

THE CORPORATION OF THE CITY OF VERNON

BYLAW NUMBER 5584

A bylaw of the City of Vernon to re-establish a **Primary** Local Service Area
for the purpose of annually funding the
Downtown Vernon Business Improvement Area
(2017-2027)

WHEREAS Section 210 of the *Community Charter* provides Council with the authority to establish by bylaw Specified Areas for annual funding of Business Improvement Areas (BIA);

AND WHEREAS the Council of the City of Vernon has been notified by the Downtown Vernon Association (DVA) that the Association on behalf of the owners of certain properties in the downtown area wish to re-establish a **Primary** Local Service Area to enable the Association to market and promote business within that area;

AND WHEREAS the Council of the City of Vernon has mailed to the owners of the parcels liable to be specially charged, pursuant to Section 213 of the *Community Charter*, notice of Council's intention to proceed with a bylaw to establish the Downtown Vernon Association BIA for the years 2017 – 2027 in order to provide certain services, through the DVA, under a business promotion scheme;

AND WHEREAS notice of Council's intention to proceed with a bylaw to re-establish the Downtown Vernon BIA for the years 2017 – 2027 in order to enable the DVA to provide certain services under a business promotion scheme has been published in a newspaper pursuant to Section 213 of the *Community Charter*;

AND WHEREAS any petition received against the proposed work was not sufficient pursuant to Section 212 of the *Community Charter*, to prevent Council from proceeding;

NOW THEREFORE the Council of the Corporation of the City of Vernon, in open meeting assembled, enacts as follows:

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1. Those lands within the area shown as shaded on the map attached hereto and forming part of this bylaw as Schedule "A" are designated as a Business Improvement Area (BIA) within the meaning of the *Community Charter*, and shall be known as the **Primary Downtown Business Improvement Area**.

2. Council is hereby empowered to grant to the Downtown Vernon Association annually, for the term of this bylaw, money not exceeding the following amounts:

YEAR	LEVY
2017	\$248,045
2018	\$257,222
2019	\$266,740
2020	\$276,609
2021	\$286,844
2022	\$297,457
2023	\$308,463
2024	\$319,876
2025	\$331,711
2026	\$343,985
2027	\$357,712

and the annual levy shall be made payable to the Downtown Vernon Association in two equal payments, annually, on January 15 and July 15 subject to submission of the annual budget and the audited financial statements as outlined in Sections 5 and 6 of this bylaw.

3. The money granted under Section 2 of this bylaw must be expended only by the Downtown Vernon Association.

4. Money granted pursuant to Section 2 of this bylaw shall be expended only for the purpose of a comprehensive and multi-faceted marketing and promotions program including, but not limited to, physical revitalization, special events coordinator, area

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maintenance and beautification, access and parking management, business recruitment/retention, creation of promotional publications and co-op advertising opportunities, networking, education, communication and advocacy for its members, as provided in the annual budget submitted by the Downtown Vernon Association and approved by Council.

5. The Downtown Vernon Association shall submit to the Council of the City of Vernon, annually, on or before March 31, a budget for the calendar year, which outlines revenues and expenditures related to carrying out of the Business Promotion Scheme. The budget shall be in the similar form attached hereto and forming part of this bylaw as Schedule "B".

6. The Downtown Vernon Association shall submit an annual audited financial statement annually, on or before June 30, which shall be prepared in accordance with generally accepted accounting principles and shall include a Balance Sheet and a Statement of Revenue and Expenditure. The statement shall account for the money granted and approved by Council for the previous, in the manner and similar form attached hereto and forming part of this bylaw as Schedule "C"

7. The books of the Downtown Vernon Association shall be available to the City Treasurer or designate for audit purposes, if required.

8. The Downtown Vernon Association shall not incur any indebtedness or other obligations beyond each budget year.

9. There shall be levied annually against all taxable land and improvements that fall or would fall within Class 5 or 6 of the Assessments – Classes and Percentage Levels Regulation, B.C. Reg. 438/81, excluding Federal, Provincial and Municipal owned properties used for government purposes, and based on assessed values, rates sufficient to raise the annual sum in accordance with Section 2 of this bylaw.

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10. The Downtown Vernon Association is required to take out and maintain general liability insurance in the amount of \$3,000,000.00 with the City of Vernon to be named on the insurance policy in order that the City will be advised of any changes or cancellation of the policy. The policy is to indemnify and save harmless the City of Vernon, its officials, employees and agents from and against any and all losses, claims, damages, actions or cause of action arising from the operation of a Business Improvement Area by the Downtown Vernon Association. A copy of the insurance is to be provided annually with the Annual Budget, as outlined in Section 5.

- 11.
- a) The Downtown Vernon Association is independent from the City of Vernon and shall bear all the responsibility for managing its own affairs, hiring its own employees, and paying all its own expenses including all salaries, office rent, etc., subject to the terms of this bylaw.
 - b) Employees of the Downtown Vernon Association are not employed by the City of Vernon and as such, are not bound by or benefit from the terms and conditions set out in agreements made between the City of Vernon and its employees.
 - c) The Downtown Vernon Association will not in any manner whatsoever commit or purport to commit the City of Vernon to the payment of any money to any person, firm or corporation.

