

CONCEPTION BAY SOUTH BUSINESS IMPROVEMENT AREA REGULATIONS

PUBLISHED BY AUTHORITY

Pursuant to the authority conferred by the Municipalities Act, 1999, Chapter M-24, Section 202 (2) the Town of Conception Bay South has made the following Regulations which were adopted at a public Council meeting held on the 15th day of January 2019.



TERRY FRENCH
MAYOR

REGULATIONS

1. TITLE

These Regulations shall be known as the "Conception Bay South Business Improvement Area" Regulations.

2. DEFINITIONS

In these Regulations:

- (a) "Area" refers to the Conception Bay South Business Improvement Area established herein and outlined in the diagram annexed hereto as Schedule "A".
- (b) "Board" refers to the Board of Management established herein.
- (c) "Business" refers to those businesses, trades and professions located within the boundaries of the Business Improvement Area and shown on the latest revised assessment roll as being assessed for business tax.
- (d) "Town" refers to The Town of Conception Bay South.
- (e) "Town Clerk" refers to the Town Clerk of the Town of Conception Bay South or designate.
- (f) "Council" refers to the Council of the Town of Conception Bay South.

- (g) "Director of Finance" refers to the Director of Finance of the Town of Conception Bay South or designate.

3. DESIGNATION OF AREA

The area known as the Business Improvement Area is outlined in Schedule "A" attached which hereto forms part of these Regulations.

4. PURPOSE

To promote, enhance, and improve area and carry out special projects, activities and events.

5. ESTABLISHMENT OF BOARD OF MANAGEMENT

- (a) A Board of Management shall be established for the Area;
- (b) The Board shall operate under the name "The Conception Bay South Business Improvement Association".
- (c) The Board shall consist of eleven (11) voting persons in total. Ten (10) to be elected by the members of the Business Improvement Area and one (1) Councillor from the Town, all of whom shall be appointed annually by Council.

6. ELECTION OF BOARD MEMBERS

- (a) To be eligible for election to the Board, a person must be at least nineteen (19) years of age, must have paid to date all levies or fees assessed in accordance with Section 16 and must be:
 - (i) A person carrying on a business within the Area; or
 - (ii) A designated representative of a person, company, corporation, firm, group, organization or other similar body carrying on a business within the Area.

- (b) To be eligible to vote for the election of Board members, a person must have paid to date all levies or fees assessed in accordance with Section 16 and must be:
 - (i) A person carrying on a business, trade, or profession within the Area;
 - (ii) A designated representative of a person, company, corporation, firm, group, organization or other similar body carrying on a business within the Area;
 - (iii) Registered with the Town of Conception Bay South as an operating business;
 - (iv) A current member of the Conception Bay Area Chamber of Commerce.
- (c) Each person, company, corporation, firm, group, organization or other similar body within the Business Improvement Area shall have one vote only and for the purpose of exercising this vote shall have only one designated representative for each body.

7. TERM OF OFFICE

- (a) Although members of the Board, except the Board member appointed from Council, are to be elected and appointed annually, the members of the Board shall hold office for two (2) years under an arrangement that will result in at least one half of the Board members being elected and appointed each year, to draw in, involve and solicit the input of as many members of the Association as possible.
- (b) A Board Member holds office until his or her successor is appointed and he or she is eligible for re-election and reappointment on the expiration of his or her term of office.

8. VACANCY ON BOARD

- (a) Where a vacancy occurs in the membership of the Board, Council shall fill the vacancy by appointing a person otherwise eligible for appointment or election as determined by these Regulations and his or her term of office shall be until the next annual election of the Board.

- (b) Notwithstanding any other provision of these Regulations where a member of the Board fails to attend three (3) consecutive regular meetings of the Board without just cause and the approval of the Board, the Board may by resolution determine that the member shall cease to be a member of the Board and the vacancy so created shall be reported to Council which shall fill the vacancy in accordance with the provisions of Section 7(a) hereof.

