

Report to Planning and Environment Committee

To: Chair and Members
Planning & Environment Committee

From: Scott Mathers, MPA, P.Eng.
Deputy City Manager, Planning and Economic Development

Subject: Proposed Amendments to the Business Improvement Area
By-laws

Date: July 17, 2023

Recommendation

That, on the recommendation of the Director, Planning and Development, the following actions be taken:

- (a) The proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on June 27, 2023, to amend By-law No. A.-6873-292, Argyle Business Improvement Association Board of Management By-law;
- (b) The proposed by-law attached hereto as Appendix "B" **BE INTRODUCED** at the Municipal Council meeting on June 27, 2023, to amend By-law No. CP-2, The London Downtown Business Association Improvement Area By-law;
- (c) The proposed by-law attached hereto as Appendix "C" **BE INTRODUCED** at the Municipal Council meeting on June 27, 2023, to amend By-law No. C.P.-1528-486, A by-law to designate an area as an improvement area and to establish the board of management for the purposes of managing the Hamilton Road Business Improvement Area;
- (d) The proposed by-law attached hereto as Appendix "D" **BE INTRODUCED** at the Municipal Council meeting on June 27, 2023, to amend By-law No. C.P.-1519(a)-11, Hyde Park Business Improvement Association Board of Management By-law.;
- (e) The proposed by-law attached hereto as Appendix "E" **BE INTRODUCED** at the Municipal Council meeting on June 27, 2023, to amend By-law No. CP-1, Old East Village Business Improvement Area By-law;

Executive Summary

The purpose of this report is to bring forward changes to the existing Business Improvement Area by-laws for Municipal Council's consideration, in response to requests from the Business Improvement Areas, to amend portions of the by-laws to better address individual area needs.

Linkage to the Corporate Strategic Plan

Encouraging equitable economic growth and diversification by supporting small and growing businesses, entrepreneurs, and non-profits, and increasing economic activity from our core and the greater community.

Analysis

1.0 Background Information

1.1 Previous Reports Related to this Matter

Planning and Environment Committee – March 1, 2021 – Item #2.5
Planning and Environment Committee – November 4, 2019 – Item #2.15
Planning and Environment Committee – October 9, 2018 – Item #4.2

2.0 Discussion and Considerations

2.1 Amendment of the Board of Management for Hamilton Road Business Improvement Area

On March 23, 2021, the Municipal Council passed an amendment to By-law No. C.P.-1528-486, removing section 4.1 entirely and replacing it with a new section 4.1 requiring the Board of Management to consist of six (6) to twelve (12) directors. The Hamilton Road BIA has requested that this regulation be replaced with a Board of Management consisting of five (5) members to better suit their needs.

2.2 Amendment to meeting notifications for Hyde Park Business Improvement Area

On December 18, 2018, the Municipal Council passed an amendment to By-law No. C.P.-1519(a)-11, to add the phrase “the accidental omission to provide notice to any member shall not affect the validity of the meeting or any action taken thereat” to section 8.2(a). This phrase will be removed with this amendment to match the intent of the regulation set out in the Municipal Act, 2001.

2.3 Amendments to all Business Improvement Area By-laws

In May 2022, the five (5) City of London Business Improvement Areas requested staff to make the following amendments to all Business Improvement Area By-laws to address the unique administrative and financial needs of each improvement area.

- Add a definition for “majority” for the purposes of determining quorum at any meeting.
- Add a definition for “quorum”.
- Replace subsection 5.4 to state, “a majority of the directors of the Board of Management is necessary to form a quorum”.
- Replace subsection 5.9(1) to permit nine (9) meetings with a ninety (90) day interval between each meeting.
- Add section 5.16 to permit electronic meeting participation for any meeting and add regulations for a “Declared Emergency”.
- Replace section 6.5 to require a draft annual report to be submitted by March 31st and the final annual report with audited financials submitted by May 15th.
- Replace section 8.2 to allow for electronic meeting notifications.
- Replace section 8.6 to change the number of required Members for a meeting.

