

CITY OF NANAIMO

BYLAW NO. 7317

A BYLAW TO CREATE A BUSINESS IMPROVEMENT AREA

WHEREAS a Council may, by majority vote, grant money to an applicant under Section 215 of the *Community Charter* for the purpose of the planning and implementation of a Business Promotion Scheme;

AND WHEREAS before a Council grants money for a Business Promotion Scheme, the Council shall pass a Bylaw as required by Sections 211(2) and 215 of the *Community Charter*;

AND WHEREAS Council has had an application for a grant of money under Section 215 of the *Community Charter*;

AND WHEREAS Council has not received a sufficient petition against in accordance with section 213(4) of the *Community Charter*;

THEREFORE BE IT RESOLVED that the City of Nanaimo in open meeting assembled hereby enacts as follows:

1. Title

This Bylaw may be cited as “Downtown Nanaimo Business Association Business Improvement Area Bylaw 2021 No. 7317”.

2. Definitions

In this Bylaw, unless the context otherwise requires:

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| “Applicant” | means the Downtown Nanaimo Business Association (DNBA). |
| “Business Improvement Area” | means the area of the City designated by Section 3 of this Bylaw. |
| “Business Promotion Scheme” | means: (a) carrying out studies or making reports respecting one or more areas in the municipality where business or commerce is carried on, (b) improving, beautifying or maintaining streets, sidewalks or municipally owned land, buildings or other structures in one or more business improvement areas, |

- (c) the removal of graffiti from buildings and other structures in one or more business improvement areas,
- (d) conserving heritage property in one or more business improvement areas, and
- (e) encouraging business in one or more business improvement areas,

in accordance with the Business Promotion Scheme set out in Schedule "B".

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| "City" | means the City of Nanaimo. |
| "Council" | means the Council of the City. |
| "Parcel" | means all properties within the boundaries of the Business Improvement Area that are taxable for General Municipal Purposes that fall or would fall within Class 5 or 6 of the Assessment-Classes and Percentage Levels Regulation, B.C. Reg. 438/81. |

3. Designation of Area

For the purposes of this Bylaw, the Business Improvement Area to which this Bylaw is applicable shall be comprised of that tract of land shaded on Schedule "A" attached hereto and forming part of this Bylaw'.

4. Grant

4.1 For the purposes of this Bylaw, the maximum amount of money to be granted to the Applicant under this Bylaw pursuant to Section 215 of the *Community Charter* is as follows:

- 4.1.1 in the calendar year 2021, a sum not to exceed ONE HUNDRED AND FIFTY THOUSAND DOLLARS (\$150,000);
- 4.1.2 in the calendar year 2022, a sum not to exceed ONE HUNDRED AND FIFTY ONE THOUSAND FIVE HUNDRED DOLLARS (\$151,500);
- 4.1.3 in the calendar year 2023, a sum not to exceed ONE HUNDRED AND FIFTY THREE THOUSAND FIFTEEN DOLLARS (\$153,015);
- 4.1.4 in the calendar year 2024, a sum not to exceed ONE HUNDRED AND FIFTY FOUR THOUSAND FIVE HUNDRED AND FORTY FIVE DOLLARS AND FIFTEEN CENTS (\$154,545.15);
- 4.1.5 in the calendar year 2025, a sum not to exceed ONE HUNDRED AND FIFTY SIX THOUSAND AND NINETY DOLLARS AND SIXTY CENTS (\$156,090.60);

subject to adjustment under Subsection 4.2.

4.2 4.2.1 The City shall grant to the Applicant the money as specified in Section 4.1 of this Bylaw in accordance with the timetable set out in Schedule "C" attached to and forming part of this Bylaw.

4.2.2 The City may deduct an administration fee in 2021 from the amount otherwise paid by way of grant to the Applicant for that year.

5. Expenditure

5.1 The money granted under Section 215 of the *Community Charter* pursuant to this Bylaw shall be expended only:

5.1.1 by the Applicant;

5.1.2 in accordance with the conditions and limitations set out in this Bylaw;

5.1.3 for the Business Promotion Scheme described in Schedule "B" attached hereto and forming part of this Bylaw.

6. Cost Recovery

All of the costs of the service established pursuant to this Bylaw shall be recovered within the Business Improvement Area from the owners of the land within that area by a local area service tax imposed and calculated in accordance with Section 7.

