

Report to Planning and Environment Committee

To: Chair and Members
Planning and Environment Committee
From: Cathy Saunders, City Clerk
Subject: Proposed Amendment to the Hamilton Road Business Improvement Area By-law
Date: March 1, 2021

Recommendation

That, on the recommendation of the City Clerk, the proposed by-law attached as Appendix "A" to the staff report dated March 1, 2021, being "A by-law to amend By-law C.P.-1528-486, as amended, being "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" by amending the Board of Management composition to provide for a Board comprised of six (6) to twelve (12) directors", BE INTRODUCED at the Municipal Council meeting to be held on March 23, 2021.

Executive Summary

The purpose of this report is to bring forward a proposed by-law for Municipal Council's consideration, in response to a request from the Hamilton Road Business Improvement Area, to amend the composition of the Board to provide for a Board consisting of six (6) to twelve (12) members.

Linkage to the Corporate Strategic Plan

Growing our Economy by increasing access to support for entrepreneurs and small business and community economic development, increase partnerships that promote collaboration, innovation and investment and increase public and private investment in strategic locations.

Analysis

1.0 Background Information

1.1 Previous Reports Related to this Matter

Planning and Environment Committee – September 24, 2018 – Item # 2.7
Planning and Environment Committee – November 4, 2018 – Item #4.1
Planning and Environment Committee – January 18, 2021 – Item #4.1

1.2 Establishment of the Hamilton Road Business Improvement Area

On October 2, 2018 the Municipal Council passed By-law 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".

On January 15, 2019, the Municipal Council passed an amendment to By-law C.P.-1528-486, provide for further clarification with respect to quorum requirements for the Annual General Meeting, notice provisions with respect to the Annual General Meeting and membership of subcommittees of the Board.

At the Municipal Council meeting held on February 2, 2021, the following resolution was passed in response to a request from the Hamilton Road Business Improvement Area to amend the composition of the Board of Management to provide for a Board comprised of six (6) to twelve (12) directors:

“That the City Clerk BE DIRECTED to bring forward to a future meeting of Municipal Council a by-law to incorporate the proposed amendments to the Hamilton Road Business Improvement Area By-law as requested by the Hamilton Road Business Improvement Area Board of Management as outlined in the communication dated December 15, 2020 from R. Pinheiro, Chairman, Hamilton Road Business Improvement Area. (2021-C05) (4.1/2/PEC)”

For your reference, the December 15, 2020 communication from the Hamilton Road Business Improvement Area in support of the request is attached as Appendix “B” to this report.

2.0 Discussion and Considerations

In support of the request for an amendment to the “Hamilton Road Business Improvement Area Board of Management By-law” the Board offers the following:

“Since the spring of 2020, Hamilton Road BIA members experienced unprecedented challenges in the global pandemic. With this current situation, the Hamilton Road BIA Board of Management incurred two Director vacancies. It has become a difficult task for staff and the remaining Directors to fill in the vacancies with BIA members. A flexible amount of Board members will allow us to continue operating the organization sufficiently and in addition, fill in vacancies as BIA members become interested and be able to commit.”

3.0 Financial Impact/Considerations

There is no additional financial impact anticipated from the proposed change in composition of the Board of Management.

Conclusion

In response to the request from the Hamilton Road Business Improvement Area request and the direction of the Municipal Council, it is recommended that the proposed by-law attached as Appendix “A” to the staff report dated March 1, 2021, being “A by-law to amend By-law C.P.-1528-486, as amended, being “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” by amending the Board of Management composition to provide for a Board comprised of six (6) to twelve (12) directors”, BE INTRODUCED at the Municipal Council meeting to be held on March 23, 2021.

Prepared and Recommended by:

Cathy Saunders, City Clerk

APPENDIX "A"

Bill No.
2021

By-law No. C.P.-1528-xxx

A by-law to amend By-law C.P.-1528-486, as amended, being "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" by amending the Board of Management composition to provide for a Board comprised of six (6) to twelve (12) directors.

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 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;

AND WHEREAS the Municipal Council passed By-law C.P.-1528-486 on October 2, 2018 to establish the board of management of the Hamilton Road Business Improvement Area;

AND WHEREAS the Municipal Council passed By-law C.P.-1528(a)-27 on January 15, 2019 to amend By-law C.P.-1528-486 to provide further clarification with respect to quorum requirements for the Annual General Meeting, notice provisions with respect to the Annual General meeting and membership of subcommittees of the Board;

AND WHEREAS the Municipal Council deems it appropriate to further amend By-law C.P.-1528-486, as amended, to amend the composition of the Board of Management to provide for a Board to be comprised of six (6) to twelve (12) directors;

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

1. By-law C.P.-1528-486, as amended by By-law C.P-1528(a)-27, is hereby further amended by deleting section 4.1 in its entirety and by replacing it with the following new section 4.1:

4.1 The Board of Management shall consist of six (6) to twelve (12) directors:

(a) at least one director appointed by Council; and,

(b) the remaining directors selected by a vote of the Members and then appointed by Council.

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

PASSED in Open Council on March 23, 2021.

Ed Holder
Mayor

Catharine Saunders
City Clerk

First Reading – March 23, 2021
Second Reading – March 23, 2021
Third Reading – March 23, 2021

APPENDIX "B"



**HAMILTON
ROADBIA**

December 15th 2020

To: Chair and Members, Planning and Environment Committee
Subject: Request for Amendment to our Hamilton Road BIA By Laws

Dear Sir/Madams:

Our Board of Management has reviewed the Hamilton Road BIA's By Law and kindly request that the suggested amendments be added to the Planning and Environment Committee Agenda.

1. Board Composition

Current:

4.1 The Board of Management shall consist of twelve (12) directors.

To: The Board of Management shall consist of a flexible amount of six to twelve (6 to 12) directors.

Rationale:

Since the spring of 2020, Hamilton Road BIA members experienced unprecedented challenges in the global pandemic. With this current situation, the Hamilton Road BIA Board of Management incurred two Director vacancies. It has become a difficult task for staff and the remaining Directors to fill in the vacancies with BIA members. A flexible amount of Board members will allow us to continue operating the organization sufficiently and in addition, fill in vacancies as BIA members become interested and able to commit.

Thank you in advance for consideration. Please let us know if you have any questions.

Permission is granted for all communication to be made public, including postings to the PEC Agenda and as well as City of London website(s).

Rick Pinheiro
Chairman Hamilton Road Business Improvement Area
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London, Ontario
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