



EXPLANATORY MEMO

BUSINESS IMPROVEMENT AREA BYLAW

No. 3066

PURPOSE:

The purpose of this bylaw is to establish and designate a Business Improvement Area in the City of Langley.

BACKGROUND:

May 14, 2018:

On its own initiative Council began the process of adopting a Business Improvement Area Bylaw by giving Bylaw 3066 first, second and third reading.

May 23, 2018:

Owners of affected parcels of land were mailed a Petition Against Business Improvement Area Bylaw No. 3066 which explained the counter petition process and provided instructions of how to submit a petition against the initiative, if they so wished.

May 24 & 31, 2018:

A public notice was placed in the Langley Advance advising of Council's intention to adopt Business Improvement Area Bylaw No. 3066 on its own initiative unless Council received a sufficient counter-petition not to proceed.

July 3, 2018:

A Certificate of Determination (attached) was certified by the Deputy Corporate Officer stating that, in accordance with section 213 of the Community Charter, the City met the requirements to establish a local area service on 'council initiative subject to a petition against it' and may proceed with adoption of "Business Improvement Area Bylaw, 2018, No. 3066."



CITY OF LANGLEY

CERTIFICATE OF DETERMINATION

BUSINESS IMPROVEMENT AREA BYLAW 2018, NO. 3066

SUBJECT: BUSINESS IMPROVEMENT AREA BYLAW, 2018, NO. 3066

DATE: JULY 3, 2018 AT 4:00 P.M.

As of the above-mentioned date, I, Paula Kusack, Deputy Corporate Officer for the City of Langley, hereby certify that I have made the following determination regarding the above-mentioned subject matter:

1. In accordance with section 94 of the Community Charter, the City has published notice of the counter petition process for Bylaw No. 3066 in the May 24, 2018 and the May 31, 2018 editions of the Langley Advance.
2. The City has received petitions against the adoption of Bylaw No. 3066 from **twenty nine (29) property owners** whose assessed value of the land and improvements totals **\$38,941,900.⁰⁰**
3. The threshold for sufficiency and validity of "at least 50% of the parcels that would be subject to the Business Improvement Area Service tax, that in total represents at least 50% of the assessed value of the land and improvements". That is to say **127 parcels**, with assessed values totalling **\$253,316,804.⁰⁰** to petition against the bylaw, has not been met.
4. In accordance with section 213 of the Community Charter, the City has met the requirements to establish a local area service on 'council initiative subject to a petition against it' as of this date and time.
5. In accordance with section 211 and 215 of the Community Charter, the City may proceed to adopt Bylaw No. 3066, a bylaw to establish and designate a Business Improvement Area in the City of Langley.

Paula Kusack
Deputy Corporate Officer, City of Langley



THE CITY OF LANGLEY
BUSINESS IMPROVEMENT AREA BYLAW
BYLAW NO. 3066

A Bylaw to establish and designate a Business Improvement Area in the City of Langley

WHEREAS the City may establish a business improvement area service to grant money to an organization that has the planning and implementation of a business promotion scheme as one of its aims, functions or purposes;

AND WHEREAS the owners of certain properties within the municipal boundaries have formed an association known as the "Downtown Langley Business Association", a registered not for profit society in the Province of British Columbia to undertake certain works and services and to market and promote business;

AND WHEREAS a City Council may propose to undertake a business improvement area, as a local service area, on its own initiative;

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

Definitions

1) For the purpose of this Bylaw:

"Area" means the lands and improvements contained within the area of the City of Langley as shaded in heavy black on the map attached to and forming part of this bylaw as Schedule "A";

"Association" means the Downtown Langley Merchants Association or any other name that the members of the association may approve;

"Business Promotion Scheme" means the development and undertaking of projects and initiatives to encourage business and commerce in the Area;

"City" means the City of Langley;

"Council" means the Council for the City;

“Taxable Property” means land and improvements in the Area that fall within the Class 6 property class for assessment purposes.

Grant

- 2) Subject to the conditions and limitations set out in this bylaw Council hereby grants the following sums to the Association to undertake its Business Promotion Scheme:
 - a) in 2020, a sum not to exceed \$ 497,976.00;
 - b) in 2021, a sum not to exceed \$ 532,834.00;
 - c) in 2022, a sum not to exceed \$ 570,132.00;
 - d) in 2023, a sum not to exceed \$ 610,041.00;
 - e) in 2024, a sum not to exceed \$ 652,744.00;
 - f) in 2025, a sum not to exceed \$ 698,436.00;
 - g) in 2026, a sum not to exceed \$ 747,327.00;
 - h) in 2027, a sum not to exceed \$ 799,640.00;
 - i) in 2028, a sum not to exceed \$ 855,615.00;
 - j) in 2029, a sum not to exceed \$ 915,508.00.
- 3) The City will pay the applicable grant to the Association on or before July 15th of the calendar year in which the funds are collected.

