

# CITY OF PRINCE ALBERT

## BYLAW NO. 4 OF 2005



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# **OFFICE CONSOLIDATION**

## **DOWNTOWN BUSINESS IMPROVEMENT DISTRICT BYLAW**

### **BYLAW NO. 4 OF 2005**

**Including the Following Amendments:**

<b><u>AMENDMENTS</u></b>	<b><u>DATE PASSED</u></b>
Bylaw No. 9 of 2017	March 6, 2017
Bylaw No. 21 of 2023	October 16, 2023

# **CITY OF PRINCE ALBERT BYLAW NO. 4 OF 2005**

*A Bylaw of The City of Prince Albert to establish a Downtown  
Business Improvement District.*

NOW THEREFORE THE COUNCIL OF THE CITY OF PRINCE ALBERT  
IN OPEN MEETING ASSEMBLED ENACTS AS FOLLOWS:

## **STATUTORY AUTHORITY**

1. This Bylaw is passed pursuant to sections 25 and 26 of The Cities Act.

## **BUSINESS IMPROVEMENT DISTRICT ESTABLISHED**

2. The area of lands described in Schedule "A" attached hereto and forming part of this Bylaw is established as a business improvement district to be known as Prince Albert Downtown Business Improvement District.

## **PURPOSE**

3. The purpose or mandate of the business improvement district is to encourage the development of a vibrant and prosperous downtown business district by improving the area's appearance and image, promoting and marketing the area, and undertaking initiatives and projects that facilitate the ongoing rejuvenation and redevelopment of the area.

## **LEVY**

4. (1) Subject to the provisions of this Bylaw, Council shall establish an annual levy, under bylaw, on all property used or intended to be used for business purposes in the Business Improvement District, of a uniform rate that Council considers sufficient to raise the amount required for the purpose of the proposed expenditures included in the approved estimates of the Board, less any revenues received by the Board under subsection 10(2)(b).
- (2) The levy mentioned in subsection (1) is to be based on the assessment of all land and improvements used or intended to be used for business purposes in the Business Improvement District.

## **BOARD ESTABLISHED**

5. A board of management to be known as the "Prince Albert's Downtown Business Improvement District Board" is hereby established

## **MEMBERSHIP AND APPOINTMENT**

6. (1) The Board shall consist of seven (7) members appointed by resolution of Council, as follows:
  - (a) one (1) member of Council; and,
  - (b) six (6) other members of large recommended by the Board to City Council for approval.
- (2) The appointed member of Council shall be appointed for a term of two (2) years or until a successor is appointed.

- (3) Where a Board member who hold office as a member of Council loses office as a member of Council, that Board member also loses office as a Board member.
- (4) The appointed members at large recommended by the Board shall be appointed for a three (3) year term or until a successor is appointed.
- (5) Council may, by resolution, remove any member of the Board and thereafter appoint a replacement member.
- (6) The Board, will, as soon as possible after its members are appointed, elect a chair and vice-chair from its Board members for one (1) year terms.
- (7) The Executive Director of the Prince Albert Downtown Business Improvement District, shall be appointed as a non-voting Secretary-Treasurer to the Board.

*(9/2017, s.1a; 21/2023, s.1a)*

#### **POWERS AND DUTIES OF THE BOARD**

7. (1) The Board may:
  - (a) subject to subsection (2) acquire by purchase, lease or otherwise, and real property necessary for its purposes and improve, beautify and maintain that property.
  - (b) promote the area as a business or shopping area; and
  - (c) Conduct any studies or prepare any designs that may be necessary for the purposes of the above.
  - (d) Undertake any project that meets the intent of Section 3 of this Bylaw, by improving the areas image, promoting and marketing the area, and facilitates the ongoing rejuvenation of the area.

