

## The Corporation of the City of Kawartha Lakes

### Office Consolidation of By-Law 2008-212

Consolidated On March 10, 2015

Passed by Council on March 22, 2011

Amendments:

- |                   |                |                 |
|-------------------|----------------|-----------------|
| 1)By-law 2011-046 | March 22, 2011 | Section 2.02 a) |
| 2)By-law 2015-037 | March 3, 2015  | Section 2.02 a) |

Note: This consolidation is prepared for convenience only. For accurate reference the original by-laws should be reviewed.

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## The Corporation of the City of Kawartha Lakes

### By-Law 2008 - 212

#### A By-Law to Establish a Board of Management for the Lindsay Business Improvement Area in the City of Kawartha Lakes

##### Recitals

1. The *Municipal Act, 2001*, S.O. 2001, c.25, subsection 204(1), provides that the local municipality may establish a Board of Management for the Lindsay Business Improvement Area.
2. Council designated the Lindsay Business Improvement Area by By-law 2008-211.
3. Section 204(2.1) of the *Municipal Act, 2001*, S.O. 2001, c.25 provides that a Board of Management of a Business Improvement Area is a local board of the City of Kawartha Lakes for all purposes.

**Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2008-212.**

#### **Section 1.00: Definitions and Interpretation**

##### 1.01 Definitions: In this by-law,

**“Board of Management”** means The Board of Management for the Lindsay Business Improvement Area as adopted by this By-law.

**“City”, “City of Kawartha Lakes” or “Kawartha Lakes”** means The Corporation of the City of Kawartha Lakes and its entire geographic area.

**"City Clerk"** means the person appointed by Council to carry out the duties of the clerk described in section 228 of the *Municipal Act, 2001*.

**“Council” or “City Council”** means the municipal council for the City.

**“Director of Finance”** means the person who holds that position and his or her delegate(s) or, in the event of organizational changes, another person designated by Council.

**“Manager of Economic Development”** means the person who holds that position and his or her delegate(s) or, in the event of organizational changes, another person designated by Council.

##### 1.02 Interpretation Rules:

- (a) The Schedules attached to this by-law form part of the by-law, and are enforceable as such.
- (b) The words “include” and “including” are not to be read as limiting the meaning of a word or term to the phrases or descriptions that follow.

- 1.03 **Statutes**: References to laws in this by-law are meant to refer to the statutes, as amended from time to time, that are applicable within the Province of Ontario.
- 1.04 **Severability**: If a court or tribunal of competent jurisdiction declares any portion of this by-law to be illegal or unenforceable, that portion of this by-law shall be considered to be severed from the balance of the by-law, which shall continue to operate in full force and effect.

## **Section 2.00: Business Improvement Area Board of Management**

- 2.01 **Establish Board**: A Board of Management is established for the area designated in By-law Number 2008-211 as the Lindsay Business Improvement Area to oversee the improvement, beautification and maintenance of municipally- owned land, buildings and structures in the area beyond that provided at the expense of the municipality generally, and to promote the area as a business or shopping area.
- 2.02 **Composition**: The Board of Management established under section 2.01 of this By-law consists of a minimum of **9** and a maximum of **15** directors who shall have full voting privileges, and shall include:
- a) Up to Three (3) Councillors appointed directly by Council of the City of Kawartha Lakes.
- By-law 2015-037, effective March 3, 2015
- b) The balance of the directors shall be selected by vote of the members of the Lindsay Business Improvement Area and then appointed by Council of the City of Kawartha Lakes, and shall include:
    - i) One City Police Services Representative;
    - ii) One Business Resident, being a resident of Lindsay who is an owner or operator of a business located outside the Business Improvement Area but within the City;
    - iii) The balance shall be members of the Business Improvement Area.
  - c) The Board of Management will invite City staff resources from the Tourism/Economic Development office and the Public Works Services office to act as resources to the Board and they shall have non-voting privileges

The term of the Board of Management shall be the same as the term of the Council that appointed them, however, in an election year the Board of Management members shall continue to hold office until their successors have been appointed.

