

THE CITY OF EDMONTON

BYLAW 8993-21218

124 STREET AND AREA BUSINESS IMPROVEMENT AREA BYLAW

~~(S.2(a), December 13, 2016)~~

~~WHEREAS the Municipal Council of the City of Edmonton received a request, appended hereto and forming Appendix "A" to this Bylaw, pursuant to the Municipal Government Act, R.S.A. 1980, c. M-26, as amended, to:~~

- ~~(a) designate an area as a Business Revitalization Zone and prescribe its boundaries;~~
- ~~(b) establish a Board of Directors for the Business Revitalization Zone and incorporate the said Board of Directors;~~

~~(S.1(a), Bylaw 10966, June 6, 1995)~~

~~AND WHEREAS pursuant to Section 171.2 (2) of the Municipal Government Act, R.S.A. 1980, c. M-26, notice of the intention of Council to pass this Bylaw was mailed to every person who was shown on the then current assessment roll of the City as being assessed for business taxes within the boundaries of the Business Revitalization Zone;~~

~~(S.1(b), Bylaw 10966, June 6, 1995)~~

~~AND WHEREAS no petition objecting to the passing of this Bylaw was received by the Municipal Council of the City;~~

~~(S.1(c), Bylaw 10966, June 6, 1995)~~

~~NOW THEREFORE, the Municipal Council of the City of Edmonton, duly assembled, enacts as follows:~~

Edmonton City Council enacts:

DEFINITIONS

1

(1) Unless otherwise specified, words used in this bylaw have the same meaning as defined in the MGA.

(2) In this bylaw, ~~unless the context otherwise requires:~~

- (a) **"Board"** means all Directors of the Business Improvement Area as appointed by Council from time to time; **"Area"** means the business improvement area set out in section 3 of this bylaw;
- (b) **"City"** means the municipal corporation of the City of Edmonton; **"Association"** means the corporation set out in section 4 of this bylaw;
- (c) **"Council"** means the municipal council of the City of Edmonton; **"Board"** means all Directors of the Business Improvement Area Association as appointed by Council pursuant to this bylaw from time to time;
- (d) **"Director"** means a person appointed by Council pursuant to section 6 of this bylaw; **"City"** means the municipal corporation of the The City of Edmonton;
- (e) **"Member"** means a business assessed for business taxes within the 124 Street and Area Business Improvement Area; **"City Manager"** means the City's chief administrative officer or delegate;
- (f) **"MGA"** means the Municipal Government Act, S.A. 2000, c. M-26; **"Council"** means the City's municipal council of the The City of Edmonton;
- (g) **"Person"** includes an individual, partnership, association, corporation, trustee, executor, administrator or legal representative; **"Director"** means an person individual appointed by Council pursuant to section 6 7 of this bylaw;

(h) ~~Deleted;~~ “**Member**” means a business assessed for business improvement area taxes within the ~~124 Street and Area Business Improvement Area~~;

(i) “**MGA**” means the *Municipal Government Act*, RSA 2000, c M-26, ~~as amended~~; and

(j) “**person**” includes an individual, partnership, association, corporation, trustee, executor, administrator or legal representative.

~~(S.3, Bylaw 13917, April 19, 2005)~~

~~(S.2(b), 3, 4(a), Bylaw 17779, December 13, 2016)~~

DESIGNATION OF THE ZONE 2

~~That area, the boundaries of which are outlined and shaded on the map attached hereto as Appendix "B" and forming part of this Bylaw, is hereby designated as the "Edmonton 124 Street and Area Business Improvement Area".~~

~~(S.4, Bylaw 13917, April 19, 2005)~~

~~(S.2(c), Bylaw 17779, December 13, 2016)~~

RULES FOR INTERPRETATION 2

The marginal notes and headings in this bylaw are for ease of reference only.