*(21/2023, s.1b)*

- (2) The Board shall not enter into financial commitments extending beyond the current budget year or acquire real property without the consent of City Council.
- (3) The Board shall not approve any expenditures, other than those provided for in the budget approved by City Council, without prior approval of City Council.
- (4) The City shall appoint a liaison who will provide advice to the Board as requested. In preparation for meetings(s), the liaison shall be provided with all agenda's in advance of the formal meetings.

*(21/2023, s.1c)*

## **RECORDS**

8.
  - (1) The Board will keep proper minutes and records of every meeting on the Board..
  - (2) The Board will adopt and maintain banking arrangements and accounting practices acceptable to the City's Director of Financial Services
  - (3) The Board will make available or provide all books, documents, records of transaction, minutes and accounts of the Board to the City or the City's auditor for inspection on reasonable request.
9. The Board will, at its sole cost and expense, use the services of the City's auditor appointed pursuant to section 159 of The Cities Act.

## **BUDGET**

10.
  - (1) The Board's fiscal year will end December 31 of each year.

- (2) Board will submit to the City the Board's revenue and expenditure estimates for the next fiscal year by September 15 with evidence of support by the majority of the membership. The budget shall set out in its estimates:
- (a) the amounts required to be raised through the levy referred to in section 4 hereof;
  - (b) the amounts and details of other revenue projected to be received by the Business Improvement District, including the amounts to be received for the disposal or conveyance of land and buildings.
  - (c) The proposed expenditure for the year, including expenditures for the acquisition of land and buildings.
  - (d) Details of any proposed financial commitments that extend beyond the current budget year; and
  - (e) A narrative description of the specific programs and activities to be undertaken, including associated revenues and expenditures.
- (3) Monies from the Council approved estimates remaining unexpended at the end of the Board's fiscal year will be carried over and applied to the Board's approved estimates for the next fiscal year.

*(9/2017, s.1b)*

## **ANNUAL REPORT**

11. The Board shall submit its annual report for the preceding year to the Financial Services Department by May 31, to be submitted in conjunction with The City's audited financial statement of its affairs. The report shall be signed as approved by the Board and include a narrative description of the initiative and projects undertaken demonstrating that the Board has been successful in achieving its objectives for the preceding year as have been approved by Council.

*(9/2017, s.1c)*

## **DISESTABLISHMENT**

12. (1) Any of the following occurrences or acts shall constitute a material event of default by the Business Improvement District or its Board, and shall constitute sufficient cause for disestablishing the Business Improvement District, specifically:

- (a) If the Business Development District fails to satisfy Council that the Business Improvement District is fulfilling its mandate or purpose described under section 3 hereof.
- (b) If the Board is unable to demonstrate to Council's Satisfaction that the Business Improvement District has the Support of the majority of its membership.
- (c) If the Board willfully fails or neglects to discharge its responsibilities as provided under sections 7, 8, 10 or 11 hereof within 30 days subsequent to notice from the City to rectify same.



- (d) If the Business Improvement District fails to comply with the terms of any municipal, provincial or federal legislation governing the operation of the Business Improvement District.
- (e) If the Business Improvement District becomes insolvent;
- (2) In the event of default as provided under subsection (1) of this section, the Business Improvement District and the Board shall be formally disestablished upon the repeal of this Bylaw, which repeal shall take effect December 31<sup>st</sup> in the year in which the repealing bylaw is passed.
- (3) Upon Disestablishment pursuant to subsection (2), all undertakings, assets and liabilities are thereupon vested in the City.

### **COMING INTO FORCE**

13. This Bylaw comes into force on the day of passage.

INTRODUCED AND READ A FIRST TIME THIS 25<sup>th</sup> DAY OF April, AD 2005.

READ A SECOND TIME THIS 25<sup>th</sup> DAY OF April, AD 2005.

READ A THIRD TIME AND PASSED THIS 25<sup>th</sup> DAY OF April, AD 2005.

"Jim Stiglitz"

MAYOR

"Cliff Skauge"

CITY CLERK

