

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF DECEMBER 11, 2012

Item 4, Report No. 48, of the Committee of the Whole, which was adopted, as amended, by the Council of the City of Vaughan December 11, 2012, as follows:

By approving the following recommendation contained in the report of the Director of Financial Services and the City Clerk, dated November 27, 2012:

- 1) ***That Council approve the Kleinburg Business Improvement Area (KBIA) Board of Management's request to increase the minimum and maximum special charges for three (3) years commencing in 2012, as follows:***

***2012 \$400 minimum / \$4000 maximum
2013 \$450 minimum / \$4500 maximum
2014 \$500 minimum / \$5000 maximum***

- 2) ***That By-law Number 169-84, as amended, be further amended to reflect the increase in the minimum and maximum special charges for three (3) years commencing in 2012; and***

By receiving Communication C5 from the City Clerk, dated December 7, 2012.

**4 KLEINBURG BUSINESS IMPROVEMENT AREA – MINIMUM AND MAXIMUM SPECIAL CHARGES 2012 -2014
WARD 1**

The Committee of the Whole recommends approval of the recommendation contained in the following report of the Director of Financial Services and the City Clerk, dated November 27, 2012:

Recommendation

The Director of Financial Services and the City Clerk recommend that the following recommendation be submitted to the Council meeting of December 11, 2012 for consideration should the By-law to designate the Kleinburg Business Improvement area **not** be repealed:

- 1) That Council approve the Kleinburg Business Improvement Area (KBIA) Board of Management's request to increase the minimum and maximum special charges for three (3) years commencing in 2012, as follows:

2012	\$400 minimum / \$4000 maximum
2013	\$450 minimum / \$4500 maximum
2014	\$500 minimum / \$5000 maximum

- 2) That By-law Number 169-84, as amended, be further amended to reflect the increase in the minimum and maximum special charges for three (3) years commencing in 2012.

Contribution to Sustainability

Not applicable.

Economic Impact

There is no economic impact to the City of Vaughan.

Communications Plan

The City, on behalf of the Kleinburg Business Improvement Area, will issue levying invoices to each KBIA member detailing the new minimum and maximum special charges and the amount to be remitted.

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Purpose

The purpose of this report is to report back to Council following the Notice and Objection period as set out in subsections 210(1) and (3) of the Municipal Act (the Act).

Background - Analysis and Options

In dealing with the request received from the KBIA Board of Management to increase the minimum and maximum special charges for three (3) years commencing 2012, Council directed staff to send out the required notice (Attachment 1 – Council Extract, Item 18, Committee of the Whole Report No. 21).

Pursuant to subsection 210(1) of the Act notices were sent to thirty-four (34) Kleinburg Business Improvement Area members on June 5, 2012, notifying them of the Board of Management's request, including the conditions for when a municipality cannot pass a by-law such as the proposed by-law amendment to increase the minimum and maximum special charges. KBIA members had 60 days from the date the notice was mailed to send in their written objections. Written objections had to be received by the City Clerk by no later than 4:30 p.m. on August 3, 2012. Three (3) objections were received by the deadline of August 3, 2012.

Subsection 210(3) sets out the following conditions for when a municipality cannot pass a by-law such as the proposed by-law amendment to increase the minimum and maximum special charges:

- written objections are received by the Clerk of the municipality within 60 days after the last day of mailing of notices;
- the objections have been signed by at least one-third of the total number of persons entitled to notice; and
- the objectors are responsible for at least one-third of the taxes levied for purposes of the general local municipality levy on ratable property in all prescribed business property classes in the improvement area.

In accordance with subsection 210(5) of the Act the City Clerk has determined since insufficient objections were received within the 60-day objection period the conditions as set out in subsection 210(3) were not met. The municipality may therefore pass a by-law to increase the minimum and maximum special charges.

In accordance with subsection 208(1), "The municipality shall annually raise the amount required for the purposes of a board of management...". The budgeted amount is apportioned, based on a minimum and maximum amount, on all commercial property within the KBIA boundary, utilizing the taxable commercial assessment of such property. The minimum/maximum is a method of apportionment of the annual KBIA budgeted amount. This approach, which has been used for many years, provides for a fair distribution of the budgeted amount.

The minimum/maximum amounts approved by the KBIA Board of Management for three (3) years commencing in 2012, are as follows (refer to Attachment 2):

2012	\$400 minimum / \$4000 maximum
2013	\$450 minimum / \$4500 maximum
2014	\$500 minimum / \$5000 maximum

It is recommended that the staff recommendation be submitted to the Council meeting of December 11, 2012 should the by-law to designate the Kleinburg Business Improvement Area **not** be repealed.

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Outstanding Petition

Subsequent to the August 3, 2012 deadline to receive written objections regarding the KBIA Board of Management's request to increase the minimum and maximum special charges, a petition to remove the KBIA By-law Number 169-84, as amended, was received on August 7, 2012.

A follow up report regarding the petition to repeal by-law Number 169-84, as amended, being a by-law to designate the KBIA is listed on the November 27, 2012 Committee of the Whole agenda. The 60 day repeal period ends on November 27, 2012, the same day this report will be considered at Committee of the Whole. The staff recommendation is to defer consideration to the December 11, 2012 Council meeting and that the Clerk be requested to submit an update on whether there has been sufficient response in relation to the notice letters to require that By-law Number 169-84, as amended be repealed.

Dissolution of Board

In accordance with section 214(1) of the Act, should the petition to remove the KBIA be successful, the board of management is dissolved and the assets and liabilities of the board become the assets and liabilities of the municipality.

Timing

Pursuant to Section 211(5) of the Act the by-law amending the minimum and maximum special charges must come into force on or before December 31 of the year in which it is passed.

Relationship to Vaughan Vision 2020

This report is consistent with the priorities previously set by Council and the necessary resources have been allocated and approved.

Regional Implications

There are no Regional Implications in this Report.

Conclusion

It is recommended that the staff recommendation be submitted to the Council meeting of December 11, 2012 for consideration should the By-law to designate the Kleinburg Business Improvement area **not** be repealed.

Attachments

1. Council Extract – Item 18, Committee of the Whole Report No. 21.
2. Board of Management letter dated April 4, 2012.

Report prepared by:

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(A copy of the attachments referred to in the foregoing have been forwarded to each Member of Council and a copy thereof is also on file in the office of the City Clerk.)