ESTABLISHMENT OF THE ASSOCIATION 3

~~(1) The Board of Directors of the 124 Street and Area Business Improvement Area is hereby established as a corporation under the name “124 Street and Area Business Association”.~~

~~(2) The Corporation hereby established shall consist of Directors appointed from time to time in accordance with Section 6 hereof.~~

~~(S.5, Bylaw 13917, April 19, 2005)~~

~~(S.4(b), Bylaw 17779, December 13, 2016)~~

**THE BUSINESS
IMPROVEMENT
AREA**

3

That area, the boundaries of which are outlined and shaded on the map attached ~~hereto~~ as Appendix "B" "A" ~~and forming part of this Bylaw~~ to this bylaw, and which are more particularly described in Appendix "B" attached to this bylaw, ~~is hereby designated as the "Edmonton 124 Street and Area Business Improvement Area"~~ which was designated as the "Edmonton 124 Street and Area Business Improvement Area" in Bylaw 8993, as amended, is hereby continued as the "Edmonton 124 Street and Area Business Improvement Area".

**PURPOSES OF THE
ZONE**

4

~~The objects or purposes for which the 124 Street and Area Business Improvement Area are established are:~~

~~(a) improving, beautifying and maintaining property in the 124 Street and Area Business Improvement Area;~~

~~(b) developing, improving, and maintaining public parking; and~~

~~(c) promoting the 124 Street and Area Business Improvement Area as a business or shopping district.~~

~~(S4(c), Bylaw 17779, December 13, 2016)~~

THE ASSOCIATION

4

(1) All Directors appointed to sit on the Board of the "Edmonton 124 Street and Area Business Improvement Area" under Bylaw 8993, as amended, will continue to sit until otherwise replaced under this bylaw. ~~The Board of Directors of the 124 Street and Area Business Improvement Area is hereby established as a corporation under the name "124 Street and Area Business Association".~~

(2) The corporation which was established under the name “124 Street and Area Business Association” in Bylaw 8993, as amended, is hereby continued as a corporation under the name “124 Street and Area Business Association”.

(3) The ~~Corporation hereby established~~ Board shall consist of Directors appointed from time to time in accordance with ~~Section 6 hereof~~ section 7 of this bylaw.

POWERS OF ASSOCIATION

5

~~(1) Subject to the provisions of this bylaw and every other applicable bylaw of the City or statute or regulations of the Province, the 124 Street and Area Business Improvement Area shall have the power to do all things necessarily incidental to the attainment of its objects.~~

~~(2) Nothing in this bylaw shall be construed as giving the 124 Street and Area Business Improvement Area the power to borrow money or otherwise pledge its assets without the express direction of Council.~~

~~(S.4(d), Bylaw 17779, December 13, 2016)~~

PURPOSES OF THE AREA

5

(1) The objects ~~or~~ and purposes for which the ~~124 Street and Area Business Improvement Area Area~~ are was established are:

(a) improving, beautifying and maintaining property in the ~~124 Street and Area Business Improvement Area Area~~;

(b) developing, improving, and maintaining public parking; and

(c) promoting the ~~124 Street and Area Business Improvement Area Area~~ as a business or shopping district.

(2) The Association will carry out the objects and purposes set out in subsection (1) by:

- (a) building effective partnerships with businesses, property owners, other community collaborators, and municipal government;
- (b) advocating for the needs of the businesses in the Area;
- (c) developing and promoting a positive image for the Area;
- (d) attracting new businesses that support the vision for the Area; and
- (e) encouraging reinvestment and future development in the Area.

DIRECTORS

6

~~(1) The Board of the 124 Street and Area Business Improvement Area shall consist of fifteen Directors appointed by Council.~~

~~(2) At the recommendation of the Board, Council may appoint fewer than fifteen Directors.~~

~~(3) Each appointment made by Council is for a term of one year with no maximum number of terms.~~

~~(4) No person shall be appointed as a Director unless that person:~~

~~(a) has been nominated in writing, submitted to the Board before close of nominations, for appointment as a Director, by any person in the 124 Street and Area Business Improvement Area who is shown on the current assessment roll of the City as being assessed for business taxes with respect to a business carried on within the 124 Street and Area Business Improvement Area, and~~

