

BOARD - COMMITTEE

Chapter 96 RICHMOND HILL BUSINESS IMPROVEMENT AREA

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Article 1 IMPROVEMENT AREA

96.1.1 Designated - set out - Schedule 'A' - Schedule 'B'

The Corporation hereby designates the area shown as Schedule 'A' and described in Schedule 'B' (hereinafter called the "improvement area"), as an improvement area within the meaning of the *Municipal Act, 2001*.

96.1.2 Schedules - considered part of Chapter

Schedule 'A' is a copy of the plan outlining the improvement area. Schedule 'B' is a description of the boundaries of the improvement area. Schedule 'C' is a list of the Board Members approved by Council for the purposes of the Richmond Hill Business Improvement Area pursuant to this Chapter. Schedules 'A', 'B' and 'C' are considered to be part of this Chapter.

96.1.3 Name of Improvement Area

The improvement area shall be known as the "Village of Richmond Hill Business Improvement Area" (hereinafter referred to as "BIA")

Article 2 BOARD OF MANAGEMENT

96.2.1 Established

The Corporation of the Town of Richmond Hill (hereinafter called "Town") hereby establishes a board of management to be known as the "Board of Management for the Village of Richmond Hill Business Improvement Area" (hereinafter called "Board") for the improvement area.

96.2.2 Improvement - beautification - maintenance - promotion

In accordance with the *Municipal Act, 2001* and subject to the limitations provided for in this Chapter, the Town entrusts to the Board:

- (a) the improvement, beautification and maintenance of municipally-owned land, buildings and structures in the improvement area, beyond such improvement, beautification and maintenance as is provided at the expense of the municipality at large; and
- (b) the promotion of the improvement area as a business or shopping area. By-law 170-08, 3 November, 2008.

96.2.3 Composition - 14 members - qualifications

The Board of Management shall consist of 14 members appointed by the Council of the Corporation (hereinafter called "Council"), one of whom shall be a member of the Council, one of whom shall be a resident representative from within or near the general area of the business improvement area, and one of whom shall be a representative of an arts, cultural or religious institution located within the boundaries of the business improvement area. The remaining members shall be individuals assessed for commercial or industrial assessment in respect of land in the improvement area, or nominees of such individuals or of corporations so assessed who have been elected by the membership of the BIA."; By-law 170-08, 3 November, 2008, By-law 21-09, 17 February, 2009, By-law 23-10, 22 February, 2010.

96.2.3.1 Quorum

The quorum for the Board of Management shall be five members of the Board of Management." By-law 21-09, 17 February, 2009.

96.2.4 Appointment by Council

In order to be a member of the Board, individuals must be appointed by Council resolution. If Council chooses not to appoint a member so elected by the BIA, further elections by the BIA will take place until Council approves an elected member to the Board by resolution.

96.2.5 Term - expiry

Each member of the Board shall hold office from the time of his or her appointment until the expiration of the term of the Council that appointed him or her provided he or she continues to be so qualified as provided in Section 96.2.3. By-law 170-08, 3 November, 2008.

96.2.6 Vacancy - filled by appointment - remainder of term

Where a vacancy occurs on the Board of Management from any cause, save for the member of the Council, the Board of Management shall make a recommendation to Council to appoint a person qualified as set out in 96.2.3 to be a member of the Board of Management, who shall hold office for the remainder of the term for which his or her predecessor was appointed. By-law 21-09, 17 February, 2009.

96.2.7 Reappointment - eligibility

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

96.2.8 Chair - elected - other appointments - annually

The Board shall, as soon as possible after its members are appointed, elect a Chair and appoint a secretary and treasurer, to be elected and appointed annually and such other officers as it may deem necessary to properly conduct the business of the Board during the year.

96.2.9 Minutes - records - submitted to Clerk

The Board shall keep proper minutes and records of every meeting of the Board, and shall forward true copies of such minutes and records to all members of the Board and to the Clerk of the Town as soon as possible after the meeting covered thereby.

Article 3 FINANCIAL

96.3.1 Accounting - banking arrangements - records maintained

The Board shall adopt and maintain banking arrangements and good accounting practices that are consistent with the Town's policies and practices as well as acceptable to the Town's external auditors. The Board shall keep accounting records and make these available for review by the Town's Treasurer and auditors as required.

96.3.2 Auditor - inspection of financial transactions - at any time

The Town's external auditor shall be the auditor of the Board and all financial records, documents, transactions, minutes and accounts. These shall at all times be open for inspection by the auditors.

96.3.3 Fiscal year - calendar year

The fiscal year of the Board shall be the calendar year.

96.3.4 Report - annual report and audited financial statements

Each year, the Board shall submit its annual report for the preceding year to Council, including complete audited financial statements in a form, manner and time frame consistent with the Town's reporting of its financial statements.

96.3.5 Annual budget and forecasts - Council approval required

The Board shall submit to Council its draft budget for the current year and forecast for future year activities in a form, manner and time frame consistent with other Departments and Boards of the Town. The Board may make requisitions upon the Council for funds required to carry out its powers and duties, but nothing in this Section divests the Council of its authority with reference to rejecting such budget requests in whole or in part or providing funds for the purposes of the Board and when funds are approved by Council the Treasurer shall pay out such funds to the Board.

96.3.6 Insurance policies - coverage by Town of Richmond Hill

The Town will include coverage for the operations of the Village of Richmond Hill Business Improvement Area and its appointed and/or elected members, but only in respect of the liability arising out of the performance of his/her duties specific to the Village of Richmond Hill BIA.