7. Local Service Tax

7.1 For the purpose of recovering the costs of the service established under this Bylaw, Council hereby levies and imposes each year within the Business Improvement Area pursuant to Section 216(2) of the *Community Charter* a local area service tax which shall yield a sum sufficient to raise the amounts specified for each year as set out in section 4.1 as follows:

7.1.1 For the calendar year 2021, each parcel shall be assessed a tax of \$270 plus an amount based on that part of the assessed value over \$275,000 to a maximum of \$6,435 per parcel;

7.1.2 For the calendar year 2022, each parcel shall be assessed a tax of \$272.70 plus an amount based on that part of the assessed value over \$275,000 to a maximum of \$6,499.35 per parcel;

7.1.3 For the calendar year 2023, each parcel shall be assessed a tax of \$275.43 plus an amount based on that part of the assessed value over \$275,000 to a maximum of \$6,564.34 per parcel;

7.1.4 For the calendar year 2024, each parcel shall be assessed a tax of \$278.18 plus an amount based on that part of the assessed value over \$275,000 to a maximum of \$6,629.98 per parcel;

7.1.5 For the calendar year 2025, each parcel shall be assessed a tax of \$280.96 plus an amount based on that part of the assessed value over \$275,000 to a maximum of \$6,696.28 per parcel.

8. Conditions and Limitations

- 8.1 The money granted pursuant to Section 215 of the *Community Charter* as outlined in this Bylaw shall be expended by the Applicant for the purpose of carrying out the Business Promotion Scheme more particularly set out in Schedule "B" attached to and forming part of this Bylaw.
- 8.2 The Applicant shall submit to the City an annual financial statement that shall be prepared in accordance with generally accepted accounting principles and shall include a Balance Sheet and a Statement of Revenue and Expenditure. The financial statement shall be submitted by the Applicant on or before the first day of July in each year of the Business Promotion Scheme.
- 8.3 The Applicant shall submit an annual budget for the approval of the City and, notwithstanding anything in this Bylaw; no payments shall be made unless the budget submitted is within the amounts established by this Bylaw.
- 8.4 The annual budget of the Applicant shall be submitted on or before the first day of June in each year of the Business Promotion Scheme.
- 8.5 The Applicant shall submit a monthly financial statement by the 15th day of each following month.
- 8.6 The Applicant shall cause its financial statements to be reviewed by a qualified accountant to ensure that the expenditures of the Applicant in relation to the Business Promotion Scheme comply with this Bylaw and shall submit the results of such audit in writing to the City's Director of Finance before the first day of July in each year of the Business Promotion Scheme.
- 8.7 The Applicant is an agency independent from the City and it shall be solely responsible for managing its own affairs and for hiring, compensating, training and providing direction to its own employees.
- 8.8 The Applicant shall pay all expenses in connection with its operation, including, but not limiting the generality of the foregoing, salaries of administration and support staff, rent, stationery, telephone and postage, taxes, electricity, heat and other utility charges, and all other office expenses from the amount received by way of grant under this Bylaw, or from other revenues of the Applicant.
- 8.9 The Applicant will not in any manner whatsoever commit or purport to commit the City to the payment of any money to any person, firm or corporation.

9. Insurance

The Applicant shall provide to the City copies of insurance policies insuring the Applicant in accordance with the specifications set out in Schedule "D" attached hereto and forming part of this Bylaw, which insurance shall be maintained by the Applicant.

10. Expiration Date

This Bylaw shall cease to have effect on 2025-DEC-31.

11. Merging of Business Improvement Areas

The Business Improvement Area created by this Bylaw may be merged with another Business Improvement Area, whether contiguous or not, for the purpose of providing, consolidating or completing necessary works or services for the merged area.

PASSED FIRST READING: 2021-MAR-01

PASSED SECOND READING: 2021-MAR-01

PASSED THIRD READING: 2021-MAR-01

Notice of intention to proceed with this Bylaw was published on this 3rd day of March, 2021 and the 10th day of March, 2021 in the *Nanaimo News Bulletin* newspaper, circulating in the City of Nanaimo pursuant to Section 94 of the *Community Charter*.

