

Notice of Motion

Downtown Business Improvement Areas Regulations

The City has current Downtown Business Improvement Areas Regulations that were enacted in January 2009. The Downtown Business Association Inc. have identified changes that they had requested to the regulations in regards to the area covered by the regulation, as well as wording changes. The proposed new Downtown Business Improvement Areas Regulations will expand the zone which is covered to include additional properties on lower Mount Bernard Avenue, lower Caribou Road, Cobb Lane and lower Humber Road.

This notice of motion will be voted on by Council at the November 21 Public Meeting. The businesses within the zone, and the general public are welcome to provide feedback to dpark@cornerbrook.com.

PROPOSED MOTION: It is **RESOLVED** to repeal the existing January 12, 2009 Downtown Business Improvement Areas Regulations effective January 1, 2017, and be it **FURTHER RESOLVED** to approve the new Downtown Business Improvement Area Regulations as attached effective January 1, 2017.

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 _____ day of _____, A.D., 2016, 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:
 - a. "Area" refers to the commercial area of the City designated herein as a business improvement area and shown as outlined in the diagram annexed hereto as Schedules "A" and "B";
 - b. "Board" refers to the board of management established herein for the management of the Area;
 - c. "Business Development Corporation" refers to any corporation without share capital, a majority of the members of which are representatives of the Area and whose undertaking and purpose is similar to the objects and duties of the Boards and includes the Corner Brook Downtown Business Association Inc.;
 - d. "City" means the City of Corner Brook;
 - e. "City Clerk" refers to the City Clerk of the City of Corner Brook or his or her designate;
 - f. "Council" refers to the Corner Brook City Council;
 - g. "Councillor" means a City of Corner Brook Councillor, including the Mayor;
 - h. "Director of Finance & Administration" refers to the Director of Finance & Administration 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
 - i. "Member Business" refers to those businesses, trades and professions located within the boundaries of the Area, and shown on the latest revised assessment roll as being assessed for business tax.

DESIGNATION OF BUSINESS IMPROVEMENT AREA

3. There is hereby declared and designated a business improvement area as outlined in Schedules "A" and "B" attached hereto and forming part of these Regulations, hereinafter collectively referred to as the "Area".

BOARD OF MANAGEMENT

4. There is hereby established a board of management for the Area, hereinafter referred to as the "Board".
5. The Board shall consist of at least six (6) persons and not more than twelve (12) persons, appointed in accordance with these Regulations by Council 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.
6. The membership of the Board shall be constituted as follows:
 - a. At least one member shall be a Councillor appointed by Council; and
 - b. 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 the Board, a person must be at least nineteen (19) years of age, they or the Member Business for which they are a *designated representative* must have paid to date all taxes, levies, and surcharges assessable under these Regulations and under the *City of Corner Brook Act RSNL 1990 Ch. C-15* and they must be:
 - a. a *designated representative* of a Member Business; or
 - b. a Councillor.
8. Council may choose 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. A Member Business may not have more than one designated representative for that Member Business appointed as a member of the Board at any particular time.
10.
 - a. Where a member of the 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.
 - b. Where a vacancy occurs in the membership of the 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 the 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 the 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.
 - a. The 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.
 - b. The 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 that the Board does not act *ultra vires* and to report to Council when such an instance has or is likely to occur;
 - iv. to ensure all administrative duties of the Board are carried out; and
 - v. to supervise all persons employed by the Board.
 - c. The 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.
 - d. The 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 THE BOARD

15. The objects of the Board shall be to:
 - a. promote the Area as a place for retail and commercial activity;

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

DUTIES OF THE BOARD

- 16. The Board shall:
 - a. be responsible to the Council in carrying out the powers, functions and duties conferred by these Regulations;
 - b. report to the Council on the activities of the Board at those times and in the manner that the Council may prescribe;
 - c. 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;
 - d. make available to the Council at all times all books, documents, transactions, minutes and accounts of the Board; and
 - e. do all other things necessary or incidental to the carrying out of the objects of the Board.

MEETING OF THE BOARD

- 17. The Board may meet as often as deemed necessary by the Chairperson, but in any case, it shall meet at least quarterly.
- 18. The Board may propose to Council rules of procedure for the conduct of the internal affairs of the Board to be considered by Council for adoption as a Regulation.

MINUTES, FINANCIAL RECORDS AND OTHER RECORDS OF THE BOARD

- 19.
 - a. The 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
 - b. The Board shall adopt and maintain only banking arrangements and good accounting practices that are acceptable to the Director of Finance & Administration and shall keep such books of account and submit such statements from time to time as the Director of Finance & Administration may require.
- 20. Council may require the 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

21. The Board shall submit to Council for approval its annual operating budget and proposed expenditure of funds for each fiscal year on or before the first day of June 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 proposed expenditure and budget of the Board in whole or in part or to refuse to provide the money for the purposes of the Board and when money is so provided by Council, the Director of Finance & Administration shall pay the money to the Board;

LIMIT OF THE BOARD EXPENDITURES OF MONIES

22.
 - a. The Board shall not expend any monies except for expenditures included in its budget as submitted to and approved by Council;
 - b. The Board shall not, 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;
 - c. The Board may not borrow money for a term beyond the current fiscal year unless approved by Council.
23. The Board may make grants to a Business Development Corporation to carry out any works, undertakings, events or other activities or improvements within the 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.
24. The Council shall impose an annual surcharge upon every Member Business within the Area, at a rate not exceeding 10% of the business tax imposed on the Member Business in order to fund the approved budget of the Board, and such annual surcharge may be a part of the City's annual budget.

FISCAL YEAR AND ANNUAL REPORT OF THE BOARD

25. The fiscal year of the Board shall be the calendar year and, on or before the 15th day of June in each year, the 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

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

ASSETS AND LIABILITIES

27. Upon the repeal of this Regulation, the 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.

28. These Regulations shall come into force as of the date enacted by Council and the Downtown Business Improvement Areas Regulations 2009 and all amendments thereto are hereby repealed and the business improvement areas established thereunder and boards of management for those areas established thereunder are hereby dissolved upon the coming into force of these Regulations.

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 ____ day of _____, A.D. 20__.

Mayor

City Clerk

Witness: Commissioner, Notary Public
or Justice of the Peace

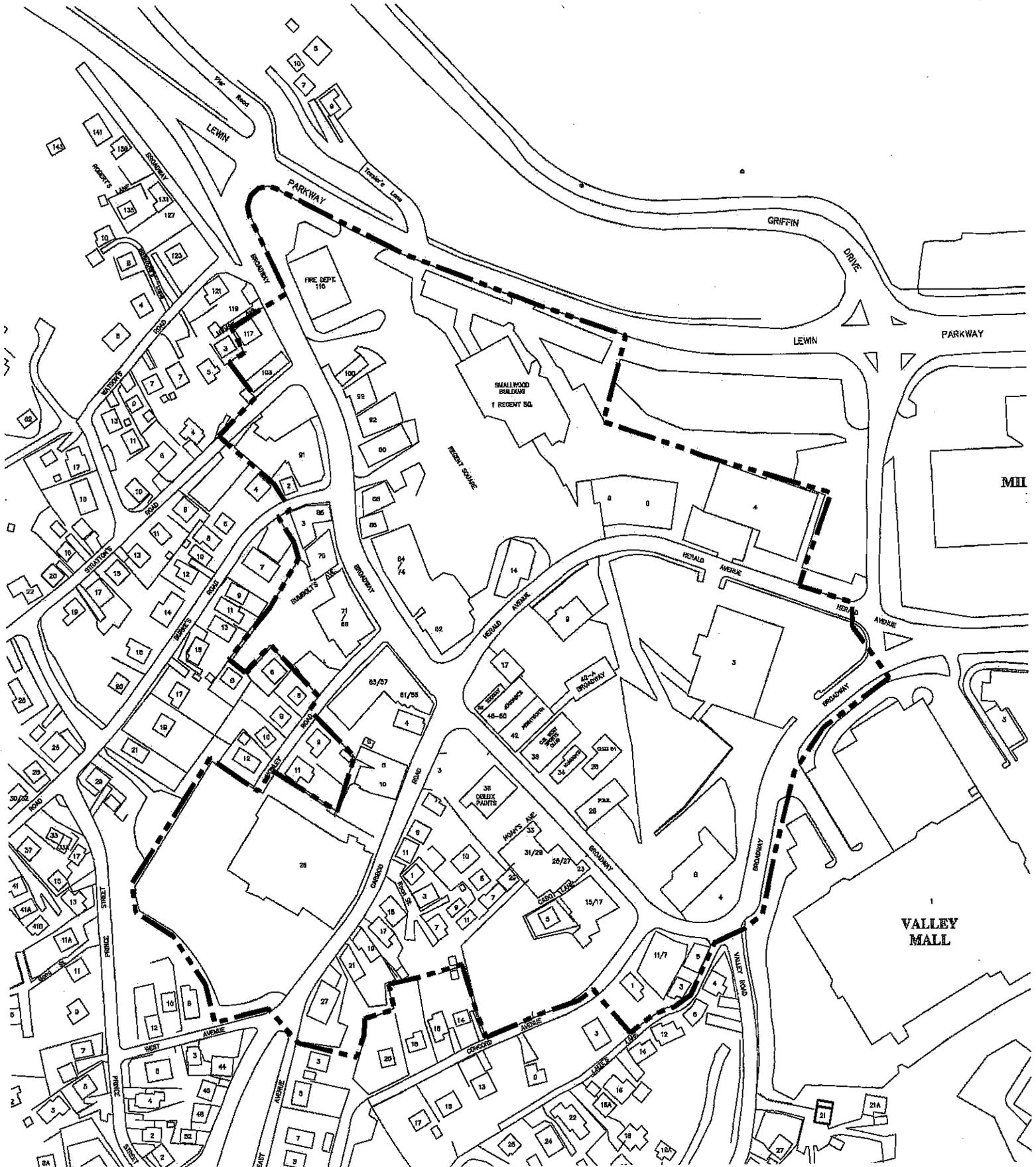
First Reading: _____

Second Reading: _____

Published in Western Star:

Letter to Municipal Affairs: _____

Schedule A



Schedule B
(Part 2 of 2)

