

The Corporation of the Municipality of Central Elgin

BY-LAW 543

Being a By-law to Designate and Establish an Improvement Area known as the Port Stanley Business Improvement Area

WHEREAS section 204 of the Municipal Act, 2001, S.O. 2001, c. 25, authorizes a local municipality to designate an area as an improvement area and to establish a board of management;

AND WHEREAS notice of this By-law was given in accordance with section 210 of the said Act;

AND WHEREAS the Clerk of the Municipality of Central Elgin has determined that the conditions set out in subsection 210(3) of the said Act have not been met;

NOW THEREFORE the Council of The Corporation of the Municipality of Central Elgin enacts as follows:

Establishment and Purpose

1. The Municipality hereby designates the area shown as Schedule "A" (hereinafter called the "Improvement Area") as an Improvement Area within the meaning of the Municipal Act.
2. The Municipality hereby establishes a board of management to be known as the "Board of Management for the Port Stanley Business Improvement Area" (hereinafter called the "Board") for the Improvement Area.
3. Subject to obtaining the approval of the Council of the Municipality of Central Elgin (hereinafter called the "Council") for all projects, the Municipality entrusts to the Board the improvement, beautification and maintenance of municipally-owned land, buildings and structures in the Improvement Area, beyond such improvement, beautification as is provided at the expense of the Municipality generally.
4. The Municipality also entrusts to the Board the promotion of the Business Improvement Area as a business or shopping area.

Board of Management

5. The Board shall consist of seven members appointed by Council, two of whom shall be members of the Council and the remaining members shall be persons assessed with respect to rateable property in the Improvement Area that is in a prescribed business property class and tenants of such property or nominees of corporations so assessed. The remaining directors shall be selected by a vote of the membership of the improvement area and appointed by the Council.
6. The Council may refuse to appoint a person selected by the members of an Improvement Area, in which case the Municipality may leave the position vacant or direct that a meeting of the members of the Improvement Area be held to elect or select another candidate for the Council's consideration.
7. Each member shall hold office from the time of his or her appointment until the expiration of the term of Council that appointed him or her provided he or she continues to be so qualified as provided in section 5 of this By-law.
8. The members of the Board shall hold office until their successors are appointed and are eligible for re-appointment upon the expiration of their term of office.

9. Subject to section 6, where a vacancy on the Board occurs from any cause, Council may appoint a person to fill the vacancy for the unexpired portion of the term and the appointed person is not required to be a member of the Improvement Area.
10. 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.
11. 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 Chief Administrative Officer of the Municipality of Central Elgin as soon as possible after the meeting covered thereby.
12. A majority of members of the Board constitutes a quorum of the Board unless otherwise approved by Council.

Financial

13. The Board shall adopt and maintain banking arrangements and good accounting practices that are acceptable to the Municipality's auditor, and shall keep such books of account and shall submit such statements from time to time as the Municipality's auditor may require.
14. The Municipality's 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.
15. The fiscal year of the Board shall be the calendar year.
16. On or before the 1st day of May in each year, the Board shall submit its annual report for the preceding year to Council. The annual report shall include a complete audited financial statement of the Board's affairs with balance sheet and revenue and expenditure statement
17. The Board shall submit to Council its estimates for the current year in a form and at a time satisfactory to the Director of Financial Services of the Municipality of Central Elgin and may make requisitions upon the Council for all sums of money required to carry out its powers and duties, but nothing in this section 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 Director of Financial Services shall, upon the certificate of the Board, pay out such money to the Board.
18. Upon repeal of this By-law, the Board shall cease to exist and its undertakings, assets and liabilities shall be assumed by the Municipality.
19. Nothing in this By-law 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 sections 3 and 4 of this By-law.
20. The Municipality shall annually raise the amount required for the purposes of the Board, including any interest payable by the Municipality on money borrowed by it for the purposes of the Board, by levy upon rateable property in the Improvement Area that is in a prescribed business property class.

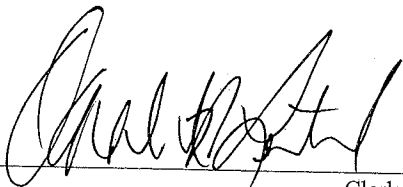
- 21. Charges levied under section 20 of the By-law shall have a priority lien status and shall be added to the tax roll.
- 22. The Board shall not expend any money not included in the estimates approved by Council or in a reserve fund established under section 417 of the *Municipal Act*, S.O. 2001, c. 25.
- 23. 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.

Annual General Meeting


- 24. Notice of the Annual General Meeting of the members of the Improvement Area (hereinafter called the "Annual General Meeting") must include the meeting agenda and proposed budget.
- 25. A complete audited financial statement of the Board's affairs including complete audited and certified financial statement of its affairs with balance sheet and revenue and expenditure statement must be available at the Annual General Meeting.
- 26. The Board shall supply the Chief Administrative Officer of the Municipality with the notice of the annual general meeting and any materials to be included in it at least 21 days before the date of the annual general meeting.
- 27. The Municipality shall send notice of the Annual General Meeting by prepaid mail at least 14 days before the date of the meeting to Improvement Area property owner members.
- 28. The Board shall distribute notices at least 14 days before the date of the meeting to Improvement Area tenant members.
- 29. The Annual General Meeting of the Improvement Area shall be held prior to the 1st day of May unless otherwise approved by Council.

READ a FIRST and a SECOND TIME this 23rd day of June, 2003.

READ a THIRD TIME and FINALLY PASSED this 23rd day of June, 2003.



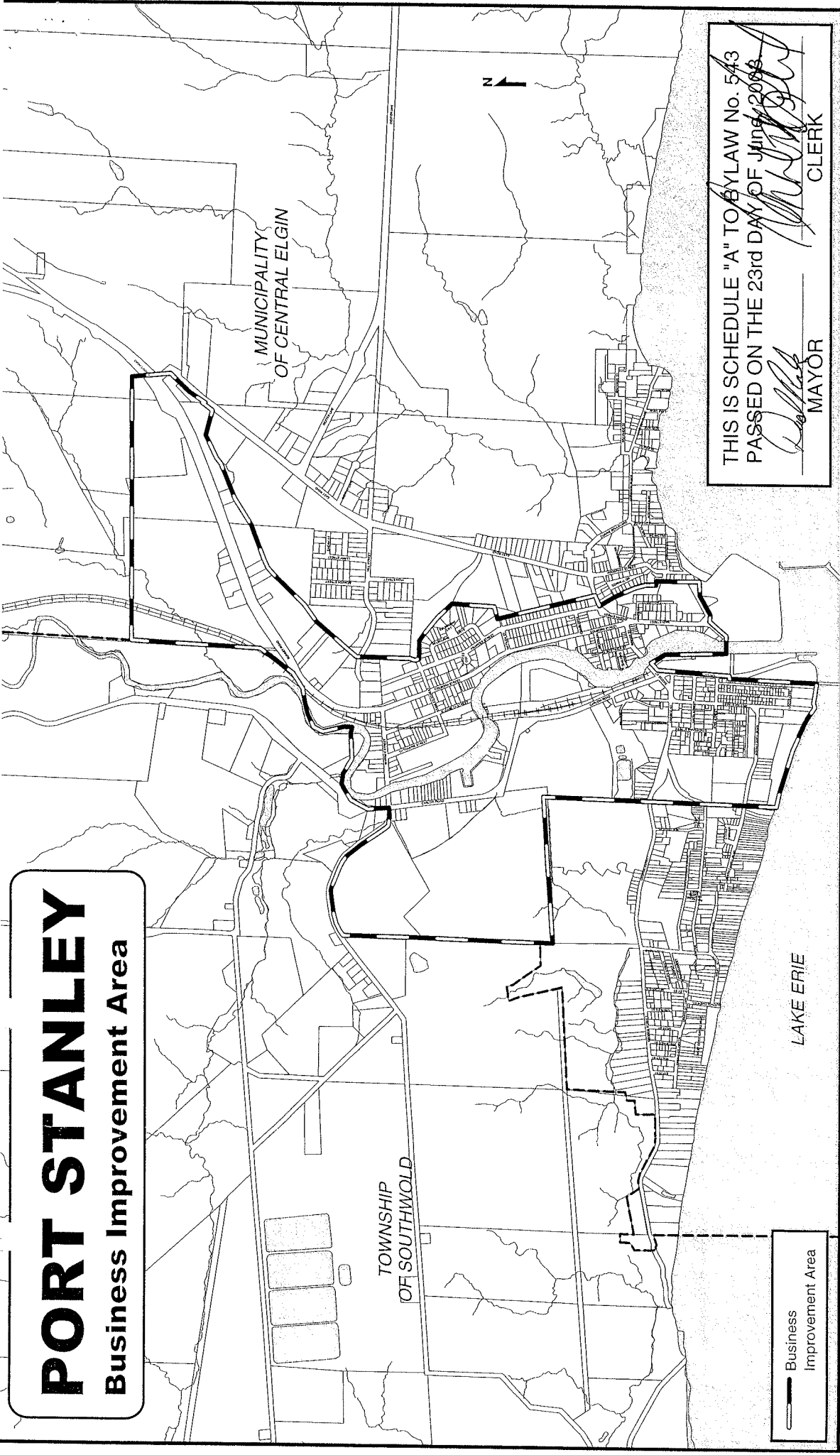
Clerk



Mayor

PORT STANLEY

Business Improvement Area



Business Improvement Area

THIS IS SCHEDULE "A" TO BYLAW No. 543
PASSED ON THE 23rd DAY OF June 2008

[Signature]
MAYOR

[Signature]
CLERK