Expenditures and Indebtedness

- 4) Monies granted to the Association pursuant to this bylaw will be expended only:
 - a) by the Association;
 - b) in accordance with the conditions and limitations set out in the bylaw; and
 - c) for the Business Promotion Scheme.
- 5) Monies granted pursuant to Section 2 of this bylaw must be expended by the Association only for expenses provided for in the annual budget submitted pursuant to section 8.
- 6) The Association must not incur any indebtedness or other obligations beyond the sum granted for each calendar year.

Budget

- 7) The Association must submit annually to Council for information, on or before March 1st of each year, 2020 through 2029 inclusive, a budget for that calendar year which contains information sufficient in detail to describe all anticipated expenses and revenues.

Recovery and Tax Levy

- 8) All of the money granted to the Association pursuant to this bylaw will be recovered as a local service tax from the owners of the Taxable Property within the Area.
- 9) For the purpose of recovering the monies granted to the Association, the City will impose each year a levy rate per \$1,000 of assessment on the Taxable Property within the Area which when multiplied by the total assessment for land and improvements will yield the maximum amount of the respective grants set out in this bylaw.

Financial Statements

- 10) The Association must submit to the City on or before May 15 each year an annual financial statement for the previous calendar year which will be prepared in accordance with generally accepted account principles and will include a balance sheet and a statement of revenue and expenditures.
- 11) The financial statement submitted by the Association must also be prepared in accordance with the requirements of the *Societies Act* [SBC 2015] Chapter 18, as amended from time to time.
- 12) The Association will permit the Director of Corporate Services for the City or his or her nominee to inspect during normal business hours on reasonable notice all books of account, receipts, invoices and other financial position records which the Director of Corporate Services deems advisable for the purposes of verifying and obtaining further particulars of the budget and any financial statements of the Association as they relate to the monies granted to the Association by the Council pursuant to this bylaw.

Insurance

- 13) The Association must carry at all times a policy of comprehensive general liability insurance in the amount of \$5,000,000 with:
 - a) the City as an additional named insured;
 - b) a cross coverage provision; and
 - c) an endorsement to provide the Director of Corporate Services with 30 days notice of change or cancellation.
- 14) The Association will deliver a copy of the insurance policy to the Director of Corporate Services within 60 days of payment of the premiums for the insurance policy.

Alterations to the Association's Constitution

- 15) The Association may not alter or approve amendments to its constitution and bylaws without providing the Director of Corporate Services with 30 days' notice of its intention to make such alteration or amendment and where any alteration or amendment is made

without such notice, the City may withhold any payments of the grant referred to in section 2.

Independent Entity

- 16) The Association is independent from the City.
- 17) The Association will bear all the responsibility of managing its own affairs, hiring its own employees and paying all its own expenses including all salaries, office rent, subject to this Bylaw.
- 18) Employees of the Association are not employed by the City and, as such, are not bound by or benefit from the terms or conditions set out in agreements made between the City and its employees.
- 19) The Association will not in any manner whatsoever commit or purport to commit the City to the payment of any money to any person.

General Provisions

- 20) This bylaw comes into force on January 1, 2020 and will be operative only until December 31, 2029.
- 21) This bylaw may be cited for all purposes as the "Business Improvement Area Bylaw No. 3066, 2018".

READ A FIRST, SECOND, AND THIRD TIME this fourteenth day of May, 2018.

NOTICE of Council's intention mailed to the owners of parcels liable to be charged on the twenty-third day of May, 2018 and published in the Langley Advance on the twenty-fourth day of May, 2018 and the thirty-first day of May, 2018.

Council did not receive a sufficient petition against the proposed bylaw before the third day of July, 2018.

ADOPTED this ____ day of _____, 2018.

MAYOR

CORPORATE OFFICER

Schedule “A” – Business Improvement Area Boundaries



 BIA Properties

**Business Improvement Area
Bylaw No. 3066
Schedule "A"**



Prepared by Development
Services Department
May 3, 2018