96.3.7 Reporting of activities

Through the submission of its draft budget for the current year and forecast for future years, the Board shall identify proposed events and activities it intends to undertake. Council has the authority to exclude a proposed event or activity if that event or activity would expose the Town to an unacceptable level of liability, expose residents to an unacceptable level of risk, present a situation that could be damaging to the Town's reputation or negatively effect the Town's blanket insurance coverages. The Board is required to report to Council prior to undertaking any unexpected or unusual activities that were not identified in the draft budget in order to allow Council to ensure that the event does not represent an unacceptable level of liability, expose residents to an unacceptable level of risk, present a situation that could be damaging to the Town's reputation or negatively effect the Town's blanket insurance coverages. All events and activities undertaken by the Board shall follow Town policies, procedures and processes with respect to special events.

96.3.8 Insurance policies – recovery of additional costs

The Town reserves the right to recover any additional costs incurred as a result of including the Village of Richmond Hill Business Improvement Area in its insurance policy.

96.3.9 Assistance - special requirements - permitted

Nothing in this Chapter shall prevent the Board from obtaining the assistance of persons with special qualifications to provide the Board with plans and information to enable the Board to carry out its duties and responsibilities as established under Section 96.2.2.

96.3.10 Special assessment - levy - businesses - within area

Council shall in each year levy a special charge upon persons in the improvement area assessed for commercial or industrial assessment sufficient to provide a sum equal to the sum of money provided for the purposes of the Board for the improvement area, together with interest thereon at such rate as is required to repay any interest payable by the Town 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 commercial or industrial assessment of each of such persons bears to the assessed value of all the real property in the improvement area used as the basis for computing commercial or industrial assessment.

96.3.11 Special assessment - collected as taxes

Any charge imposed under Section 96.3.1 may be collected in the same manner and with the same remedies as provided by the *Municipal Act, 2001* for the collection of taxes upon commercial or industrial assessment.

96.3.12 Expenditures - not approved in budget - prohibited

The Board shall not expend any money not included in the budget approved by Council.

96.3.13 Borrowing and indebtedness - Council approval

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.

96.3.14 Remuneration prohibited - reimbursement permitted

Members of the Board shall serve without remuneration but may be reimbursed for out-of-pocket mileage or travel expenses, provided such expenses have been authorized and approved by the Board and such amounts for such expenses are provided for in the approved budget of the Board as adopted by Council, and such mileage or travel expenses shall be paid at a rate consistent with the Town's Mileage and Transportation Allowance Policy. By-law 170-08, 3 November, 2008.

96.3.15 Village of Richmond Hill BIA Reserve Fund

The Corporation of the Town of Richmond Hill has established a Village of Richmond Hill Business Improvement Area Reserve Fund funded by year end surplus allocations as approved by the Board of Management and Council and earnings derived from investments. The Board of Management may recommend (subject to Council approval) funds to be used for:

- (a) contribution towards capital projects within the scope of the Village of Richmond Hill Business Improvement Area;
- (b) one-time conditions, events or initiatives that would otherwise require an excessive area levy increase;
- (c) successful tax assessment appeals resulting in a deficit of overall area levies collected for the Village of Richmond Hill Business Improvement Area;
- (d) other purposes as may be approved by the Board of Management and Council.

The Board of Management shall forward minutes to Council with a signed declaration from two of the Chair, Vice-Chair, and Treasurer attesting to the approval of such uses by the Board of Management. The Town of Richmond Hill will disburse funds within thirty days of Council approval." By-law 21-09, 17 February, 2009.

Article 4
REPEAL

96.4.1 By-law - previous

By-law 187-87 and 286-87 be repealed.

96.4.2 Repeal of Chapter - by-law - procedure

Upon the repeal of this Chapter, the Board shall cease to exist and its undertakings, assets and liabilities shall be assumed by the Town of Richmond Hill. By-law 170-08, 3 November, 2008.

RICHMOND HILL BIA

SCHEDULE

Schedule 'A' - Improvement Area



By-law 170-08, 3 November 2008; Schedule 'A'.

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Schedule 'B'- Improvement Area Boundaries

On the north - Benson Avenue on the west side of Yonge Street and Crosby Avenue on the east side of Yonge Street.

On the south - Major Mackenzie Drive on the east and west side of Yonge Street.

On the east and west - Church Street on the east side projected between Major Mackenzie Drive on the south and Crosby Avenue on the north. Elizabeth and Hall Streets on the west side projected between Major Mackenzie Drive on the south and Benson Avenue on the north. Note that the boundary is inclusive of affected properties on both sides of the boundary streets. By-law 170-08, 3 November 2008; Schedule 'B'.

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Schedule 'C' - Board members

The following 14 individuals, elected by the membership of the BIA, be appointed to the Board of Management for a term ending November 30, 2010 or until successors are appointed.

- Calvin Ho, Big Boss Computers, 10111 Yonge Street and property owner 10111-10115 Yonge Street
- Amir Majdpour, Finest Gold Gallery, 10271 Yonge Street
- Nadia Salter, Knitters Attic, 10119 Yonge Street
- Allen Sloan, property owner, 10303 Yonge Street
- Gregory Talas, Kodiak Gallery, 10176 Yonge Street
- Maryam Tomazadeh, Kiddies Korner Childcare and Indoor Playground, 10288 Yonge Street
- Ali Vakili, property owner, 10288-10300 Yonge Street
- Ralf Weyler, Café en Passant, 10133 Yonge Street
- Joel Clements, resident representative
- Councillor Lynn Foster
- Ali Abed
- HabibAtaei
- Mercedes Jones
- Joanne Schreiber

By-law 21-09, 17 February, 2009; By-law 23-10, 22 February, 2010.