CORPORATE OFFICER CERTIFICATE OF SUFFICIENCY RECEIVED: 2021-APR-13

ADOPTED: 2021-APR-19

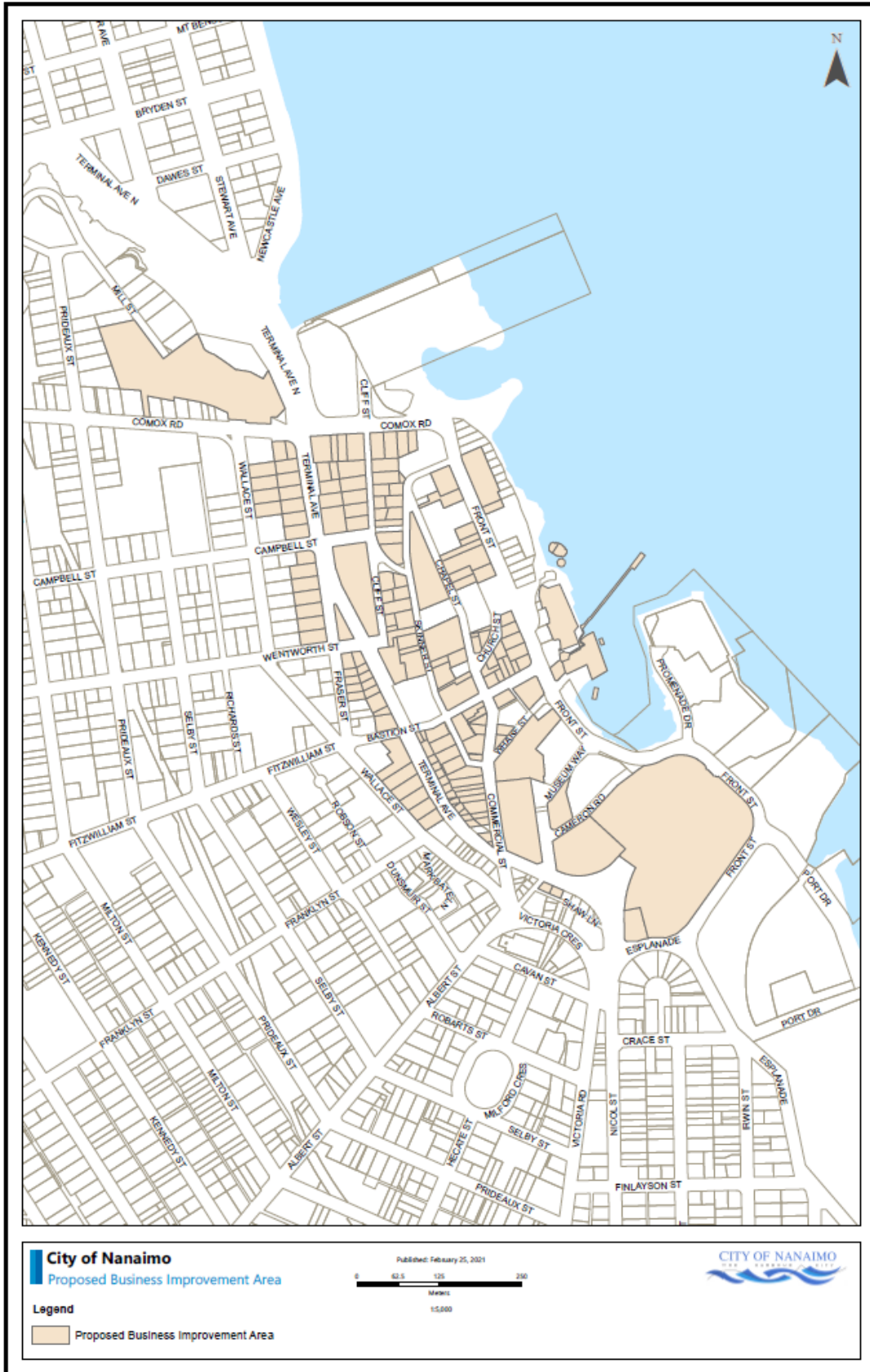
L. E. KROG

MAYOR

S. GURRIE

CORPORATE OFFICER

SCHEDULE "A"



SCHEDULE "B"

BUSINESS PROMOTION SCHEME

1. Marketing, Promotions and Special Events: advertising expenses, design and production of marketing materials, special event development and production, volunteer management, and target market research.
2. Administration: Administrative costs to a maximum of 25%.

SCHEDULE "C"
SCHEDULE OF PAYMENTS

| Payment Date | Payment Amount | Admin Fee |
|--------------|------------------------|-----------|
| 2021-JUL-15 | 100% of annual funding | \$3,750 |
| 2022-JUL-15 | 100% of annual funding | |
| 2023-JUL-15 | 100% of annual funding | |
| 2024-JUL-15 | 100% of annual funding | |
| 2025-JUL-15 | 100% of annual funding | |

SCHEDULE "D"

INSURANCE SPECIFICATION

1. The Applicant shall provide and maintain Comprehensive General Liability insurance acceptable to the City and subject to limits of not less than TWO MILLION DOLLARS (\$2,000,000.00) inclusive per occurrence for bodily injury, death and damage to property including loss of use thereof. The insurance shall cover anyone employed directly or indirectly by the Applicant as well as any contractor hired by the Applicant and its subcontractors.
2. The City shall be added as an additional named insured under the Comprehensive General Liability.
3. The Applicant shall provide the City with a copy of its Comprehensive General Liability and Employee Fidelity Insurance policies prior to the City providing funding under Section 4 of this Bylaw.
4. The Applicant's Comprehensive General Liability and Employee Fidelity Insurance policies shall contain an endorsement to provide the City within 30 days written notice of change or cancellation of the policies.