9. ELECTION PROCESS

- (a) The Annual election of members to the Board shall be held not later than the 15th day of December. The date, time and place for the election shall be set annually by Council.
- (b) The election shall be conducted under the supervision of the Town Clerk who shall be the Returning Officer for the election.
- (c) Written nominations on the prescribed form shall be filed with the Returning Officer no later than the close of business on the seventh business day prior to the date set for the election.
- (d) The election shall be conducted by secret ballot between the hours of 10:00 a.m. and 3:00 p.m. on the date set for the election.
- (e) For the purpose of determining eligibility for election or for voting under these Regulations, the latest revised assessment roll of the Town shall be conclusive.
- (f) Persons designated as representatives under Section 6(a) and 6(b) hereof shall provide the Returning Officer with written confirmation of their designated status, if requested.
- (g) Once the election process is complete, the elected members will be confirmed and appointed by Council.

10. ELECTION OF OFFICERS

- (a) The Board shall, as soon as possible after its members are elected and annually thereafter, elect a Chair, Vice-Chair, Secretary and Treasurer, and such other officers, as it may deem necessary to properly conduct its business and further, it may establish standing committees to assist in the performance of the duties assigned to the Board.

- (b) A staff person of the Communications and Economic Development Department of the Town, who may not be a member of the Board, will be designated by Council and whose duties and responsibilities shall be:
 - (i) to keep a record of all proceedings of the Board and its committees;
 - (ii) to have the custody and care of all records and documents of the Board;
 - (iii) to ensure all administrative duties of the Board are carried out; and,
 - (iv) to supervise all persons employed by the Board.
- (c) The Board may appoint employees or hire such other individuals or firms, none of whom shall be members of the Board, as are deemed necessary for performing the duties and responsibilities of the Board.
- (d) The Board may appoint such advisors as they deem necessary for the purpose of providing resource services to its members. Such persons will act in an advisory capacity only, and shall not be members of the Board nor have any voting privileges in the decisions rendered by the Board. The Board may accept or reject any or all of their recommendations and advice.

11. MEETINGS OF THE BOARD

- (a) The Board may meet as often as deemed necessary by the Chair but in any case it shall meet at least bi-monthly.
- (b) The Board may adopt rules of procedure for the conduct of the internal affairs of the Board.

12. MINUTES, FINANCIAL RECORDS AND OTHER RECORDS OF THE BOARD

- (a) 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 Town Clerk. The minutes and records of the Board shall be open to inspection by any person assessed for business assessment in the Area or nominee of a corporation so assessed.
- (b) The Board shall adopt and maintain only banking arrangements and good accounting practices that are acceptable to the Senior Accountant and

shall keep such books of account and submit such statements from time to time as the Senior Accountant may require.

13. AUDITOR

- (a) The Board shall appoint an auditor, to be approved by the Town, to be the auditor of the Board and all books, documents, records of transactions, minutes and accounts of the Board shall, at all times, be open to his inspection.

14. APPROVAL OF ESTIMATES BY COUNCIL

- (a) The Board shall submit to Council its estimates of expenditures for each fiscal year at the time and in the form prescribed by the Council and may make requisitions upon the Council for all sums of money required to carry out its powers and duties on a quarterly basis but nothing herein divests the Council of its authority to reject the estimates of the Board in whole or in part or to provide the money for the purposes of the Board and when money is so provided by Council, the Senior Accountant shall, upon the certificate of the Board, pay out the money to the Board on a quarterly basis.
- (b) Before submitting the estimates to Council for approval, the Board shall send, to every person assessed for business assessment in the Area, a notice informing him or her of the proposed expenditures of the Board, together with the date and place of the public meeting at which those estimates will be considered and representations may be made. Upon the conclusion of this public meeting, the Board shall submit to Council the results of the public meeting together with its budget estimates for approval.

15. LIMIT OF THE BOARD'S EXPENDITURE OF MONIES

- (a) The Board shall not expend any monies except for expenditures included in its budget as approved by Council.
- (b) The Board shall not, without prior approval of Council, make or authorize an expenditure in any year for any purpose in excess of the amount provided for that purpose in its estimates of expenditure for that year as approved by Council or incur indebtedness in any year for any purpose which is not payable from its estimates of expenditures for that year as approved by Council.

- (c) The Board may not borrow money for a term beyond the current fiscal year unless approved by Council.