3.0 Financial Impact/Considerations

There are no additional financial impacts anticipated from the proposed By-law changes.

Conclusion

In response to the request from the London Business Improvement Areas and the direction of the Municipal Council, it is recommended that the proposed amending by-laws attached as Appendix “A”, Appendix “B”, Appendix “C”, Appendix “D”, and Appendix “E” to the staff report dated July 17, 2023, BE INTRODUCED at the Municipal Council meeting to be held on July 25, 2023.

Prepared by: Andreas DiMattia
Development Policy Coordinator

Reviewed by: Jim Yanchula, MCIP, RPP
Manager, Core Area and Urban Regeneration

Recommended by: Stephen Thompson, MAES, RPP, MCIP, Ec.D(F), CEcD.
Director, Economic Services and Supports

Submitted by: Scott Mathers, MPA, P.Eng.
Deputy City Manager, Planning and Economic
Development

APPENDIX “A”

Bill No.
2023

By-law No.

A By-law to amend By-law No. A.-6873-292, entitled “A by-law to designate an area as an improvement area and to establish the board of management for the purpose of managing the Argyle Business Improvement Area”

WHEREAS subsection 5(3) of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended (“*Municipal Act, 2001*”) provides that a municipal power shall be exercised by by-law;

AND WHEREAS subsection 238(3.1) of the *Municipal Act, 2001* provides for electronic participation in a meeting of a local board;

NOW THEREFORE the Council of The Corporation of the City of London enacts as follows:

1. Section 1.1 of By-law A.-6878-292 is amended by:
 - (a) inserting a definition for the word “majority” after the definition for “Council” as follows:

“majority” means (for the purposes of determining quorum at any meeting of the Board of Management) more than half of the directors;
 - (b) inserting a definition for the word “quorum” after the definition for “Member” as follows:

“quorum” means the minimum number of directors that is required to be present at a given meeting in order for the meeting to proceed.
2. Subsection 5.4 of by-law A.-6873-292 is deleted and replaced with the following new section 5.4:

5.4 A majority of the directors of the Board of Management is necessary to form a quorum.
3. Subsection 5.9(1) of by-law A.-6873-292 is deleted and replaced with the following new subsection 5.9(1):
 - (1) The Board of Management shall hold at least nine (9) meetings during each fiscal year, and the interval between meetings shall not exceed ninety (90) days.

4. By-law A.-6873-292 is amended by adding the following new section 5.16 after section 5.15:

Electronic Participation

5.16 (1) For the purposes of this section,

“Declared Emergency” shall mean a declaration under section 4 or 7.0.1 of the *Emergency Management and Civil Protection Act* or an order under section 22 or 77.1 of the *Health Protection and Promotion Act*.

“Electronic Participation” shall mean the participation of a director or a Member remotely, via telephone or other electronic means.

Meeting – Electronic Participation and Meeting Attendance

(2) A Board of Management meeting (including a meeting of the Members) may include electronic participation of directors or Members. The following shall apply to such meetings:

1. The following persons shall be physically present in the meeting room of the Board of Management:
 - (a) the Chair of the Board of Management;
 - (b) at least one additional member of the Board of Management;
 - (c) the secretary of the Board of Management.The Board or the secretary of the Board may refuse to provide a director or Member with electronic means of participation in a meeting, where to do so is necessary to ensure compliance with this paragraph.
2. The meeting room of the Board of Management shall be open to permit physical attendance by members of the public at every meeting of the Board (unless the meeting may be closed to the public pursuant to subsections 239(2), (3), or (3.1) of the *Municipal Act, 2001*).
3. A director or Member who is participating electronically in an open meeting or a closed meeting shall have the same rights and responsibilities as if they were in physical attendance, and they shall be counted for the purposes of determining quorum.
4. A director or Member wishing to participate electronically shall endeavor to provide the secretary with at least 24 hours' advance notice.
5. The administration of electronic participation shall be at the discretion of the secretary, recognizing that technology and requirements will vary from time-to-time. The secretary's discretion shall include the means by which directors or Members can vote.
6. Meeting records shall reflect which directors and Members attended electronically and which directors and Members attended physically.

