

Appendix B

NO. 19-045

BUSINESS IMPROVEMENT AREA BYLAW, 2019

A BYLAW OF THE CITY OF VICTORIA

The purpose of this Bylaw is to establish a Downtown Victoria Business Improvement Area and Service, and to levy taxes and grant money for that purpose.

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Under its statutory powers, including sections 210, 211, 213, 215, and 216 of the *Community Charter* and B.C. Regulation 438/81, the Prescribed Classes of Property Regulation under the *Assessment Act*, the Municipal Council of the City of Victoria enacts the following provisions:

Title

- 1 This Bylaw may be cited as the "BUSINESS IMPROVEMENT AREA BYLAW, 2019", Bylaw No. 19-045

Definitions

- 2 In this Bylaw,

"BIA"

means the business area designated as the Downtown Victoria Business Improvement Area under section 3;

"business area"

means an area in the City of Victoria where business or commerce is carried on;

"business promotion scheme"

means:

- (a) carrying out studies or making reports respecting the BIA,

- (b) the improving, beautifying, or maintaining streets, sidewalks, or municipally owned land, buildings, or structures in the BIA,
- (c) removing graffiti from buildings and other structures in the BIA,
- (d) conserving heritage property in the BIA, and
- (e) encouraging business in the BIA.

"Director"

means the City's Director of Finance;

"Downtown Victoria Business Improvement Area Service"

means the local service established under section 4(1), the purpose of which is to authorize the provision of grants under section 4(2);

"DVBA"

means the Downtown Victoria Business Association;

"taxable property"

means land and improvements within the Business Improvement Area that are classified as Class 5 [*light industry*] or 6 [*business and other*] property class, under the Prescribed Classes of Property Regulation under the *Assessment Act*.

Designation of Business Improvement Area

- 3** That part of the City that is shown as "Business Improvement Area" on the map in Schedule A is designated as a BIA to be known as the Downtown Victoria Business Improvement Area.

Grant of money for Business Improvement Area Service

- 4**
- (1) The Downtown Victoria Business Improvement Area Service is established.
 - (2) The Council may grant up to a total amount of \$5,801,956 to the DVBA in accordance with the following maximum grants for the years indicated during the operation of this Bylaw:
 - (a) \$1,103,804 for the year 2020;
 - (b) \$1,131,399 for the year 2021;
 - (c) \$1,159,684 for the year 2022;
 - (d) \$1,188,676 for the year 2023;
 - (e) \$1,218,393 for the year 2024.

- (3) For the purposes of subsection (1), the Director may pay to the DVBA before July 10 in each of the years 2020 to 2024, the amount imposed and collected in each year under a bylaw for that purpose.

Conditions on use of grants

5 All money granted under section 4 is subject to the following conditions:

- (1) (a) the DVBA must have as one of its aims, functions or purposes the planning and implementation of a business promotion scheme;
- (b) the money must be expended only by the DVBA;
- (c) the money must be expended by DVBA only for a business promotion scheme;
- (d) before October 31 in each year the DVBA must submit a budget
 - (i) to the Director for approval by the Council,
 - (ii) based on a fiscal year beginning on January 1,
 - (iii) containing information sufficient in detail to describe all anticipated expenses and revenues,
 - (iv) approved by a majority of the members of its Board of Directors, and
 - (v) if not then approved by the DVBA Society members, that will be submitted for approval by the DVBA Society's members, who are qualified under paragraph (l), at the DVBA's next annual general meeting;
- (e) as an exception to subsection (d), a budget for the year 2005 must be submitted to the City within thirty days of the adoption of this Bylaw, and a final budget must be submitted to the City within 120 days of adoption of this Bylaw;
- (f) the Director must not make the money available to the DVBA until Council has approved the DVBA's budget;
- (g) at intervals not exceeding 3 months following approval of the DVBA's budget by Council, the DVBA must submit to the Director the DVBA's statements of revenues and expenditures;
- (h) on or before March 31 of every year, the DVBA, at its own expense, must cause its auditor to prepare and deliver to the Director audited financial statements of the DVBA, including a balance sheet, a statement of revenue and expenditures, a statement of change in financial position, and a schedule of change in financial reserves;
- (i) the DVBA must not carry out any borrowing, that results in an indebtedness or other obligation as to money granted to it by Council under this Bylaw, extending beyond the fiscal year in which that money was granted;
- (j) the DVBA's directors must permit the Director, or the Director's representative, to inspect, during normal business hours on reasonable notice, all of the DVBA's records of

account, receipts, invoices, and other financial position records that the Director considers to be advisable for the purposes of verifying and obtaining further particulars of the budgets and any financial statements of the DVBA as they relate to money granted to the DVBA under this Bylaw;