16. LEVY ON BUSINESS ASSESSMENT

Council shall authorize the levy or levies upon all persons carrying on a business, trade, or profession within the Area in order to fund the budget of the Board provided that the levy shall be no greater than 10% of the business tax imposed upon that business. The levy will be non-refundable.

A voluntary fee of \$35 (in lieu of a levy) may be assessed, upon request, to a nontaxable registered business that wishes to nominate a representative to the Board of Management or otherwise avail of programs or incentives offered through the Business Improvement Association.

17. FISCAL YEAR AND ANNUAL REPORT OF THE BOARD

The fiscal year of the Board shall be the calendar year and, on or before the 15th day of June in each year, the Board shall submit its annual report for the preceding year to Council, and that report shall include a complete audited and certified financial statement of its affairs, with balance sheet and revenue and expenditure statement.

18. INSURANCE

The Town shall be responsible for obtaining insurance policies against public liability in respect of the Board's activities the cost of which shall be paid for by the Board.

19. ASSETS AND LIABILITIES

Upon the repeal of these Regulations, the Board shall cease to exist and its undertakings, assets and liabilities shall be assumed and taken over by the Town and all books, documents, records of transactions, minutes and accounts of the Board shall be immediately transferred to the Town for retention in accordance with the provisions of the *Municipalities Act, 1999*.

20. DISSOLUTION OF THE AREA AND BOARD

- (a) Upon petition of one third of those persons, companies, corporation, firms, groups, organizations or other similar bodies liable to taxation under these Regulations, the Town shall conduct a vote to determine if the Area shall continue to exist, which vote shall be decided by simple majority of those eligible to vote.
- (b) Council may dissolve the Area and the Board where the Board has not functioned for a period of one or more years.

21. COMPLIANCE WITH OTHER ACTS AND REGULATIONS

Nothing in these Regulations serves to exempt any person from obtaining any license, permission, permit, authority or approval required by any other regulation of the Town or any statute or regulation of the Province of Newfoundland and Labrador, and in such cases where more than one regulation or statute applies the more restrictive regulation or statute shall apply.

22. EFFECTIVE DATE

These Regulations shall come into force on the 15th day of January, 2019.

In witness whereof the Seal of the Town of Conception Bay South has been affixed hereto and these regulations have been signed by the Mayor and the Chief Administrative Officer on behalf of Council on this 15th day of January, 2019.



Terry French
Mayor



Brian Crawley
Chief Administrative Officer

SCHEDULE "A"

The following is a geographic description of the Business Improvement Area. Businesses assessed for business tax which abut or are inside this boundary would be included in the B.I.A.

- Beginning at point near the intersection of Topsail Road and Conception Bay Highway;
- Thence running in a North Westerly direction to a point on the western bank of Manuels River approximately 40 meters from Conception Bay Highway;
- Thence following the sinuosity on the western bank to head of Manuels River;
- Thence following the shoreline of Conception Bay in a South Westerly direction to a point on the North Western side of Burnt Island;
- Thence in a Southerly direction following the eastern banks of Long Pond to a point approximately 115 meters north of Conception Bay Highway;
- Thence in a South Westerly direction following the embankment along Long Pond to a point near the terminus of Perrins Road;
- Thence in a South Westerly direction following the rear boundaries of the properties fronting onto Conception Bay Highway to a point on the eastern side of Conway's Brook;
- Thence following the sinuosity Conway's Brook to a point on the eastern edge of Conways Brook Road;
- Thence in a Northerly direction to following the banks of Long Pond to a point approximately 93 meters from Terminal Road;
- Thence in a North Westerly direction to a point on the western edge of Terminal Road;
- Thence in a South Westerly direction to a point on the southern edge of Conception Bay Highway;
- Thence in a South Easterly direction to a point on the eastern side of Rideouts Road;
- Thence in a North Easterly direction to a point located at the intersection of the T'Railway and Country Path Road;
- Thence in a North Easterly direction following the T'Railway to the intersection of the T'Railway and Dawsons Run;
- Thence in a North Easterly direction paralleling Conception Bay Highway following the T'Railway to a point on the eastern limit of the Manuels River heritage site;
- Thence in a North Easterly direction to the origin point.