7. Members of the public shall be allowed to observe meetings electronically, if such meeting is not a closed meeting under subsection 239(2) of the *Municipal Act, 2001*.
8. The Board shall establish appropriate processes to ensure the security and confidentiality of proceedings that are closed to the public.

Meeting – Declared Emergency

(3) Despite the requirement for physical presence at a meeting in subsection (2), any meeting shall allow for Electronic Participation by directors or Members, if the meeting room of the Board is closed pursuant to a Declared Emergency.

Public Attendance – Declared Emergency

(4) The physical meeting location may be restricted from public attendance for a meeting during a Declared Emergency, when it has been deemed in the public interest to do so. Meetings will continue to be provided to the public using electronic means, where it is possible to do so.

5. Section 6.5 of by-law A.-6873-292 is deleted and replaced with the following new section 6.5:

6.5 The Board of Management shall prepare and submit to the City:

- (a) draft annual financial statements for the preceding year, by March 31st; and
- (b) the annual report (including audited financial statements) for the preceding year, by May 15th (noting that the annual report will then be submitted to Council as part of the City's Financial Statements).

6. Section 8.2 of by-law A.-6873-292 is deleted and replaced with the following new section 8.2:

8.2 Notice for all Members' meetings shall be sent to each Member not less than ten (10) calendar days prior to the meeting:

- (a) by mail, to the address last provided by the Member to the Board of Management secretary or, where no address is provided, to the property address of the owner(s) indicated on the last municipal assessment roll; or
- (b) by personal delivery to the Member; or
- (c) electronically if the Member has provided the Board of Management secretary with an electronic means of contacting the Member for the purpose of notification.

7. Section 8.6 of by-law A.-6873-292 is deleted and replaced with the following new section 8.6:

8.6 A majority of the directors of the Board of Management is necessary to form a quorum at a meeting of the Members.

8. This by-law comes into force and effect on the day it is passed.

PASSED in Open Council , 2023

Josh Morgan
Mayor

Michael Schulthess
City Clerk

First reading -
Second reading -
Third reading -

APPENDIX “B”

Bill No.
2023

By-law No.

A By-law to amend By-law No. CP-2, entitled
“A by-law to provide for the IMPROVEMENT
AREA TO BE KNOWN AS THE LONDON
DOWNTOWN BUSINESS ASSOCIATION
IMPROVEMENT AREA AND TO ESTABLISH
A BOARD OF MANAGEMENT THEREFOR”

WHEREAS subsection 5(3) of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended (*“Municipal Act, 2001”*) provides that a municipal power shall be exercised by by-law;

AND WHEREAS subsection 238(3.1) of the *Municipal Act, 2001* provides for electronic participation in a meeting of a local board;

NOW THEREFORE the Council of The Corporation of the City of London enacts as follows:

1. Section 1.1 of By-law CP-2 is amended by:
 - (a) Inserting a definition of the work “majority” after the definition for “Council” as follows:

“majority” means (for the purposes of determining quorum at any meeting of the Board of Management more than half of the directors;
 - (b) Inserting a definition for the word “quorum” after the definition for “Member” as follows:

“quorum” means the minimum number of directors that is required to be present at a given meeting in order for the meeting to proceed.
2. Subsection 5.4 of by-law CP-2 is deleted and replaced with the following new section 5.4:

5.4 A majority of the directors of the Board of Management is necessary to form a quorum.
3. Subsection 5.9(1) of by-law CP-2 is deleted and replaced with the following new subsection 5.9(1):

(1) The Board of Management shall hold at least nine (9) meetings during each fiscal year, and the interval between meetings shall not exceed ninety (90) days.

4. By-law CP-2 is amended by adding the following new section 5.16 after section 5.15:

Electronic Participation

5.16 (1) For the purposes of this section,

“Declared Emergency” shall mean a declaration under section 4 or 7.0.1 of the *Emergency Management and Civil Protection Act* or an order under section 22 or 77.1 of the *Health Protection and Promotion Act*.

“Electronic Participation” shall mean the participation of a director or a Member remotely, via telephone or other electronic means.

Meeting – Electronic Participation and Meeting Attendance

(2) A Board of Management meeting (including a meeting of the Members) may include electronic participation of directors or Members. The following shall apply to such meetings:

1. The following persons shall be physically present in the meeting room of the Board of Management:
 - (a) the Chair of the Board of Management;
 - (b) at least one additional member of the Board of Management;
 - (c) the secretary of the Board of Management.The Board or the secretary of the Board may refuse to provide a director or Member with electronic means of participation in a meeting, where to do so is necessary to ensure compliance with this paragraph.
2. The meeting room of the Board of Management shall be open to permit physical attendance by members of the public at every meeting of the Board (unless the meeting may be closed to the public pursuant to subsections 239(2), (3), or (3.1) of the *Municipal Act, 2001*).
3. A director or Member who is participating electronically in an open meeting or a closed meeting shall have the same rights and responsibilities as if they were in physical attendance, and they shall be counted for the purposes of determining quorum.
4. A director or Member wishing to participate electronically shall endeavor to provide the secretary with at least 24 hours' advance notice.
5. The administration of electronic participation shall be at the discretion of the secretary, recognizing that technology and requirements will vary from time-to-time. The secretary's discretion shall include the means by which directors or Members can vote.
6. Meeting records shall reflect which directors and Members attended electronically and which directors and Members attended physically.

7. Members of the public shall be allowed to observe meetings electronically, if such meeting is not a closed meeting under subsection 239(2) of the *Municipal Act, 2001*.
8. The Board shall establish appropriate processes to ensure the security and confidentiality of proceedings that are closed to the public.

Meeting – Declared Emergency

(3) Despite the requirement for physical presence at a meeting in subsection (2), any meeting shall allow for Electronic Participation by directors or Members, if the meeting room of the Board is closed pursuant to a Declared Emergency.

Public Attendance – Declared Emergency

(4) The physical meeting location may be restricted from public attendance for a meeting during a Declared Emergency, when it has been deemed in the public interest to do so. Meetings will continue to be provided to the public using electronic means, where it is possible to do so.

5. Section 6.5 of by-law CP-2 is deleted and replaced with the following new section 6.5:

6.5 The Board of Management shall prepare and submit to the City:

- (a) draft annual financial statements for the preceding year, by March 31st; and
- (b) the annual report (including audited financial statements) for the preceding year, by May 15th (noting that the annual report will then be submitted to Council as part of the City's Financial Statements).

6. Section 8.2 of by-law CP-2 is deleted and replaced with the following new section 8.2:

8.2 Notice for all Members' meetings shall be sent to each Member not less than ten (10) calendar days prior to the meeting:

- (a) by mail, to the address last provided by the Member to the Board of Management secretary or, where no address is provided, to the property address of the owner(s) indicated on the last municipal assessment roll; or
- (b) by personal delivery to the Member; or
- (c) electronically if the Member has provided the Board of Management secretary with an electronic means of contacting the Member for the purpose of notification.

7. Section 8.6 of by-law CP-2 is deleted and replaced with the following new section 8.6:

8.6 A majority of the directors of the Board of Management is necessary to form a quorum at a meeting of the Members.

8. This by-law comes into force and effect on the day it is passed.

PASSED in Open Council , 2023

Josh Morgan
Mayor

Michael Schulthess
City Clerk

First reading -
Second reading -
Third reading -

APPENDIX “C”

Bill No.
2023

By-law No.

A By-law to amend By-law No. C.P.-1528-486, entitled “A by-law to designate an area as an improvement area and to establish the board of management for the purpose of managing the Hamilton Road Business Improvement Area”

WHEREAS subsection 5(3) of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended (“*Municipal Act, 2001*”) provides that a municipal power shall be exercised by by-law;

AND WHEREAS subsection 238(3.1) of the *Municipal Act, 2001* provides for electronic participation in a meeting of a local board;

NOW THEREFORE the Council of The Corporation of the City of London enacts as follows:

1. Section 1.1 of By-law C.P.-1528-486 is amended by:
 - (a) inserting a definition for the word “majority” after the definition for “Council” as follows:

“majority” means (for the purposes of determining quorum at any meeting of the Board of Management) more than half of the directors;
 - (b) inserting a definition for the word “quorum” after the definition for “Member” as follows:

“quorum” means the minimum number of directors that is required to be present at a given meeting in order for the meeting to proceed.
2. Section 4.1 of By-law C.P.-1528-486 is amended by deleting the phrase “six (6) to twelve (12) directors” and replacing it with the phrase “five (5) directors”.
3. Subsection 5.4 of by-law C.P.-1528-486 is deleted and replaced with the following new section 5.4:

5.4 A majority of the directors of the Board of Management is necessary to form a quorum.
4. Subsection 5.9(1) of by-law C.P.-1528-486 is deleted and replaced with the following new subsection 5.9(1):

(1) The Board of Management shall hold at least nine (9) meetings during each fiscal year, and the interval between meetings shall not exceed ninety (90) days.

5. By-law C.P.-1528-486 is amended by adding the following new section 5.16 after section 5.15:

Electronic Participation

5.16 (1) For the purposes of this section,

“Declared Emergency” shall mean a declaration under section 4 or 7.0.1 of the *Emergency Management and Civil Protection Act* or an order under section 22 or 77.1 of the *Health Protection and Promotion Act*.

“Electronic Participation” shall mean the participation of a director or a Member remotely, via telephone or other electronic means.

Meeting – Electronic Participation and Meeting Attendance

(2) A Board of Management meeting (including a meeting of the Members) may include electronic participation of directors or Members. The following shall apply to such meetings:

1. The following persons shall be physically present in the meeting room of the Board of Management:
 - (a) the Chair of the Board of Management;
 - (b) at least one additional member of the Board of Management;
 - (c) the secretary of the Board of Management.The Board or the secretary of the Board may refuse to provide a director or Member with electronic means of participation in a meeting, where to do so is necessary to ensure compliance with this paragraph.
2. The meeting room of the Board of Management shall be open to permit physical attendance by members of the public at every meeting of the Board (unless the meeting may be closed to the public pursuant to subsections 239(2), (3), or (3.1) of the *Municipal Act, 2001*).
3. A director or Member who is participating electronically in an open meeting or a closed meeting shall have the same rights and responsibilities as if they were in physical attendance, and they shall be counted for the purposes of determining quorum.
4. A director or Member wishing to participate electronically shall endeavor to provide the secretary with at least 24 hours' advance notice.
5. The administration of electronic participation shall be at the discretion of the secretary, recognizing that technology and requirements will vary from time-to-time. The secretary's discretion shall include the means by which directors or Members can vote.
6. Meeting records shall reflect which directors and Members attended electronically and which directors and Members attended physically.

7. Members of the public shall be allowed to observe meetings electronically, if such meeting is not a closed meeting under subsection 239(2) of the *Municipal Act, 2001*.
8. The Board shall establish appropriate processes to ensure the security and confidentiality of proceedings that are closed to the public.

Meeting - Declared Emergency

(3) Despite the requirement for physical presence at a meeting in subsection (2), any meeting shall allow for Electronic Participation by directors or Members, if the meeting room of the Board is closed pursuant to a Declared Emergency.

Public Attendance – Declared Emergency

(4) The physical meeting location may be restricted from public attendance for a meeting during a Declared Emergency, when it has been deemed in the public interest to do so. Meetings will continue to be provided to the public using electronic means, where it is possible to do so.