12. This bylaw shall be effective from the date of adoption and expire December 31st, 2027.

13. This bylaw may be cited as **“The Primary BIA Establishment Bylaw Number 5584, 2016”**.

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READ A FIRST TIME this 12 day of September, 2016.

READ A SECOND TIME this 12 day of September, 2016.

READ A THIRD TIME this 12 day of September, 2016.

IN ACCORDANCE WITH THE *COMMUNITY CHARTER*, publication of a Notice of this Bylaw was published in the **October 2, 2016 and October 9, 2016** issues of the Morning Star and within one month after the publication of the said Notice, a majority of the owners representing at least 50% of the value of the parcels that are liable to be specially charged, **failed to petition the Council** not to proceed with the program.

ADOPTED this 28 day of November, 2016.

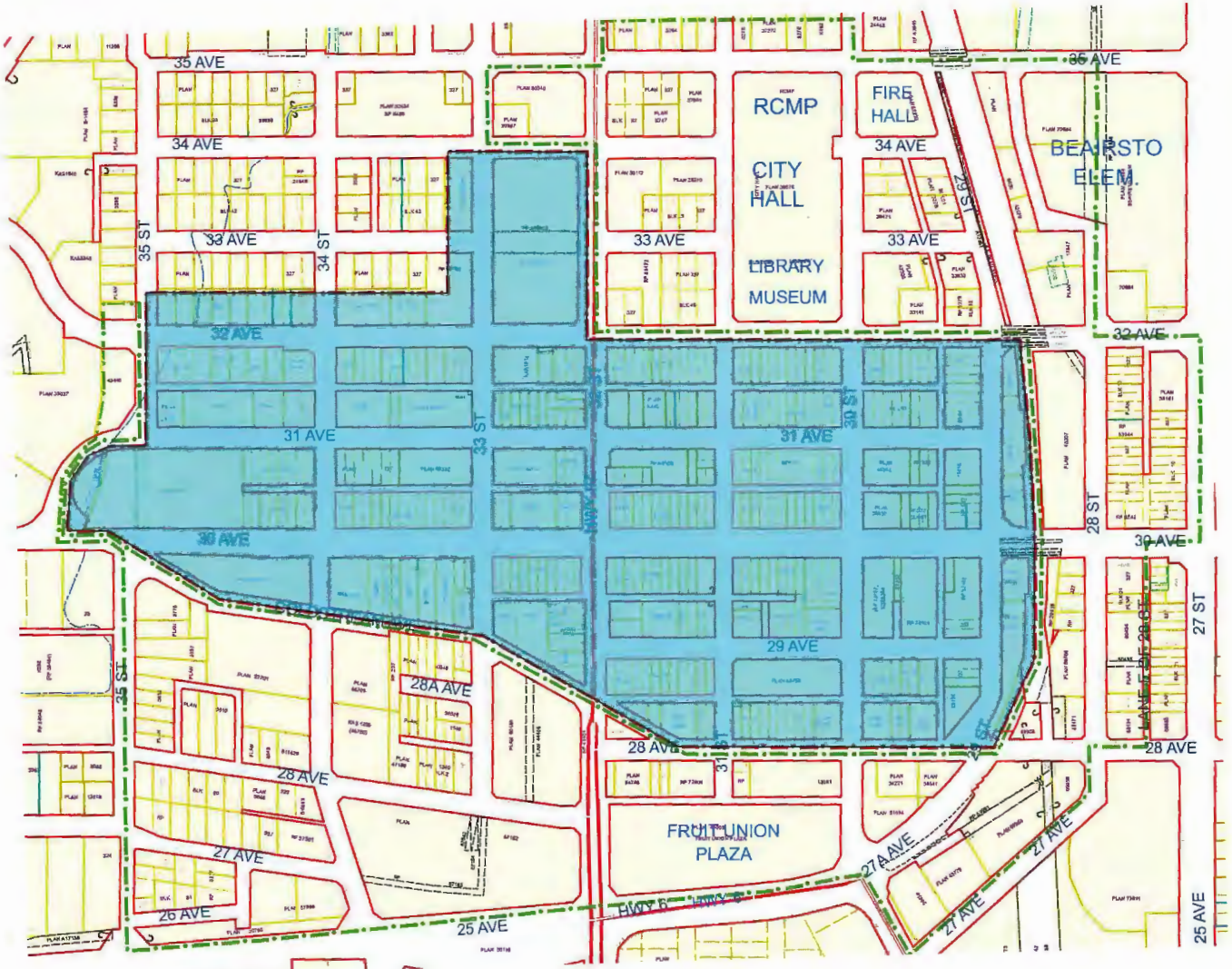
Mayor: 



Dep. Corporate Officer

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SCHEDULE 'A'



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SCHEDULE "B"

SAMPLE BUDGET

For the year ending _____

Staff	\$
Office	
Advertising, Special Events, Promotion	
Parking Awareness Program	
Streetscape Improvements	
Research	
Miscellaneous	_____
TOTAL:	\$ _____

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SCHEDULE "C"

SAMPLE STATEMENT OF ACCOUNT

For the year ending _____

	<u>Budget</u>	<u>Actual</u>
Staff		\$
Office		
Advertising, Special Events, Promotion		
Parking Awareness Program		
Streetscape Improvements		
Research		
Miscellaneous		_____
	TOTAL:	\$ <u>_____</u>

Signing Officer:

Signing Officer: