____________ 2010.

BETWEEN: HER MAJESTY THE QUEEN IN RIGHT OF ONTARIO, as represented by the Minister of Energy and Infrastructure and the Minister of Agriculture, Food and Rural Affairs (referred to herein jointly as “Ontario” and as “OMAFRA” in the latter case)

AND: CITY OF HAMILTON

WHEREAS an agreement dated November 6, 2009 (Agreement) was executed by the City of Hamilton and Her Majesty the Queen in Right of Ontario as represented by the Minister of Energy and Infrastructure and the Minister of Agriculture, Food and Rural Affairs;

AND WHEREAS it has become necessary to amend certain Schedules of the Agreement;

NOW THEREFORE the parties agree to amend the Agreement as follows:

1. Projects identified with File Number of “Schedule B” is set aside and replaced with the following:

<table>
<thead>
<tr>
<th>Project Number</th>
<th>Project Title</th>
<th>Project Description</th>
<th>Project Construction Date</th>
<th>Aboriginal Consultation Schedule</th>
</tr>
</thead>
<tbody>
<tr>
<td>2411</td>
<td>Sir Allen MacNab Rehabilitation Project</td>
<td>This project involves the rehabilitation of this community centre, including necessary upgrades, capital repairs and accessibility improvements. Work will include replacing the pool filtration system, repairs and paving of the parking lot, replacing the HVAC system, dehumidification system, air conditioning in the community room and administrative area, exterior wall work and interior upgrades to the pool, removing and replacing the ceiling, addition of rainwater collection equipment, replacing tiles in the changerooms and replacing the fittings and equipment.</td>
<td>12/07/2010</td>
<td>L1</td>
</tr>
</tbody>
</table>

All other terms and conditions of the Agreement will remain in effect **mutatis mutandis**.

IN WITNESS WHEREOF the parties have executed this Addendum.
HER MAJESTY THE QUEEN IN RIGHT OF ONTARIO
as represented by the Minister of Energy and Infrastructure by:

Name: The Honourable Bob Chiarelli
Title: Minister of Infrastructure

Date

and by the Minister of Agriculture, Food and Rural Affairs
by:

Name: The Honourable Carol Mitchell
Title: Minister of Agriculture, Food and Rural Affairs

Date

RECIPIENT'S NAME: CITY OF HAMILTON
by:

Name: Bob Bratina
Title: Mayor

Date

Affix
Corporate
Seal

Name: Chris Murray
Title: Chief Administrative Officer

Date

We have authority to bind the Recipient
CITY OF HAMILTON

BY-LAW NO. __________

To Authorize the Execution of a Contribution Agreement Addendum between the City of Hamilton and Her Majesty the Queen in Right of Ontario as represented by the Ministry of Energy and Infrastructure and the Ministry of Agriculture, Food and Rural Affairs Related to Funding Provided Under the Infrastructure Stimulus Fund Program.

WHEREAS the City of Hamilton has entered into an agreement with Her Majesty the Queen in Right of Ontario as represented by the Ministry of Energy and Infrastructure, and the Ministry of Agriculture, Food and Rural Affairs related to funding provided to the Municipality under the Infrastructure Stimulus Fund Program;

AND WHEREAS the Council of the City of Hamilton deems it advisable to amend the said Agreement with respect to a change in the project description of the intended works related to the Sir Allen MacNab Rehabilitation project;

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. Council hereby authorizes the Mayor and Chief Administrative Officer (City Manager) to sign an agreement addendum between the City of Hamilton and Her Majesty the Queen in Right of Ontario as represented by the Ministry of Energy and Infrastructure, and the Ministry of Agriculture, Food and Rural Affairs, pursuant to the terms and conditions set out in the original Infrastructure Stimulus Fund Contribution Agreement with respect to a change in the project description of the intended works related to the Sir Allen MacNab Rehabilitation project.

2. This bylaw shall come into effect upon its passing.
3. This bylaw may be cited for all purposes as “City of Hamilton/ Ministry of Energy and Infrastructure/Ministry of Agriculture, Food and Rural Affairs Infrastructure Stimulus Fund Contribution Agreement Addendum Bylaw XX-XXX.”

PASSED and ENACTED this day of , 2010.

__________________________________________  ______________________________________
MAYOR                                         CLERK