6. Section 6.5 of by-law C.P.-1528-486 is deleted and replaced with the following new section 6.5:

6.5 The Board of Management shall prepare and submit to the City:

- (a) draft annual financial statements for the preceding year, by March 31st; and
- (b) the annual report (including audited financial statements) for the preceding year, by May 15th (noting that the annual report will then be submitted to Council as part of the City's Financial Statements).

7. Section 8.2 of by-law C.P.-1528-486 is deleted and replaced with the following new section 8.2:

8.2 Notice for all Members' meetings shall be sent to each Member not less than ten (10) calendar days prior to the meeting:

- (a) by mail, to the address last provided by the Member to the Board of Management secretary or, where no address is provided, to the property address of the owner(s) indicated on the last municipal assessment roll; or
- (b) by personal delivery to the Member; or
- (c) electronically if the Member has provided the Board of Management secretary with an electronic means of contacting the Member for the purpose of notification.

8. Section 8.6 of by-law C.P.-1528-486 is deleted and replaced with the following new section 8.6:

8.6 A majority of the directors of the Board of Management is necessary to form a quorum at a meeting of the Members.

9. This by-law comes into force and effect on the day it is passed.

PASSED in Open Council , 2023

Josh Morgan
Mayor

Michael Schulthess
City Clerk

First reading -
Second reading -
Third reading -

APPENDIX “D”

Bill No.
2023

By-law No.

A By-law to amend By-law No. C.P.-1519-490, entitled “A by-law to designate an area as an improvement area and to establish the board of management for the purpose of managing the Hyde Park Business Improvement Area”

WHEREAS subsection 5(3) of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended (“*Municipal Act, 2001*”) provides that a municipal power shall be exercised by by-law;

AND WHEREAS subsection 238(3.1) of the *Municipal Act, 2001* provides for electronic participation in a meeting of a local board;

NOW THEREFORE the Council of The Corporation of the City of London enacts as follows:

1. Section 1.1 of By-law C.P.-1519-490 is amended by:
 - (a) inserting a definition for the word “majority” after the definition for “Council” as follows:

“majority” means (for the purposes of determining quorum at any meeting of the Board of Management) more than half of the directors;
 - (b) inserting a definition for the word “quorum” after the definition for “Member” as follows:

“quorum” means the minimum number of directors that is required to be present at a given meeting in order for the meeting to proceed.
2. Subsection 5.4 of by-law C.P.-1519-490 is deleted and replaced with the following new section 5.4:

5.4 A majority of the directors of the Board of Management is necessary to form a quorum.
3. Subsection 5.9(1) of by-law C.P.-1519-490 is deleted and replaced with the following new subsection 5.9(1):
 - (1) The Board of Management shall hold at least nine (9) meetings during each fiscal year, and the interval between meetings shall not exceed ninety (90) days.

4. By-law C.P.-1519-490 is amended by adding the following new section 5.16 after section 5.15:

Electronic Participation

5.16 (1) For the purposes of this section,

“Declared Emergency” shall mean a declaration under section 4 or 7.0.1 of the *Emergency Management and Civil Protection Act*, or an order under section 22 or 77.1 of the *Health Protection and Promotion Act*.

“Electronic Participation” shall mean the participation of a director or a Member remotely, via telephone or other electronic means.

Meeting – Electronic Participation and Meeting Attendance

(2) A Board of Management meeting (including a meeting of the Members) may include electronic participation of directors or Members. The following shall apply to such meetings:

1. The following persons shall be physically present in the meeting room of the Board of Management:
 - (a) the Chair of the Board of Management;
 - (b) at least one additional member of the Board of Management;
 - (c) the secretary of the Board of Management.The Board or the secretary of the Board may refuse to provide a director or Member with electronic means of participation in a meeting, where to do so is necessary to ensure compliance with this paragraph.
2. The meeting room of the Board of Management shall be open to permit physical attendance by members of the public at every meeting of the Board (unless the meeting may be closed to the public pursuant to subsections 239(2), (3), or (3.1) of the *Municipal Act, 2001*).
3. A director or Member who is participating electronically in an open meeting or a closed meeting shall have the same rights and responsibilities as if they were in physical attendance, and they shall be counted for the purposes of determining quorum.
4. A director or Member wishing to participate electronically shall endeavor to provide the secretary with at least 24 hours' advance notice.
5. The administration of electronic participation shall be at the discretion of the secretary, recognizing that technology and requirements will vary from time-to-time. The secretary's discretion shall include the means by which directors or Members can vote.
6. Meeting records shall reflect which directors and Members attended electronically and which directors and Members attended physically.
7. Members of the public shall be allowed to observe meetings electronically, if such meeting is not a closed meeting under subsection 239(2) of the *Municipal Act, 2001*.

8. The Board shall establish appropriate processes to ensure the security and confidentiality of proceedings that are closed to the public.

Meeting – Declared Emergency

(3) Despite the requirement for physical presence at a meeting in subsection (2), any meeting shall allow for Electronic Participation by directors or Members, if the meeting room of the Board is closed pursuant to a Declared Emergency.

Public Attendance – Declared Emergency

(4) The physical meeting location may be restricted from public attendance for a meeting during a Declared Emergency, when it has been deemed in the public interest to do so. Meetings will continue to be provided to the public using electronic means, where it is possible to do so.

5. Section 6.5 of by-law C.P.-1519-490 is deleted and replaced with the following new section 6.5:

6.5 The Board of Management shall prepare and submit to the City:

- (a) draft annual financial statements for the preceding year, by March 31st; and
- (b) the annual report (including audited financial statements) for the preceding year, by May 15th (noting that the annual report will then be submitted to Council as part of the City's Financial Statements).

6. Section 8.2 of by-law C.P.-1519-490 is deleted and replaced with the following new section 8.2:

8.2 Notice for all Members' meetings shall be sent to each Member not less than ten (10) calendar days prior to the meeting:

- (a) by mail, to the address last provided by the Member to the Board of Management secretary or, where no address is provided, to the property address of the owner(s) indicated on the last municipal assessment roll; or
- (b) by personal delivery to the Member; or
- (c) electronically if the Member has provided the Board of Management secretary with an electronic means of contacting the Member for the purpose of notification.

7. Section 8.6 of by-law C.P.-1519-490 is deleted and replaced with the following new section 8.6:

8.6 A majority of the directors of the Board of Management is necessary to form a quorum at a meeting of the Members.

8. This by-law comes into force and effect on the day it is passed.

PASSED in Open Council , 2023

Josh Morgan
Mayor

Michael Schulthess
City Clerk

First reading -
Second reading -
Third reading -

APPENDIX “E”

Bill No.
2023

By-law No.

A By-law to amend By-law No. CP-1, entitled
“A by-law to provide for the Improvement Area
to be known as The Old East Village Business
Improvement Area and to Establish a Board of
Management”

WHEREAS subsection 5(3) of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended (“*Municipal Act, 2001*”) provides that a municipal power shall be exercised by by-law;

AND WHEREAS subsection 238(3.1) of the *Municipal Act, 2001* provides for electronic participation in a meeting of a local board;

NOW THEREFORE the Council of The Corporation of the City of London enacts as follows:

1. Section 1.1 of By-law CP-1 is amended by:
 - (a) inserting a definition for the word “majority” after the definition for “Council” as follows:

“majority” means (for the purposes of determining quorum at any meeting of the Board of Management) more than half of the directors;
 - (b) inserting a definition for the word “quorum” after the definition for “Member” as follows:

“quorum” means the minimum number of directors that is required to be present at a given meeting in order for the meeting to proceed.
2. Subsection 5.4 of by-law CP-1 is deleted and replaced with the following new section 5.4:

5.4 A majority of the directors of the Board of Management is necessary to form a quorum.
3. Subsection 5.9(1) of by-law CP-1 is deleted and replaced with the following new subsection 5.9(1):

(1) The Board of Management shall hold at least nine (9) meetings during each fiscal year, and the interval between meetings shall not exceed ninety (90) days.

