

TO:	CHAIR AND MEMBERS PLANNING AND ENVIRONMENT COMMITTEE MEETING NOVEMBER 4, 2019
FROM:	CATHY SAUNDERS CITY CLERK
SUBJECT:	BY-LAW AMENDMENT REQUEST DOWNTOWN LONDON BUSINESS ASSOCIATION IMPROVEMENT AREA

RECOMMENDATION

That, on the recommendation of the City Clerk, the proposed by-law attached as Appendix "A" to the staff report dated November 4, 2019, being a by-law to amend By-law CP-2, as amended, being "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" by amending the Board Composition and clarifying quorum at a meeting BE INTRODUCED at the Municipal Council meeting to be held on November 12, 2019.

PREVIOUS REPORTS PERTINENT TO THIS MATTER
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None.

BACKGROUND

That following resolution was adopted at the Municipal Council Meeting held on October 15, 2019:

"That the City Clerk BE DIRECTED to bring forward to a future meeting of the Municipal Council a by-law to incorporate the proposed amendments to the London Downtown Business Association (LDBA) and MainStreet London By-law CP-2 as requested by the LDBA and MainStreet Board of Management as outlined in the communication from G. Gallacher, Chair of the Board (LDBA)".

The LDBA is seeking approval of the following amendments to By-law CP-2 "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":

- **Amend the Board Composition from nine (9) Directors to not less than nine (9) and not more than thirteen (13) Directors.**

In support of the request the LDBA indicates that given the LDBA is a large BIA, there is a requirement for a higher number of Directors to ensure that all districts and neighbourhoods are represented on the BIA. They are seeking flexibility in the composition.

Staff Response

It is recommended for clarity that the composition of the Board be placed at a fixed number and therefore the Civic Administration is recommended that the number of Directors be increased from nine (9) to thirteen (13).

- **Amend the quorum requirements for meeting from a majority of the Members to the Members present at the meeting.**

In support of this request, the LDBA indicates that based on the current requirements, more than half of the membership would need to be in attendance at a meeting to achieve quorum, which is very difficult to achieve. The LDBA is seeking a change to the quorum requirement to those members in attendance at the meeting.

Staff Response

Although the Civic Administration can appreciate the difficulty in achieving attendance of more than 50 percent of the membership at a meeting, the Civic Administration does not support what is being proposed as there should be a greater threshold achieved in order to carry out the business of the LDBA.

The Civic Administration is recommending that similar quorum requirements to that established for other BIAs be required for the LDBA, which is a minimum of twenty (20) Members, including a quorum of the Board of Management.

CONCLUSION

In response to the request of the LDBA, the Civic Administration is recommending that the proposed by-law attached as Appendix "A" to the staff report dated November 4, 2019, being a by-law to amend By-law CP-2, as amended, being "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" by amending the Board Composition and clarifying quorum at a meeting BE INTRODUCED at the Municipal Council meeting to be held on November 12, 2019.

PREPARED AND RECOMMENDED BY:
CATHY SAUNDERS CITY CLERK

APPENDIX "A"

Bill No.
2019

By-law No. CP-2

A by-law to amend By-law CP-2, as amended, being "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" by amending the Board Composition and clarifying quorum at a meeting.

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

AND WHEREAS section 9 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act;

AND WHEREAS subsection 10(1) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended provides that a municipality may provide any services or thing that the municipality considers necessary or desirable for the public;

AND WHEREAS subsection 10(2) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended provides that a municipality may pass by-laws respecting: in paragraph 1, Governance structure of the municipality and its local boards; paragraph 2, Accountability and transparency of the municipality and its operations and of its local boards and their operations; paragraph 3, Financial Management of the municipality and its local boards; in paragraph 7, Services and things that the municipality is authorized to provide under subsection (1);

AND WHEREAS subsection 204(1) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended provides a local municipality may designate an area as an improvement area and may establish a board of management:

- (a) to oversee the improvement, beautification and maintenance of municipally-owned land, buildings and structures in the area beyond that provided at the expense of the municipality generally; and
- (b) to promote the area as a business or shopping area;

AND WHEREAS the Municipal Council enacted the "London Downtown Business Improvement Association Board of Management By-law" on November 15, 1993 to establish the board of management of the London Downtown Business Association Improvement Area;

AND WHEREAS the Municipal Council deems it appropriate to further amend the "London Downtown Business Improvement Association Board of Management By-law" to provide further clarification with respect to quorum requirements for meetings and to amend the Board Composition;

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

1. Section 4.1 is hereby amended by deleting the word and number "nine (9)" and by replacing it with the word and the number "thirteen (13)".

2. Section 8.6 is hereby amended by deleting the section in its entirety and by replacing it with the following new section 8.6:

“8.6 A minimum of twenty (20) Members, including a quorum of the Board of Management, shall constitute quorum at any meeting of the Members.”

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

PASSED in Open Council on November 12, 2019.

Ed Holder
Mayor

Catharine Saunders
City Clerk

First Reading – November 12, 2019
Second Reading – November 12, 2019
Third Reading – November 12, 2019