City of Yorkton
Saskatchewan

Bylaw No. 10/2012

A Bylaw of the City of Yorkton in the Province of Saskatchewan to designate an area in the Downtown & West Broadway Corridor as a Business Improvement District and to establish the Management Board for the Business Improvement District

WHEREAS *Section 25* of *The Cities Act* provides that the Council of an urban municipality may by bylaw designate an area as a Business Improvement District and establish for any such area so designated a Board of Management;

AND WHEREAS, the Yorkton downtown business community, as represented by the *Downtown Business Association (DBA)*, is promoting the establishment of the 'Yorkton Business Improvement District' (*Yorkton BID*);

AND WHEREAS, the purpose of the *Yorkton BID* is to promote the economic development, downtown beautification, and physical revitalization of the Downtown core and West Broadway Corridor;

AND WHEREAS, the City of Yorkton recognizes the economic benefits of establishing such a district for the City and is a willing partner in its operations;

AND WHEREAS, the boundaries of the *Yorkton BID*, illustrated in Schedule 'A', includes portions of the Highway Commercial (C-3) zoning district west of the number nine highway, the City Centre Commercial (C-1) zoning district, with the exception of Myrtle Avenue and York Road, and the Arterial Commercial (C-2) zoning district in its entirety;

AND WHEREAS notice as prescribed by the said Act of the intention of Council to pass a bylaw designating the area described as the *Yorkton BID* has been given and no sufficiently-signed petition objecting to the passing of the bylaw has been received within the time limited therefore;

NOW THEREFORE, the Council of the City of Yorkton in Council assembled hereby enacts as follows:

1. Designation of the Business Improvement District (BID)

The area comprised of the land illustrated in Schedule "A" annexed hereto and made part of this Bylaw is designated as a *Yorkton BID*, hereinafter called the "District", within the meaning of *Sections 25* and *102* of *The Cities Act.*

2. Purpose of the BID

The primary goals of the District include, but are not limited to:

a. increasing the value of businesses and properties via streetscaping, decorative lighting, brickwork, landscaping, new construction, and reinvestment in vacant properties;

b. enhancing the appearance of the area through downtown beautification efforts, supporting community events, and partnering with local groups; and

c. increasing business activity via business attraction and retention, marketing initiatives, and property development strategies.

3. Establishment of the Board of Management

There is established for the District a Board of Directors to be known as the "Board of Management", hereinafter called the "Board" for the District.

4. Annual General Meeting

The Yorkton Business Improvement District shall hold an annual general meeting prior to December 1.
At each annual meeting, the Yorkton Business Improvement District shall:

a) Elect the board of directors
b) Conduct such other business as may be deemed necessary

5. Election and Appointment of the Board

A maximum of ten (10) persons shall be elected by the membership and their appointment to the Board shall be ratified by Council resolution.

6. Composition of the Board

The Board is a body corporate and shall consist of a maximum of eleven (11) persons. Council may designate a Member of Council or City Administration to serve as the designated representative of Council. The other persons appointed shall be persons who are property owners or business operators in the District or who are nominees of corporations which operate businesses in the District.

7. Powers of the Board

The Board has all the powers set out in *Section 25* of *The Cities Act*, subject to the limitations provided in this Bylaw.

8. Appointments and Term of Office

a. Council may by resolution, remove any person appointed to the Board and appoint another person to replace them.

b. Prior to December 15th of each year, the Chairperson shall provide notice to the Mayor, of the members whose election and appointment to the Board is to be ratified by Council resolution**.**

c. No member shall serve as Chairperson for more than three (3) years.

d. If, before the end of the term for which he/she was appointed, any member of the Board representing City Council should cease to be a member of Council or City Administration his/her term of office as member of the Board shall cease.

e. If, before the end of the term for which he/she was appointed, any member of the Board should cease to be a property owner or business operator in the District or a nominee of a corporation which operates in the District his/her term of office as member of the Board shall cease.

f. Any member of the Board who is absent from three (3) consecutive, regular scheduled meetings of the Board shall, unless authorized by resolution of the Board, forfeit his/her membership and the Chairperson shall advise the Mayor of the vacancy.

g. Any vacancies that occur on the Board, during the appointed term, may be filled by resolution of Council.

h. Council may designate an alternate Member to serve in the absence of the designated representative of Council.

9. Election of Chairman, Appointment of Secretary-Treasurer

The Board shall, as soon as possible after its members are appointed, elect a Chairperson and Vice-Chairperson and appoint a Secretary-Treasurer, and such other officers as it may deem necessary to properly conduct its business. An annual financial review shall be conducted at fiscal year end with financial statements and reports provided to the Director of Finance and City Council.

10. Minutes and Records of the Board

The Board shall keep proper minutes and records of every meeting of the Board, and shall make these available to all members of the Board and to the City Clerk for review by City Council. The minutes and records of the Board shall be open to inspection by any operator of a business, or property owner, in the District.

