

BOARD & COMMITTEE

Chapter 70 BOARD OF MANAGEMENT DOWNTOWN IMPROVEMENT AREA

Article 1 INTERPRETATION

- 70.1.1 Improvement Area - designated - Schedule 'A'
- 70.1.2 Auditor - designated

Article 2 BOARD OF MANAGEMENT

- 70.2.1 Establishment
- 70.2.2 Composition
- 70.2.3 Term of office - original
- 70.2.4 Term of office - reappointment
- 70.2.5 Vacancy - how filled
- 70.2.6 Termination - by Council

Article 3 FINANCE

- 70.3.1 Estimates - submission to Council
- 70.3.2 Requisitions - upon City Treasurer
- 70.3.3 Other expenditures - approval
- 70.3.4 Indebtedness - limitation
- 70.3.5 Annual report - audited

70.1.1 DOWNTOWN IMPROVEMENT AREA 70.2.1

70.3.6 Special charge - annual levy

70.3.7 Special charge - collection

Article 4

EFFECTIVE DATE - BY-LAW - CONDITIONS

70.4.1 Ontario Municipal Board - approval - required

Ontario Municipal Board - approval - obtained

SCHEDULE

Schedule 'A' - Maps - Downtown Improvement Area

Article 1
INTERPRETATION

70.1.1 Improvement Area - designated - Schedule 'A'

The area of the City of Kitchener contained within or enclosed by heavy outline on the Map attached hereto as Schedule 'A' is hereby designated as an Improvement Area to be known as the Downtown Improvement Area.

70.1.2 Auditor - designated

The City 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/her inspection.

Article 2
BOARD OF MANAGEMENT

70.2.1 Establishment

A Board of Management for the said Improvement Area is hereby established which shall be known as the Downtown Improvement Area Board of Management.

70.2.2 Composition

The composition of the Board shall be as is established from time to time by resolution of Council provided that at least one member shall be a member of the Council, and the remaining members shall be individuals assessed for business assessment in respect of land in the said designated area or nominees of such individuals or of corporations so assessed and provided further that at least one member of the Board, other than the said member of Council, shall be a representative of the business community not engaged in the retail sale of merchandise.

70.2.3 Term of office - limitation

Each member of the Board of Management shall hold office from the time of the said appointment until the expiration of the term of the Council that approved the appointment provided the member continues to be qualified as provided in Section 70.2.2 hereof.

70.2.4 Term of office - reappointment

The members of the Board shall hold office until their successors are appointed by Council and are eligible for reappointment on the expiration of their term of office.

70.2.5 Vacancy - how filled

Where a vacancy occurs in the Board from any cause, the Council shall, by resolution, appoint a person qualified as set out in Section 70.2.2 hereof to be a member of the Board, who shall hold office for the remainder of the term for which the predecessor was appointed.

70.2.6 Termination - by Council

Upon repeal of this Chapter, the Board shall cease to exist and its undertakings, assets and liabilities shall be assumed by the City.

**Article 3
FINANCE****70.3.1 Estimates - submission to Council**

The Board shall submit its estimates for the current year to the Council at a time and in a form as prescribed by Council. However, the Council may reject such estimates in whole or in part and also may refuse to provide such money for the purposes of the Board.

70.3.2 Requisitions - upon City Treasurer

The Board may make requisitions upon the City Treasurer against the budget approved by Council for all sums of money required by the Board in order to carry out its powers and duties. A certificate, signed by the Chairman of the Board and one other Board member, shall form part of each requisition. Provided however that, upon requisition, the City Treasurer, during the period between year-end and budget day, may advance an amount of money up to fifty percent of the budget for the preceding year.

70.3.3 Other expenditures - approval

The Board shall not expend any monies not included in its estimates which have received prior approval by the Council.

70.3.4 Indebtedness - limitations

The Board shall not incur any indebtedness extending beyond the current year.

70.3.5 Annual report - audited

The Board shall, annually, on or before the 1st day of March, submit its annual report for the preceding year to Council. Said annual report shall include a complete audited and certified financial statement of the affairs of the Board with a balance sheet and a statement of revenue and expenditure.

70.3.6 Special charge - annual levy

The Council shall, in each year, levy a special charge upon persons in the said designated area assessed for business assessment sufficient to provide a sum equal to the sum of money provided for the purposes of the Board thereof, which shall be borne and paid by such persons in the proportion that the assessed value of the real property that is used as the basis for computing the business assessment of each of such persons bears to the assessed value of all the real property in the area used as the basis for computing business assessment.

70.3.7 Special charge - collection

Any charge imposed under Section 70.3.6 hereof may be collected in the same manner and with the same remedies as provided by the *Municipal Act* for the collection of taxes upon business assessment.

Article 4**EFFECTIVE DATE - BY-LAW - CONDITIONS****70.4.1 Ontario Municipal Board - approval - required**

This Chapter shall not come into force and effect until such time as it receives the approval of the Ontario Municipal Board and shall be subject to whatever conditions, restrictions, or limitations the Ontario Municipal Board may, by order, impose. By-law 87-294, 9 November, 1987.

Ontario Municipal Board - approval - obtained

Note: By-law 87-294 is a consolidation of By-law 76-131-P as amended by By-laws 78-180-P, 79-30-P, 80-46-P and 81-58-P. By-law 76-131-P as amended by By-law 79-30-P established the boundaries of the Downtown Improvement Area Board of Management and were approved by the Ontario Municipal Board, January 28, 1977 and January 24, 1979 respectively.

DOWNTOWN IMPROVEMENT AREA

SCHEDULE

Schedule 'A' - Maps - Downtown Improvement Area

Part of Schedule 'A' - Downtown Improvement Area Maps 1 and 2 are not available in electronic format. Please see the printed copy of the City of Kitchener Municipal Code.