- (k) if not required for the DVBA's immediate use, money granted to the DVBA must be invested only in securities in which trustees are authorized by law to invest;
- (l) the DVBA must keep separate from any other accounts the account or accounts used for money granted by the City of Victoria under this Bylaw;
- (m) at all times the DVBA must take out and maintain a policy of comprehensive general liability insurance in the amount of \$2,000,000.00 that names the City as an additional insured, that contains a cross coverage provision, and that contains an endorsement to provide the Director with 30 days notice of change or cancellation;
- (n) the DVBA must give at least 14 days notice if delivered by hand or facsimile, or 21 days notice if delivered by other means, of each of its general meetings to all of the following persons:
 - (i) the Director;
 - (ii) all persons who own property described in Schedule B, delivered to their address ascertained from the most recent property tax roll of the City;
 - (iii) all persons who lease or occupy property described in Schedule B, and from which they carry on a business, to their address as determined by directories, visual inspection, or any other information system agreed to by the Director;
- (o) the DVBA must give to the Director, not less than 7 days before the date scheduled for a general meeting of the DVBA, a declaration stating that all persons eligible to be DVBA members were notified of the general meeting;
- (p) 15 members constitute a quorum for general meetings of the DVBA;
- (q) the DVBA's board of directors must be comprised of property owners and business owners who are eligible to be members of the DVBA, as well as one director appointed by the City of Victoria;
- (r) the DVBA must provide to the Director copies of the minutes of the DVBA's general meetings and director's meetings within 30 days from the date of each of the meetings;
- (s) the DVBA must not alter or approve amendments to its constitution or bylaws without providing the Director with
 - (i) 2 months notice of the DVBA's intention to do that, and
 - (ii) the substance of the proposed alteration or amendment;

- (t) the City may withhold any payments of a grant if notice is not given under paragraph (s);
 - (u) the DVBA must not charge an annual membership fee of more than \$5.00;
 - (v) any grant money received by the DVBA under this Bylaw that remains unspent at the earlier of the expiry of this Bylaw, or the dissolution of the DVBA, must be returned to the City of Victoria after the payment of any debts lawfully incurred by the DVBA in relation to a business promotion scheme, and the constitution and bylaws of the DVBA must provide for the return of the grant money to the City in those circumstances.
- (2) Notwithstanding section 5(1)(i), the DVBA may borrow up to \$1,000,000 to be repaid within the existing timeframe of this bylaw to fund a seasonal activation project.”

Tax levy for recovery of grants

- 6**
- (1) The total amount of the grants set out in section 4 must be recovered by the City by the imposition of a tax on all taxable property, at the rate of \$0.40 per \$1,000.00 of assessed value of land and improvements for taxable property that is a hotel or part of a hotel, and \$0.80 per \$1,000.00 of assessed value of land and improvements for all other taxable property.
 - (2) For the purposes of subsection (1) and section 4(2)(a), for the year 2005 a tax is imposed on each of the taxable properties described in Schedule B, attached to and forming part of this Bylaw, in the amount shown opposite each such property in Schedule B.
 - (3) For the purposes of subsection (1) and section 4, in the years 2006 to 2009, taxes in the amounts that will recover the amounts set out in sections 4(2)(b) to (e), respectively, must be imposed by bylaw in each of those years, provided that such taxes must not exceed the rates established under subsection (1).
 - (4) The taxes must be included in the City's real property tax roll for the years indicated below, and is payable to, and collected by the City's Collector in the same manner as other rates shown on the real property tax roll.

Period during which Bylaw has effect

- 7**
- (1) Sections 1 to 6 come into effect on the later of the following dates:
 - (a) January 1, 2020;
 - (b) the date that this Bylaw is adopted.
 - (2) This Bylaw expires and has no effect after the year 2024

READ A FIRST TIME the	11 th	day of	April	2019.
READ A SECOND TIME the	11 th	day of	April	2019.
READ A THIRD TIME the	11 th	day of	April	2019.

ADOPTED on the

day of

2019.

CITY CLERK

MAYOR