- 2.03 **Structure**: The Board of Management shall elect from amongst themselves a Chair and Vice-Chair who will then appoint a Treasurer who shall serve until the next Annual General Meeting or until he or she is removed from office by resolution of the Board of Management.
- 2.04 **Procedures**:
- a) As soon as possible after its first directors are appointed by Council of the City of Kawartha Lakes, the Board of Management:
    - i) shall pass a procedure by-law governing the calling, place and proceedings of its meetings.
    - ii) before passing the procedure by-law, shall give notice of its intention to do so to the members of the Lindsay Business Improvement Area in accordance with Section 2.05.
  - b) Each member of the Board of Management has one vote regardless of the number of properties that he or she may own, lease or represent as an officer of a corporation which owns or leases properties in the Lindsay Business Improvement Area.

- 2.05 **Notice:** The notice under section 2.04(a)(ii) shall:
- a) be in writing;
  - b) be hand-delivered or sent by prepaid mail addressed to each member no less than 15 days before the meeting;
  - c) set out the date, time and place of meeting; and
  - d) include a statement of the intention to pass the procedure by-law and a copy of the procedure by-law.
- 2.06 **Minutes:** The Board of Management shall keep proper minutes and records of every meeting of the Board of Management and shall forward true copies of the minutes and records to all directors of the Board of Management and to the Manager of Economic Development.
- 2.07 **Banking Arrangements:** The Board of Management shall adopt and maintain banking arrangements and accounting procedures acceptable to the Director of Finance and shall submit such financial statements, in addition to those required under subsections 205(1) and 207(1) of the *Municipal Act, 2001*, as the Council of the City of Kawartha Lakes may require.
- 2.08 **Fiscal Year:** The fiscal year of the Board of Management shall be the calendar year.
- 2.09 **Annual Budget:** The Board of Management shall prepare and submit to the Council of the City of Kawartha Lakes a proposed budget for each fiscal year on or before the 1<sup>st</sup> day of November in each year (for the next operating year) and shall hold at least one meeting of the members of the Lindsay Business Improvement Area for discussion of the proposed budget before its submission to the Council of the City of Kawartha Lakes.
- The Board of Management may make requisitions upon the Municipal Clerk for all sums of money, including penalties and interest, required to carry out its powers and duties in accordance with the estimates approved by Council. The Municipal Treasurer shall, upon receipt of valid requisitions signed by the Chair of the Board of Management, pay out such money.
- The Board of Management shall not expend any moneys not included in the budget approved by Council or in a reserve fund established under Section 417 of the *Municipal Act, 2001*.
- 2.10 **Annual Audit:** The Board of Management shall submit to the City of Kawartha Lakes' Auditor, for auditing, an annual report for the fiscal year on or before February 28 in each year and, after that has been audited, shall submit the annual report to Council of the City of Kawartha Lakes on or before May 31 in each year.
- 2.11 **Annual General Meeting (AGM):** The Board of Management shall hold an AGM in accordance with their Procedural By-law.
- 2.12 **Insurance:** The Board of Management shall maintain at all times Commercial General Liability Insurance, written on IBC Form 2100 or its equivalent, including but not limited to bodily and personal injury liability, property damage, non-owned automobile liability and premises liability, having an inclusive limit of not less than Two Million Dollars (\$2,000,000) and endorsed to include the City of Kawartha Lakes as an additional insured. Certificates of insurance originally signed by authorized insurance representatives shall be provided to the City of Kawartha Lakes upon the City of Kawartha Lakes' request. Insurance certificates and policies shall contain a provision that the insurer shall not cancel or materially change coverage as would affect the contract without providing the City of Kawartha Lakes at least 30 days prior written notice.
- 2.13.1 **Legislation:** The Board of Management shall comply with all applicable provisions of the *Municipal Act, 2001*, the *Municipal Freedom of*

Information and Protection of Privacy Act and any other applicable legislation including, but not limited to, those relating to Business Improvement Areas, Meetings, Records, Remuneration and Expenses and Financial Administration.

2.13.2 **Policies:** As soon as possible after its first directors are appointed by Council of the City of Kawartha Lakes, the Board of Management shall adopt policies dealing with:

- (a) its sale and other disposition of land
- (b) its hiring of employees
- (c) its procurement of goods and services

in accordance with Section 270(2) of the Municipal Act, 2001.

**Section 3.00:     Administration and Effective Date**

3.01    **Administration of the By-law:** The Director of Finance and the Manager of Economic Development are responsible for the administration of this by-law.

3.02    **Effective Date:** This By-law shall come into force on January 1, 2009.

By-law read a first, second and third time, and finally passed, this 25<sup>th</sup> day of November, 2008.

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Mayor

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Clerk