11. Quorum

A majority of members of the Board shall constitute a quorum. When the Board is meeting and the quorum is lost, the meeting shall stand adjourned.

12. Financial Records

The Board shall adopt and maintain only banking arrangements and good accounting practices that are acceptable to the Director of Finance and Auditor of the City of Yorkton and shall keep such books of account and submit such statements from time to time as the said Director and/or Auditor may require.

13. Approval of Estimates by Council

The Board shall submit to Council for its approval the revenue and expenditure estimates of the Board for the upcoming year no later than the 1st day of March in each year, in the form prescribed by the Council. The Board shall set out in the estimates:

a. the amounts to be contributed to the Board by Council from monies to be collected from the urban municipality at large;

b. any amounts contributed to the Board by Council;

c. the amounts of grants to be received by the Board from sources other than the City of Yorkton;

d. the amounts to be received by the Board from the disposal or conveyance of land and buildings.

After the budget has been approved by Council and before the remittance of the levy, a Council shall pay the cost of any claims for approved works that may be submitted by Board for payment, and the city shall recover any of those payments from the levy.

14. Surplus Funds

Surplus funds will be applied to or designated for a specific project(s) and placed in reserve(s). Should surplus funds not be identified for a specific project they will be used to reduce the next years requisition/tax levy.

15. Levy on Business Operators and City Contribution

a. Council shall authorize an annual levy in addition to any property tax to be paid by the owners of business properties in the District, of a uniform rate of $200 per property.

b. In addition to the uniform base charge per property, Council shall authorize a maximum annual levy of .50 mills.

c. The .50 mill limit will be modified from time to time in conjunction with Province wide re-evaluations of assessment values. The modifications to the mill rate will be in the same proportion as the change in assessment values in a re-evaluation year. For example, if combined existing property assessment values in the Yorkton Business Improvement District increase 30% in a re-valuation year, then the maximum mill rate could decrease 30%.

b. Council shall agree to match the annual levy dollars raised by businesses in the District, to a maximum of $100,000.

c. The Board shall demonstrate that the proposed expenditures included in the approved estimates of the Board do not exceed the revenues generated by the Board and Council portion.

The levy mentioned in subsection (a) is to be based on the assessment of all land and improvements used or intended to be used for business purposes in the District.

Levy's shall be mailed out and included in the City of Yorkton property tax notices.

16. Limits of the Board's Expenditures and Indebtedness

The Board shall expend only those monies included in the estimates approved by the Council and no member of the Board shall authorize the expenditure of funds not previously approved by Council. The Board shall incur no indebtedness extending beyond the current fiscal year.

17. Pecuniary or Personal Interest

Every person appointed to the Board shall before entering the duties of the office provide a public disclosure statement the same as that outlined in *Section 116* of *The Cities Act* to the City Clerk.

Where a member of the Board has a pecuniary or personal interest in the matter before the Board, he/she shall declare his/her interest, remove themselves from the meeting, be excluded from all discussions, and shall not be entitled to vote thereon.

18. Auditor

The municipal auditor shall be the auditor of the Board and all books, documents, records of transactions, minutes and accounts of the Board shall, at all times be opened to his inspection.

19. Fiscal Year and Annual Report of the Board

The fiscal year of the Board shall be the calendar year and, on or before the 1st day of May in each year, the Board shall submit its annual report for the preceding year to the Council. This shall include a review engagement report issued by an independent accounting firm, attached to the annual financial statement prepared in accordance with generally accepted accounting principles.

20. Insurance

The City of Yorkton shall assume responsibility for maintaining insurance policies against public liability and property damage in respect of the activities of the Board.

21. Parking Facilities

No land acquired by the Board and used for parking shall be sold, leased or disposed of unless the Board uses the proceeds to acquire land which provides parking facilities in an amount equal to those of the land disposed of.

22. Process for Disestablishment

The District may only be disestablished with the petition of a clear majority of levy paying property owners in the District. Under such circumstances the disestablishment shall come into effect the year following the petition, unless a vote in the subsequent year determines a clear majority still in favour of the District operations. Should the District be disestablished, any surplus funds remaining at the end of the year prior to disestablishment shall revert back to the City and be utilized at the discretion of the City for downtown revitalization initiatives.

23. Repealing Bylaw

Bylaw No. 27/2004 passed on the 10th day of January 2005 and all amendments thereto is hereby repealed.

24. Effective Date of Bylaw

This Bylaw shall come into force and take effect upon the day of the final passing thereof.

_____
MAYOR

_____
CITY CLERK

Introduced and read a first time this 27th day of February, A.D. 2012.

Read a second time this 27th day of February, A.D. 2012.

Read a third time and adopted this 27th day of February, A.D. 2012.

SCHEDULE "A"
YORKTON BUSINESS IMPROVEMENT DISTRICT