4. By-law CP-1 is amended by adding the following new section 5.16 after section 5.15:

Electronic Participation

5.16 (1) For the purposes of this section,

“Declared Emergency” shall mean a declaration under section 4 or 7.0.1 of the *Emergency Management and Civil Protection Act* or an order under section 22 or 77.1 of the *Health Protection and Promotion Act*.

“Electronic Participation” shall mean the participation of a director or a Member remotely, via telephone or other electronic means.

Meeting – Electronic Participation and Meeting Attendance

(2) A Board of Management meeting (including a meeting of the Members) may include electronic participation of directors or Members. The following shall apply to such meetings:

1. The following persons shall be physically present in the meeting room of the Board of Management:
 - (a) the Chair of the Board of Management;
 - (b) at least one additional member of the Board of Management;
 - (c) the secretary of the Board of Management.The Board or the secretary of the Board may refuse to provide a director or Member with electronic means of participation in a meeting, where to do so is necessary to ensure compliance with this paragraph.
2. The meeting room of the Board of Management shall be open to permit physical attendance by members of the public at every meeting of the Board (unless the meeting may be closed to the public pursuant to subsections 239(2), (3), or (3.1) of the *Municipal Act, 2001*).
3. A director or Member who is participating electronically in an open meeting or a closed meeting shall have the same rights and responsibilities as if they were in physical attendance, and they shall be counted for the purposes of determining quorum.
4. A director or Member wishing to participate electronically shall endeavor to provide the secretary with at least 24 hours' advance notice.
5. The administration of electronic participation shall be at the discretion of the secretary, recognizing that technology and requirements will vary from time-to-time. The secretary's discretion shall include the means by which directors or Members can vote.
6. Meeting records shall reflect which directors and Members attended electronically and which directors and Members attended physically.

7. Members of the public shall be allowed to observe meetings electronically, if such meeting is not a closed meeting under subsection 239(2) of the *Municipal Act, 2001*.
8. The Board shall establish appropriate processes to ensure the security and confidentiality of proceedings that are closed to the public.

Meeting – Declared Emergency

(3) Despite the requirement for physical presence at a meeting in subsection (2), any meeting shall allow for Electronic Participation by directors or Members, if the meeting room of the Board is closed pursuant to a Declared Emergency.

Public Attendance – Declared Emergency

(4) The physical meeting location may be restricted from public attendance for a meeting during a Declared Emergency, when it has been deemed in the public interest to do so. Meetings will continue to be provided to the public using electronic means, where it is possible to do so.

5. Section 6.5 of by-law CP-1 is deleted and replaced with the following new section 6.5:

6.5 The Board of Management shall prepare and submit to the City:

- (a) draft annual financial statements for the preceding year, by March 31st; and
- (b) the annual report (including audited financial statements) for the preceding year, by May 15th (noting that the annual report will then be submitted to Council as part of the City's Financial Statements).

6. Section 8.2 of by-law CP-1 is deleted and replaced with the following new section 8.2:

8.2 Notice for all Members' meetings shall be sent to each Member not less than ten (10) calendar days prior to the meeting:

- (a) by mail, to the address last provided by the Member to the Board of Management secretary or, where no address is provided, to the property address of the owner(s) indicated on the last municipal assessment roll; or
- (b) by personal delivery to the Member; or
- (c) electronically if the Member has provided the Board of Management secretary with an electronic means of contacting the Member for the purpose of notification.

7. Section 8.6 of by-law CP-1 is deleted and replaced with the following new section 8.6:

8.6 A majority of the directors of the Board of Management is necessary to form a quorum at a meeting of the Members.

8. This by-law comes into force and effect on the day it is passed.

PASSED in Open Council , 2023

Josh Morgan
Mayor

Michael Schulthess
City Clerk

First reading -
Second reading -
Third reading -