~~(b) has consented to act as a Director, in writing submitted to the Board prior to that person's appointment.~~

~~(S.4(c), Bylaw 17779, December 13, 2016)~~

~~(5) A majority of existing, appointed members constitutes quorum.~~

**POWERS OF
ASSOCIATION**

6

- (1) Subject to the provisions of this bylaw ~~and every other applicable bylaw of the City or statute or regulations of the Province~~ and any other piece of applicable legislation, the ~~124 Street and Area Business Improvement Area Association~~ shall have the power to do all things necessarily incidental to the attainment of its objects.
- (2) Nothing in this bylaw shall be construed as giving the ~~124 Street and Area Business Improvement Area Association~~ the power to borrow money or otherwise pledge its assets without the express direction of Council.

REMUNERATION

7

- ~~(1) The position of a Director is voluntary, and no remuneration will be paid for services as a Director.~~
- ~~(2) Directors shall be reimbursed for expenses necessarily incurred in the performance of duties as a Director.~~

DIRECTORS

7

- (1) The Board ~~of the 124 Street and Area Business Improvement Area~~ shall consist of up to fifteen Directors appointed by Council.
- (2) Each appointment made by Council is for a term of one year with no maximum number of terms.
- (3) No ~~person individual~~ shall be appointed as a Director unless that ~~person individual~~:
 - (a) has been nominated in writing, submitted to the Board before close of nominations, for appointment as a Director, by any person ~~in the 124 Street and Area Business Improvement Area who is shown on the current assessment roll of the City as being assessed for business taxes with respect to a business carried on within the 124~~

~~Street and Area Business Improvement Area~~ who is a taxpayer in the Area as defined in section 1(e) of the *Business Improvement Area Regulation*, Alta. Reg. 93/2016; and

(b) has consented to act as a Director, in writing submitted to the Board prior to that ~~person~~ individual's appointment.

(4) A majority of existing, appointed members constitutes quorum.

(5) Each Director of the Board shall remain in office until:

(a) the Director resigns;

(b) the revocation of the Director's appointment by Council following the recommendation of the Board; or

(c) the Director's term of office expires,

whichever comes first.

(6) Where an individual appointed pursuant to this section ceases to be a Director of the Board before the expiration of their designated term, the Board may appoint a Director for the unexpired portion of the term provided that the new Director meets all of the requirements for appointment as a Director pursuant to this section.

(7) Interim appointments pursuant to subsection (6) shall not require the further approval of Council.

PROCEDURES FOR 8 THE BOARD

~~(1) The Board shall manage the business and affairs of the 124 Street and Area Business Improvement Area.~~

~~(S.4(f), Bylaw 17779, December 13, 2016)~~

~~(2) The Board shall meet at least quarterly and may meet more frequently, as it sees fit, for the dispatch of business.~~

~~(3) The Directors shall:~~

~~(a) elect one of their number as Chair of the Board to preside at all meetings of the Board, and~~

~~(b) determine the period for which that person is to hold office.~~

~~(4) If the Chair is not present within fifteen (15) minutes from the time fixed for the holding of any meeting, the Directors present shall choose one of their number to be the Chair of the meeting.~~

~~(5) A motion is lost when the vote is tied.~~

~~(6) The Board may delegate any of the Board's powers to a committee or committees consisting of one or more Directors.~~

REMUNERATION 8

(1) The position of a Director is voluntary, and no remuneration will be paid for services as a Director.

(2) Directors shall be reimbursed for expenses necessarily incurred in the performance of duties as a Director.

