

DOWNTOWN BUSINESS IMPROVEMENT AREAS REGULATIONS

PURSUANT to the powers vested in it under and by virtue of section 277 of the *City of Corner Brook Act* and all other powers enabling it, the Corner Brook City Council in regular session convened on the 12th day of January, A.D., 2009, hereby passes and enacts the following regulations:

1. These Regulations may be cited as the City of Corner Brook Downtown Business Improvement Areas Regulations.

DEFINITIONS

2. For the purposes of these Regulations, the following definitions shall apply:
 - (1) "Area One" refers to the Corner Brook Downtown Business Improvement Area One established herein and outlined in the diagram annexed hereto as Schedule "A";
 - (2) "Area Two" refers to the Corner Brook Downtown Business Improvement Area Two established herein and outlined in the diagram annexed hereto as Schedule "B" ;
 - (3) "Areas" refers to Area One and Area Two collectively;
 - (4) "Board One" refers to the Board of Management established herein for Area One;
 - (5) "Board Two" refers to the Board of Management established herein for Area Two;
 - (6) "Boards" refers to Board One and Board Two collectively;
 - (7) "Business" refers to those businesses, trades and professions located within the boundaries of Area One or Area Two, and shown on the latest revised assessment roll as being assessed for business tax;
 - (8) "Business Development Corporation" refers to any corporation without share capital, a majority of the members of which are representatives of Businesses in Area One, Area Two or both and whose undertaking and purpose is similar to the objects and duties of the Boards and includes the Corner Brook Downtown Business Association Inc.
 - (9) "City" means the City of Corner Brook;

- (10) "City Clerk" refers to the City Clerk of the City of Corner Brook or his or her designate;
- (11) "Council" refers to the Council of the City of Corner Brook;
- (12) "Director of Corporate Services" refers to the Director of Corporate Services of the City of Corner Brook or any person appointed by Council who carries out the duties of the Treasurer outlined in the *City of Corner Brook Act* or his or her designate; and
- (13) "Councilor" means a City of Corner Brook Councilor, including the Mayor.

DESIGNATION OF BUSINESS IMPROVEMENT AREAS

- 3. (1) There is hereby established Downtown Business Improvement Area One as outlined in Schedule "A" attached hereto and forming part of these Regulations.
- (2) There is hereby established Downtown Business Improvement Area Two as outlined in Schedule "B" attached hereto and forming part of these Regulations.

BOARDS OF MANAGEMENT

- 4. (1) There is hereby established for Area One a Board of Management, hereinafter referred to as the "Board One".
- (2) There is hereby established for Area Two a Board of Management, hereinafter referred to as the "Board Two".
- 5. (1) Each Board shall consist of at least six (6) persons and not more than twelve (12) persons, appointed in accordance with these Regulations on an annual basis. Council may fix the number of members of a Board on an annual basis and in the absence of such a decision by Council a Board shall consist of six (6) members.
- (2) Should Council deem it appropriate, Council may appoint the same members to each Board and when this is done the Boards may conduct the business of the two Boards simultaneously by joint meetings, joint votes and such other means as the Boards deem appropriate and all obligations of the Boards contained in these Regulations may be fulfilled by jointly doing the thing required by these Regulations to be done.

6. The membership of each Board shall be constituted as follows:
 - (1) At least one member shall be a Councilor appointed by Council; and
 - (2) The remaining members of the Board shall be persons eligible for appointment in accordance with section seven (7) of these Regulations and shall be appointed by Council.
7. To be eligible for appointment to a Board, a person must be at least nineteen (19) years of age, they or the Business for which they are a designated representative must have paid to date all levies and surcharges assessable under these Regulations and they must be:
 - (1) a person carrying on a Business within Area One or Area Two and assessed for business tax; or
 - (2) a designated representative of a person, company, corporation, firm, group, organization or other similar body carrying on a Business within Area One or Area Two and assessed for business tax; or
 - (3) a Councilor.
8. Council may chose to appoint persons meeting the criteria set out in sections six (6) and seven (7) of these Regulations who also sit on the executive or board of directors of a Business Development Corporation.
9. Each person, company, corporation, firm, group, organization or other similar body shall have only one designated representative for each Business location in an Area.
10.
 - (1) Where a member of a Board ceases to meet the requirements for eligibility for appointment to the Board, Council may remove that person from the Board and declare the position occupied by that person vacant.
 - (2) Where a vacancy occurs in the membership of a Board, Council may fill the vacancy by appointing a person otherwise eligible for appointment as determined by these Regulations and his or her term of office shall be until the next annual appointment of the Board as a whole.
11. Notwithstanding any other provision of these Regulations where a member of a Board fails to attend three (3) consecutive regular meetings of the Board without just cause and the approval of the Board, the Board may by resolution determine that the member shall cease to be a member of the Board and the vacancy so

created shall be reported to Council which shall fill the vacancy in accordance with the provisions of section ten (10) hereof.

12. The term of office of a member of a Board shall be one year.
13. Save and except in case of a resignation of a member or removal of a Board member pursuant to sections ten (10) or eleven (11) hereof, a Board member shall hold office until his or her successor is appointed and he or she is eligible for re-appointment on the expiration of his or her term of office, provided such person is otherwise eligible for appointment.

OFFICERS, EXECUTIVE MEMBERS AND EMPLOYEES

14.
 - (1) A Board shall, as soon as possible after its members are appointed, elect a Chairperson, Vice-Chairperson, Secretary, Treasurer and such other officers, as it may deem necessary to properly conduct its business and further it may establish standing committees to assist in the performance of the duties assigned to the Board.
 - (2) A Board may appoint an Executive Director, who shall not be a member of the Board, whose duties and responsibilities shall be those assigned by the Board from time to time and shall include:
 - (i) to keep a record of all proceedings of the Board and its committees;
 - (ii) to have the custody and care of all records and documents of the Board;
 - (iii) to ensure all administrative duties of the Board are carried out; and,
 - (iv) to supervise all persons employed by the Board.
 - (3) A Board may appoint such other employees or hire such other individuals or firms, none of whom shall be members of the Board, as are deemed necessary for performing the duties and responsibilities of the Board.
 - (4) A Board may appoint such advisors as they deem necessary for the purpose of providing resource services to its members. Such persons will act in an advisory capacity only, and shall not be members of the Board nor have any voting privileges in the decisions rendered by the Board.

OBJECTS OF A BOARD

15. The objects of each Board shall be to:
 - (1) promote its respective Area as a place for retail and commercial activity;

- (2) assist in carrying out the improvements, enhancement, beautification and maintenance of municipal or public lands in its Area in accordance with City of Corner Brook Municipal Plan and Development Regulations; and
- (3) sponsor or otherwise participate in special projects, activities or events, for the purpose of improving its Area.

DUTIES OF A BOARD

16. Each Board shall:

- (1) be responsible to the Council in carrying out the powers, functions and duties conferred by these Regulations;
- (2) report to the Council on the activities of the Board at those time and in the manner that the Council may prescribe;
- (3) annually prepare for approval and submission to the Council at a time and in a form prescribed by the Council, a budget indicating its proposed annual expenditure of funds;
- (4) make available to the Council at all times all books, documents, transactions, minutes and accounts of the Board; and
- (5) do all other things necessary or incidental to the carrying out of the objects of the Board.

MEETING OF A BOARD

17. (1) Each Board may meet as often as deemed necessary by the Chairperson, but in any case, it shall meet at least quarterly.
- (2) Each Board may adopt rules of procedure for the conduct of the internal affairs of the Board, and may hold its meetings concordant with those of a Business Development Corporation when it deems it appropriate.

MINUTES, FINANCIAL RECORDS AND OTHER RECORDS OF THE BOARD

18. (1) Each Board shall keep proper minutes and records of every meeting of the Board,
and shall make these available to all members of the Board and to the City Clerk. The minutes and records of each Board shall be open to

inspection by any person assessed for business taxes in the Board's Area or nominee of a corporation so assessed; and

- (2) Each Board shall adopt and maintain only banking arrangements and good accounting practices that are acceptable to the Director of Corporate Services and shall keep such books of account and submit such statements from time to time as the Director of Corporate Services may require.

