

The Corporation of the Municipality of Brockton



By-Law 2020-106

Being A By-Law Designating Certain Areas Of The Municipality Of Brockton As A Business Improvement Area, To Establish A Board Of Management For The Improvement Area And To Levy A Special Charge Upon The Persons In The Business Improvement Area

Whereas the *Municipal Act, 2001, S.O. 2001, c. 25*, Section 5(1), as amended, provides that the powers of a municipal corporation are to be exercised by its council;

And Whereas the *Municipal Act, 2001, S.O. 2001, c. 25*, Section 5(3), as amended, provides that a municipal power, including a municipality's capacity rights, powers and privileges under section 9; shall be exercised by By-Law;

And Whereas *Municipal Act, 2001, S.O. 2001, c. 25*, Section 204, as amended, provides that the Council of a local municipality may pass by-laws designating an area as an improvement area and may also establish a Board of Management for the designated area.

And Whereas the Council of the Municipality of Brockton is desirous of amending the composition of the **Business Improvement Area Board of Management**.

Now Therefore the Council of the Corporation of the Municipality of Brockton **Enacts As Follows:**

1. That all areas within the boundaries of Walkerton, as designated by the Walkerton Community Official Plan, as delineated on the attached Schedule "A", shall be included in the Business Improvement Area.
2. That the Board of Management (hereinafter called "the Board") be established as a body corporate and entrusted to the Board, subject to the limitations hereinafter set out, the improvement, beautification and maintenance of municipally owned land, buildings and structures in the area, beyond such improvement, beautification and maintenance as is provided at the expense of the municipality at large, and the promotion of the area for business, shopping and economic development.
- ~~3.~~ That such Board is a body corporate and shall consist of **seven (7)** directors appointed by Council. The Board shall consist of at least one member of the Council, ~~a maximum of three (3) representatives of businesses located within the boundaries of Brockton accepted by the Board for voluntary membership~~, and the remaining directors shall be representatives of businesses assessed for commercial or industrial assessment in the area. ~~During the annual general meeting, voluntary members are not eligible to vote.~~ If voting results in a deadlock for the remaining six (6) voting positions, the President will break the vote. ~~if they are a levied member. If the President is not a levied member, the responsibility is left with the Vice-President, who must be a levied member.~~
4. Each director shall hold office for the same term as the council that appointed them, if the director continues to be qualified, as provided in paragraph 3 herein.
5. Where a vacancy occurs from any cause, the Council shall appoint a person qualified as set out in paragraph 3 herein to be a director and as recommended by the Board, who shall hold office for the remainder of the term, for which his or her predecessor was appointed.

6. The directors shall hold office until their successors are appointed.
7. The Board shall as soon as possible after its directors are appointed, elect a President and a Vice-President and appoint such other officers as it may deem necessary to properly conduct the business of the Board.
8. The Board shall keep proper minutes and records of its meetings and shall supply true copies of such minutes and records to the directors, all members of the Business Improvement Area and to the Municipal Clerk as expeditiously as possible.
9. The Board shall adopt and maintain only banking arrangement and accounting practices that are acceptable to the Municipal Treasurer and keep such books of accounts and submit such statements from time to time as the said Treasurer may require.
10. The Municipal Auditor shall be the auditor of the Board and all books, documents, transactions, minutes and accounts of the Board shall, at all times, be open to his or her inspection.
11. The fiscal year of the Board shall be the calendar year.
12. The Board shall submit its annual report for the preceding year to Council, including a complete audited and certified financial statement of its affairs with balance sheet and revenue and expenditure statement, as soon as practicable after completion.
13. The Board shall submit to the Council its estimates for the current year at the time and in the form prescribed by the Council. The Board may make requisitions upon the Council for all sums of money required to carry out its powers and duties, within the limits of the estimates as approved by the Council, but nothing herein divests the Council of its authority with reference to rejecting such estimates in whole or in part or providing the money for the purposes of the Board and when money is so provided by the Council, the Treasurer shall, upon the certificate of the Board, pay out such money to the Board.
14. The Board shall not spend any money not included in the estimates without the prior approval of Council. This restriction will not be extended to the disposition of income generated over and above the special levy.
15. The Board shall not borrow money and, without the prior approval of the Council, it may not incur any indebtedness extending beyond the current year.
16. Subject to such maximum and minimum charges as the Council may specify by by-law, the Council shall in each year levy a special charge upon persons in the area assessed for commercial and industrial assessment sufficient to raise a sum equal to the amount of money needed for the purposes of the board.
17. Before Council passes a by-law specifying maximum and minimum charges or amendments thereto under paragraph 16 above, notice of the proposed by-law shall be,
 - a) given in accordance with Section 210 of the *Municipal Act, 2001, S.O. 2001, c. 25*, as amended, which provides that notice shall be sent by prepaid mail to the board of management of the improvement area and to every person, who on the last returned assessment roll, is assessed for rateable property within the prescribed business property class in the improvement area.
18. Any person who would be liable to a special charge levied in accordance with a by-law proposed to be passed by the Council of a Municipality under paragraph 16 above, specifying maximum or minimum charges may object to the proposed by-law by filing written notice of the objection with the Clerk of the Municipality within 60 days after the last day of mailing of the notices.
19. This By-Law shall come into effect upon passage
20. That By-Law 2017-060 be hereby amended.

21. This By-Law may be cited as the “Amend Establishing Board of Management Walkerton BIA By-Law”.

Read, Enacted, Signed and Sealed this 22nd day of September, 2020.

Mayor – Chris Peabody

Clerk – Fiona Hamilton

Schedule "A" to By-Law 2017-060 and 2020-106
Business Improvement Area Boundaries