FINANCIAL MATTERS 9

~~(1) The financial year of the Board is the calendar year.~~

~~(2) The Board may appoint such officers of the 124 Street and Area Business Improvement Area as the Board sees fit and may specify the powers and duties of such officers and, subject to the provisions of this bylaw, may delegate to any officer such of the powers of the Board as the Board thinks fit.~~

~~(3) If a Director or a Director's family member, as defined within the MGA, has a pecuniary interest in a matter before the Board, the Director shall be precluded from voting or participating in the discussion.~~

~~(4) The 124 Street and Area Business Improvement Area may have a corporate seal, which seal may be adopted or changed from time to time by the Board and on which the name of the 124 Street and Area Business Improvement Area shall appear.~~

~~(5) The banking business of the 124 Street and Area Business Improvement Area shall be transacted with such banks or financial institutions as the Board may from time to time designate, and shall be transacted in accordance with such agreements, instructions, and delegations of power as the Board may from time to time prescribe.~~

~~(6) The Board shall cause true accounts to be kept of the sums of money received and expended by the 124 Street and Area Business Improvement Area and the matter or matters in respect of which such receipts and expenditures take place, all acquisitions and dispositions of property of the Association, and all the assets and liabilities of the 124 Street and Area Business Improvement Area.~~

~~(7) The books of account of the 124 Street and Area Business Improvement Area shall be kept at such place or places as the Board thinks fit, and no person, other than a Director, an officer, the City Auditor, or an officer, accountant, or other person, whose duty to the 124 Street and Area Business Improvement Area or to the Council require that person to do so, shall have any right to inspect any account or book or document of the 124 Street and Area Business Improvement Area except as may be authorized by the Board, by Council, or by statute.~~

~~(8) The Board shall, in each year at the time and in the form prescribed by the Council, submit to the Council, for its approval, estimates of revenues and expenditures expected to be received and made by the 124 Street and Area Business Improvement Area for the next fiscal year.~~

~~(9) The Board shall present and review these estimates with its Members at the annual general meeting and subsequently revise, if necessary, and approve them prior to their submission to Council.~~

~~(10) The Board shall notify by mail, personal delivery, or a combination of the two, all businesses within the 124 Street and Area Business Improvement Area listed in the current assessment roll of the proposed budget, and of the date and place when Council will consider approval of the proposed budget.~~

~~(S.4(g), Bylaw 17779, December 13, 2016)~~

**PROCEDURES FOR 9
THE BOARD**

- (1) The Board shall manage the business and affairs of the ~~124 Street and Area Business Improvement Area Association.~~
- (2) The Board shall meet at least quarterly and may meet more frequently, as it sees fit, for the dispatch of business.
- (3) The Directors shall:
 - (a) elect one of their number as Chair of the Board to preside at all meetings of the Board; and
 - (b) determine the period for which that ~~person~~ individual is to hold office.
- ~~(4) If the Chair is not present within fifteen (15) minutes from the time fixed for the holding of any meeting, the Directors present shall choose one of their number to be the Chair of the meeting.~~ The Board shall establish and maintain internal governing documents setting out policies and procedures for dealing with the following:
 - (a) conducting meetings when the Chair is not present;
 - (b) determining what happens to a motion when the vote is tied; and
 - (c) any other situation, incident, event, or thing that the Board sees fit in order for it to guide the governance, conduct, and operations of the Board, its Directors, committees, and employees of the Association,

provided such policies and procedures are not inconsistent with the provisions of this bylaw.

~~(5) A motion is lost when the vote is tied.~~ The Board may delegate any of the Board's powers to a committee or committees consisting of one or more Directors.

~~(6) The Board may delegate any of the Board's powers to a committee or committees consisting of one or more Directors.~~

**ANNUAL
GENERAL
MEETINGS AND
SPECIAL
MEETINGS OF
THE BOARD**

10

~~(1) In each calendar year, prior to submitting its estimates of revenues and expenditures to Council, the Board shall hold an annual general meeting of all Members.~~

~~(2) Written notice of the annual meeting shall be sent by mail, personal delivery, or a combination of the two, to all Members, at least fourteen (14) days prior to the meeting date.~~

~~(3) At the annual meeting the Board shall:~~

~~(a) review with Members its estimates of revenues and expenditures for the next calendar year;~~

~~(b) review with Members any nominations for new Directors from the Members for the next calendar year received by the Board prior to the meeting;~~

~~(c) seek any additional nominations for new Directors for the next calendar year; and~~

~~(d) close the nomination period permanently for new Directors for the next calendar year.~~

