

Council decision:

PW32.8	ACTION	Amended		Ward: All
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Proposed Public Bicycle Program

City Council Decision

City Council on May 11 and 12, 2010, adopted the following:

City Council declare the public bicycle program to be a municipal capital facility related to the provision of a transportation system and recreational facilities for City purposes and public use pursuant to Section 252 of the City of Toronto Act, 2006, and pass a by-law to authorize the entering into of an agreement for the provision of the facility, and request that the City Clerk give notice of the municipal capital facility by-law as required under the City of Toronto Act, 2006.

City Council authorize staff to negotiate and finalize an agreement with Public Bike System Company (PBSC) for the supply and operation of a public bicycle program for a term of approximately ten years based on the terms and conditions as contained in the Attachment to the report (April 1, 2010) from the General Manager, Transportation Services, and the Deputy City Manager and Chief Financial Officer, as amended by Part 3 below, and including such other terms and conditions satisfactory to the Deputy City Manager and Chief Financial Officer, the City Solicitor and the General Manager, Transportation Services.

City Council amend the attachment headed "Public Bicycle Program Proposed Terms of Agreement" to the report (April 1, 2010) from the General Manager, Transportation Services and the Deputy City Manager and Chief Financial Officer, by deleting from Clause 3 – Key Milestones, the words "for the first year of the project" and replacing them with the words "for each of the first three years of the program", so that it now reads:

- Sponsorship funding targets - \$600,000 for a 1,000 bicycle program for each of the first three years of the program.

City Council request the General Manager, Transportation Services to consult with the Board of Directors of the Toronto Parking Authority to determine its interest in participating in the operation of the Public Bicycle Program and report thereon to the Public Works and Infrastructure Committee for its meeting on June 15, 2010 if possible, but no later than August 18, 2010.

City Council grant authority to provide to the Public Bike System Company's financial institution a capital loan guarantee in the amount of \$4,800,000.00 (inclusive of all interest costs payable by PBSC), for a ten year term commencing on November 30, 2010 until November 30, 2020, on the following conditions:

In accordance with the City's Capital Loan and Line of Credit Guarantee Policy, the City

shall enter into a tri-party agreement with PBSC and its financial institution, in respect of the recommended capital loan guarantee;

The guarantee and all related agreements be secured in accordance with the proposed Terms of Agreement attached to the report (April 1, 2010) from the General Manager, Transportation Services, and the Deputy City Manager and Chief Financial Officer, and with any additional terms and conditions satisfactory to the City Solicitor and the Deputy City Manager and Chief Financial Officer, and that the Deputy City Manager and Chief Financial Officer be requested to negotiate appropriate and adequate safeguards, to the satisfaction of the City Solicitor;

The Deputy City Manager and Chief Financial Officer be authorized to reduce the loan guarantee as the loan is paid off;

PBSC provides the Deputy City Manager and Chief Financial Officer with their 2011 to 2020, inclusive, audited financial statements when they become available; and

e. The capital loan guarantee be deemed to be in the interest of the municipality.

City Council authorize the General Manager, Transportation Services, to relocate and adjust bicycle station locations, where necessary, in consultation with the Toronto Parking Authority, Parks Forestry and Recreation and other affected parties.

City Council direct the General Manager, Transportation Services, to report to the Budget Committee in time for the 2012 Operating Budget process to include future year costs related to theft and vandalism within its operating budget targets, if necessary.

City Council authorize staff to provide Public Bike System Company with reasonable access to available means by which the public bicycle program may be promoted at locations and in media that are controlled by the City, including the City website, newsletters, bulletins, bulletin boards, direct mailings and signage.

City Council authorize and direct the appropriate City officials to take the necessary action to give effect thereto, including the introduction of all necessary bills.