AUDITOR

19. Council may require each Board to appoint an auditor, to be approved by Council, to be the auditor of the Board and all books, documents, records of transaction, minutes of the Board shall, at all times be open to his inspection. The cost of the auditor, if required, is to be borne by the Board.

APPROVAL OF ESTIMATES BY COUNCIL

20. Each Board shall submit to Council its estimates of expenditures for each fiscal year at the time and in the form prescribed by the Council and may make requisitions upon the Council for all sums of money required to carry out its powers and duties but nothing herein divests the Council of its authority to reject the estimates and budget of a Board in whole or in part or to refuse to provide the money for the purposes of a Board and when money is so provided by Council, the Director of Corporate Services shall pay the money to the Board;

LIMIT OF THE BOARDS EXPENDITURES OF MONIES

21.
 - (1) No Board shall expend any monies except for expenditures included in its budget as submitted to and approved by Council;
 - (2) No Board shall, without prior approval of Council, make or authorize an expenditure in any year for any purpose in excess of the amount provided for that purpose in its estimates of expenditure for that year as approved by Council or incur indebtedness in any year for any purpose which is not payable from its estimates or expenditures for that year as approved by Council;
 - (3) No Board may borrow money for a term beyond the current fiscal year unless approved by Council.
22. Each Board may make grants to a Business Development Corporation within either Area to carry out any works, undertakings, events or other activities or improvements within either Area or the lands adjacent to either Area provided

such grants do not exceed the amount provided to the Board by Council and provided such works, undertakings, events, activities and improvements are consistent with the objects and duties of the Board.

23. The Council shall authorize a levy or levies upon all business occupancy assessments (business taxes) within the Areas, at a rate not exceeding 10% of the business tax in order to fund the approved budget of the Boards, and such authorization may be a part of the City's annual budget.

FISCAL YEAR AND ANNUAL REPORT OF THE BOARD

24. The fiscal year of each Board shall be the calendar year and, on or before the 15th day of June in each year, each Board shall submit its annual report for the preceding year to Council, and that report shall include a financial statement of its affairs, with balance sheet and revenue and expenditure statement, and when so required by Council the financial statement shall be an audited one.

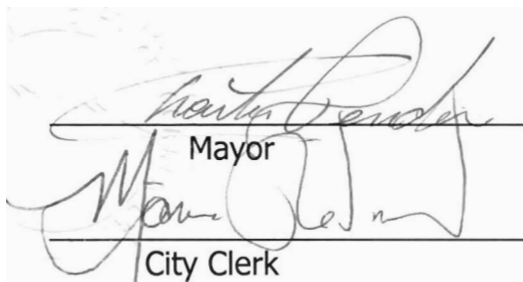
INSURANCE

25. Each Board shall be responsible for obtaining insurance policies against public liability in respect of the Board's activities.

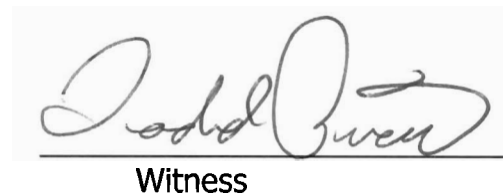
ASSETS AND LIABILITIES

26. Upon the repeal of this Regulation, each Board shall cease to exist and its undertakings, assets and liabilities shall be assumed and taken over by the City and all books, documents, records of transactions, minutes and accounts of the Board shall be immediately transferred to the City.

IN WITNESS WHEREOF these Regulations are sealed with the Seal of the City of Corner Brook and signed by and on behalf of Council at Corner Brook, in the Province of Newfoundland, this 15 day of January, A.D. 2009.