~~(4) For the purposes of any vote of the membership during the annual meeting or a special meeting, the following voting procedures shall apply:~~

~~(a) Each Member shall be entitled to one vote;~~

~~(b) In order to be eligible to vote, each representative shall present to the Board upon arrival at the meeting, an original signed statement giving the bearer permission to represent the Member in any vote at that meeting; and~~

~~(c) Motions are passed by a majority of the votes cast by the Members present at the meeting.~~

~~(S.6(4.0-10.4), Bylaw 13917, April 19, 2005)~~

FINANCIAL MATTERS

10

- (1) The financial year of the ~~Board Association~~ is the calendar year.
- (2) The Board may appoint such officers of the ~~124 Street and Area Business Improvement Area Association~~ as the Board sees fit and may specify the powers and duties of such officers and, subject to the provisions of this bylaw, may delegate to any officer such of the powers of the Board as the Board thinks fit.
- (3) If a Director or a Director's family member, as defined within the MGA, has a pecuniary interest in a matter before the Board, the Director shall be precluded from voting or participating in the discussion.
- (4) The ~~124 Street and Area Business Improvement Area Association~~ may have a corporate seal, which seal may be adopted or changed from time to time by the Board and on which the name of the Association shall appear.
- (5) The banking business of the ~~124 Street and Area Business Improvement Area Association~~ shall be transacted with such banks or financial institutions as the Board may from time to time designate, and shall be

transacted in accordance with such agreements, instructions, and delegations of power as the Board may from time to time prescribe.

- (6) The Board shall cause true accounts to be kept of the sums of money received and expended by the ~~124 Street and Area Business Improvement Area Association~~ and the matter or matters in respect of which such receipts and expenditures take place, all acquisitions and dispositions of property of the Association, and all the assets and liabilities of the ~~124 Street and Area Business Improvement Area Association~~.
- (7) The books of account of the ~~124 Street and Area Business Improvement Area Association~~ shall be kept at such place or places as the Board thinks fit, and no person, other than a Director, an officer, the City Auditor, or an officer, accountant, or other person, whose duty to the ~~124 Street and Area Business Improvement Area Association~~ or to Council require that person to do so, shall have any right to inspect any account or book or document of the ~~124 Street and Area Business Improvement Area Association~~ except as may be authorized by the Board, by Council, or by statute.
- (8) The Board shall, in each year at the time and in the form prescribed by the City Manager, submit to Council, for its approval, estimates of revenues and expenditures expected to be received and made by the ~~124 Street and Area Business Improvement Area Association~~ for the next fiscal year.
- (9) The Board shall present and review these estimates with its Members at the annual general meeting and subsequently revise, if necessary, and approve them prior to their submission to Council.

(10) The Board shall notify ~~by mail, personal delivery, or a combination of the two~~ all businesses within the ~~124 Street and Area Business Improvement Area~~ listed in the current assessment roll of the proposed budget whose owner or operator is a taxpayer, as defined in section 1(e) of the *Business Improvement Area Regulation*, Alta. Reg. 93/2016, of the date and place when Council will consider approval of the proposed budget using one or more of the following methods:

(a) mail;

(b) personal delivery; or

(c) electronic mail, provided that the requirements for the sending of documents by electronic means set out in section 608 of the MGA are met.

~~ANNUAL REPORT~~ 11

~~The Board shall prepare and submit to Council an annual report of the activity of the 124 Street and Area Business Improvement Area at the time specified by Council, together with an audited financial statement of the 124 Street and Area Business Improvement Area comprised of an income and expenditure account and a balance sheet and any other statements and reports required by Council.~~

~~(S.4(h), Bylaw 17779, December 13, 2016)~~

ANNUAL
GENERAL
MEETINGS AND
SPECIAL
MEETINGS OF 11

(1) In each calendar year, prior to submitting its estimates of revenues and expenditures to Council, the Board shall hold an annual general meeting of all Members.

