



By-law 2015-

A By-law to Designate an
Area in the Main Street Markham Business District
as an Improvement Area and to Establish a
Board of Management for the
Business Improvement Area

Whereas Section 204, *Municipal Act, 2001*, (the “Municipal Act”) provides that the Council of a local municipality may pass by-laws designating an area as a business improvement area and establishing a board of management; and,

Whereas Council of the City of Markham (the “Council”) established the Business Improvement Area for Main Street Markham by By-law Nos. 53-77 and 279-86, as amended from time to time; and,

Whereas it is appropriate to update the by-law to be in compliance with the Municipal Act;

Now therefore be it enacted by the Council of The Corporation of the City of Markham as follows:

1. The area hereinafter described in Schedule ‘A’ to this by-law is hereby designated an “improvement area” within the meaning of the *Municipal Act* (the “Improvement Area”), to be referred to as the “Main Street Markham Business District Improvement Area”.
2. A “board of management” to be known as the “Board of Management for the Main Street Markham Business District Improvement Area” (“the Board”) is hereby established for the area designated in Paragraph 1.
3. There is entrusted to the Board, subject to the limitations hereinafter set out, the improvement, beautification and maintenance of municipally owned lands, buildings and structures in the area, beyond such improvement, beautification and maintenance as is provided at the expense of the municipality generally, and the promotion of the area as a business or shopping area.
4. The Board shall consist of between seven (7) and eleven (11) directors, two (2) of whom shall be members of the Council and appointed directly by the Council, and the remaining directors shall be selected by a vote of the Members of the Improvement Area and appointed by Council. The vote of the Members shall be conducted in accordance with the voting procedures established by the City Clerk from time to time.
5. “Members” of the Improvement Area consist of:
 - (a) individuals or corporations who are assessed as property owners, on the last returned assessment roll, with respect to rateable property in the area that is in a prescribed business property class;
 - (b) subject to approval by the City Clerk, recent purchasers of property in the area that is in a prescribed business property class, but not assessed on the last returned assessment roll;
 - (c) tenants of the properties described in a) and b) above, provided that tenancy shall be verified in accordance with Section 204(5) of the *Municipal Act*.
6. To be eligible to serve as a director of the Board, an individual must be:

- (a) at least 18 years of age; and
 - (b) a Member; or
 - (c) an individual appointed as a nominee by a Member that is a corporation, provided that the nominee is a shareholder, director, officer or employee of the corporate Member and has the written approval of the corporate Member to exercise the corporate Member's rights;
7. The term of the directors of the Board is the same as the term of the Council that appointed them but continues until their successors are appointed (provided they continue to be qualified as provided in Paragraph 6). Directors are eligible for reappointment.
8. The Council may refuse to appoint a person selected by the Members, in which case the Council may leave the position vacant or direct that a meeting of the Members be held to select another candidate for the Council's consideration. Where a vacancy occurs for any cause, the 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.
9. The Board shall, as soon as possible after the directors of the Board are appointed by Council, elect a Chair and Vice-Chair (to serve for the duration of the Council term, or until they resign from the position or are removed from the position by a majority vote of the Board), and appoint a secretary and a treasurer (to be appointed annually), and such other officers as it deems necessary to properly conduct the business of the Board.
10. 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 directors of the Board and the City Clerk as soon as possible after the meeting covered thereby.
11. The Board shall adopt and maintain banking arrangements and good accounting practices that are acceptable to the City's auditor and agrees to keep such books of account and to submit such statements from time to time as the City's auditor may require.
12. The City'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 such auditor's inspection.
13. The fiscal year of the Board shall be the calendar year.
14. On or before the 1st day of March in each year, the Board shall submit its annual report for the preceding year to the Council, including a complete audited and certified financial statement of its affairs with a balance sheet and revenue and expenditure statement.
15. The Board shall prepare a proposed budget for each fiscal year, and submit the budget to the Council by the date and in the form required by the Council, and the Council may approve it in whole or in part but may not add expenditures to it.

16. The Board shall not:
 - (a) spend any money unless it is included in the budget approved by the Council or available in a reserve fund established under Section 417 of the *Municipal Act*;
 - (b) incur any indebtedness extending beyond the current year without the prior approval of the Council; or
 - (c) borrow money.
17. The Board shall deposit and keep on deposit with the City Clerk, insurance policies satisfactory in all respects to the City Clerk, indemnifying The Corporation of the City of Markham against public liability and property damage in respect of the activities of the Board.
18. The Board shall adopt policies governing the following:
 - (a) the sale and disposition of land;
 - (b) the hiring of employees;
 - (c) the procurement of goods and services;
 - (d) the *Occupational Health and Safety Act*; and
 - (e) any other policy of the City which the Board may, from time to time, be required to follow pursuant to law.
19. By-laws 53-77 and 279-86 as amended be repealed, save and except Schedule "A" attached to By-law 279-96 becomes Schedule "A" to this by-law.
20. All other By-laws regarding the Main Street Markham Business District Improvement Area MBIA not consistent with the provisions of this by-law shall be repealed.

Read a first, second, and third time and passed on

Kimberley Kitteringham
City Clerk

Frank Scarpitti
Mayor

Schedule A to By-law 2015----