Mayor
City Clerk

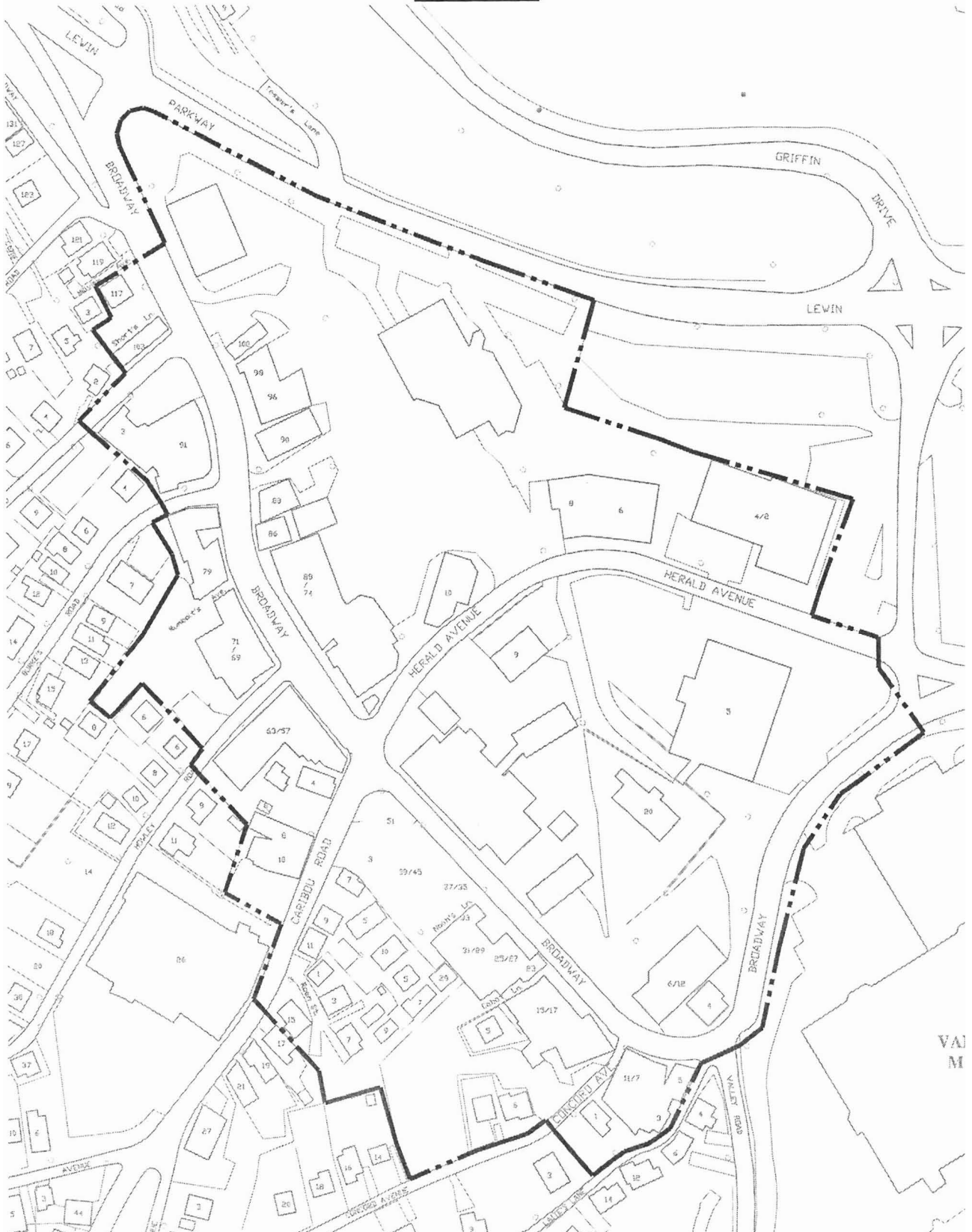


Witness

First Reading: 15 December 2008
Second Reading: 12 January 2009
Published in Western Star: 21 January 2009

A. TODD PICKETT
A Commissioner for Oaths in and
for the Province of Newfoundland
and Labrador. My commission
expires on December 31, 2009.

Schedule A



Schedule B