THE BOARD

(2) Written notice of the annual meeting shall be sent ~~by mail, personal delivery, or a combination of the two,~~ to all Members at least fourteen (14) days prior to the meeting date ~~using one or more of the following methods:~~

(a) mail;

(b) personal delivery; or

(c) electronic mail, provided that the requirements for the sending of documents by electronic means set out in section 608 of the MGA are met.

(3) At the annual meeting the Board shall:

(a) review with Members its estimates of revenues and expenditures for the next calendar year;

(b) review with Members any nominations for new Directors from the Members for the next calendar year received by the Board prior to the meeting;

(c) ~~if sufficient nominations for new Directors for the next calendar year have not been received by the Board,~~ seek any additional nominations for new Directors for the next calendar year; and

(d) close the nomination period permanently for new Directors for the next calendar year.

(4) For the purposes of any vote of the membership during the annual meeting or a special meeting, the following voting procedures shall apply:

(a) each Member shall be entitled to one vote;

(b) in order to be eligible to vote, each representative of a Member that is not the owner or operator of the Member shall present to the Board upon arrival at the meeting, ~~an original~~ signed statement giving the bearer permission to represent the Member in any vote at that meeting; and

(c) motions are passed by a majority of the votes cast by the Members present at the meeting.

~~EFFECTIVE DATE~~ 12

~~This bylaw takes effect beginning on the date on which this bylaw is passed and signed.~~

**ANNUAL REPORT
AND AUDITED
FINANCIAL
STATEMENT** 12

(1) The Board shall prepare and submit to Council, at the time specified by the City Manager, ~~an annual report of the activity of the 124 Street and Area Business Improvement Area at the time specified by Council; together with~~ audited financial statement of the ~~124 Street and Area Business Improvement Area Association~~ comprised of an income and expenditure account and a balance sheet. ~~and any other statements and reports required by Council.~~

(2) The Board shall also prepare and submit to Council, at the time and in the form and containing the content prescribed by the City Manager, the following:

(a) an annual report of the activity of the Association; and

(b) any other statements, documents, and reports required by the City Manager.

~~13~~ ~~Bylaw 8993 is hereby consolidated into one Bylaw by incorporating this amendment and Amendment Bylaws 10812, 10966 and 12912.~~

QUARTERLY REPORTING

13 The Board shall prepare and submit to the City Manager, at the time and in the form and containing the content prescribed by the City Manager, quarterly financial reports of the Association.

CITY MANAGER ROLE

14 In addition to any other power, duty, or function prescribed by this bylaw, the City Manager may:

(a) prescribe the time at which all documents, reports, or statements that must be submitted to the City pursuant to this bylaw shall be submitted;

(b) prescribe the form and content of all reports that must be submitted to the City pursuant to this bylaw;

(c) prescribe the form of all proposed budget-related documents that must be submitted to the City for Council approval pursuant to this bylaw; and

(d) delegate any power, duty, or function under this bylaw.

TRANSITION	15	On the coming into force of this bylaw, Directors appointed to the Board will continue to be Directors until the expiry of their current term.
REPEAL	16	Bylaw 8993, the 124 Street and Area Business Improvement Area Bylaw, is repealed.

~~(NOTE: Consolidation made under Section 69 of the Municipal Government Act, R.S.A. 2000, c.L-21 and Bylaw No. 12005, and printed under the City Manager's authority)~~

~~Bylaw 8621 passed by Council November 10, 1987~~

~~Amendments:~~

~~Bylaw 13923, April 19, 2005~~

~~Bylaw 16218, October 17, 2012~~

~~Bylaw 16645, November 6, 2013~~

~~Bylaw 17780, December 13, 2016~~

Read a first time

Read a second time

Read a third time

SIGNED AND PASSED

THE CITY OF EDMONTON

MAYOR

CITY CLERK

APPENDIX "A"

**EDMONTON 124 STREET AND AREA BUSINESS IMPROVEMENT AREA
BOUNDARY MAP**

APPENDIX “B”

**BOUNDARIES OF THE EDMONTON 124 STREET AND AREA BUSINESS
IMPROVEMENT AREA**