

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December 11, 2012 for consideration should the By-law to designate the Kleinburg Business Improvement area **not** be repealed: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.

## CITY OF VAUGHAN

### **EXTRACT FROM COUNCIL MEETING MINUTES OF DECEMBER 11, 2012**

Item 4, CW Report No. 48 – Page 2

#### **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.

## **CITY OF VAUGHAN**

### **EXTRACT FROM COUNCIL MEETING MINUTES OF DECEMBER 11, 2012**

#### **Item 4, CW Report No. 48 – Page 3**

##### **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**

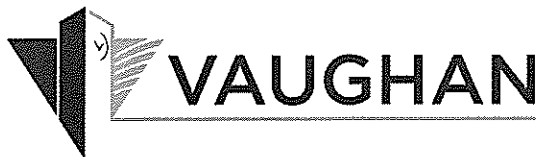
1. Council Extract – Item 18, Committee of the Whole Report No. 21.
2. Board of Management letter dated April 4, 2012.

##### **Report prepared by:**

Maureen E. Zabiuk, A.I.M.A., CMTP  
Manager, Property Tax & Assessment, Ext. 8268

Sybil Fernandes, Deputy City Clerk, Ext. 8628

(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.)



## memorandum

December 7, 2012

C	<u>5</u>
Item #	<u>4</u>
Report No.	<u>48</u>
<u>Council - December 11/12</u>	

To: Mayor and Members of Council

From: Jeffrey A. Abrams, City Clerk

Re: Kleinburg Business Improvement Area – Minimum and Maximum Special Charges 2012 - 2014  
Item 4, Committee of the Whole Report No. 48

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We can now report that the petition requesting the repeal of By-law Number 169-84, as amended, (refer to Item 3, Committee of the Whole Report No. 48), did not meet the conditions as set out in s.211.(4) of the Municipal Act. Council may now consider the following recommendation:

### Recommendation

- 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.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'Jeffrey A. Abrams', written over a horizontal line.

Jeffrey A. Abrams  
City Clerk

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

**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.

#### 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:

Maureen E. Zabiuk, A.I.M.A., CMTP  
Manager, Property Tax & Assessment, Ext. 8268

Sybil Fernandes, Deputy City Clerk, Ext. 8628

Respectfully submitted,

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Barry E. Jackson, CGA  
Director of Financial Services

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Jeffrey A. Abrams  
City Clerk

## CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF MAY 29, 2012

Item 18, Report No. 21, of the Committee of the Whole, which was adopted, as amended, by the Council of the City of Vaughan on May 29, 2012, as follows:

*By approving the recommendation contained in the report of the Director of Financial Services and City Clerk, dated May 15, 2012;*

*By approving the following in accordance with Communication C4, from the Director of Financial Services and the City Clerk, dated May 25, 2012:*

*"That the KBIA 2012 budget approved at the KBIA Board on March 21, 2012, be received."*

*By receiving the following Communications:*

- C3. *Director of Financial Services and the City Clerk, dated May 24, 2012; and*
- C9. *Ms. L. Zembal, The Village of Kleinburg Business Improvement Association, Box 152, Village of Kleinburg, L0J 1C0, dated May 23, 2012.*

# **18 KLEINBURG BUSINESS IMPROVEMENT AREA – BUDGET APPORTIONMENT CHANGE – WARD 1**

The Committee of the Whole recommends that consideration of this matter be deferred to the Council meeting of May 29, 2012, in accordance with Communication C18, memorandum from the Director of Financial Services and the City Clerk, dated May 14, 2012.

## Recommendation

The Director of Financial Services and the City Clerk recommend:

- 1) That Council authorize and direct the City Clerk in accordance with subsection 210(1) of the *Municipal Act, 2001*, as amended, to send out the required notice to all Kleinburg Business Improvement Area (KBIA) Commercial/Industrial owners of the request from the Board of Management of the KBIA to pass a By-law to amend By-law Number 169-84 by increasing the minimum and maximum special charge commencing 2012 as follows:
 

"2012	\$400 minimum / \$4000 maximum
2013	\$450 minimum / \$4500 maximum
2014	\$500 minimum / \$5000 maximum"
- 2) That a report be brought back to a Council meeting following the expiry of the time for filing objections (60 days) under subsection 210(3) of the *Municipal Act, 2001*.

## Economic Impact

There is no economic impact to the City of Vaughan.

## Communications Plan

The KBIA Board of Management and every person assessed for rateable property in the prescribed business or commercial class within the improvement area will be notified of the proposed by-law amendment to increase the minimum/maximum charge commencing in 2012.



CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF MAY 29, 2012

Item 18, CW Report No. 21 – Page 2

Purpose

The purpose of this report is to fulfill the request received from the Board of Management of the KBIA to change the special charge by increasing the minimum and maximum amount that is levied to each applicable property within the Kleinburg Business Improvement Area ("KBIA") boundary, according to Section 210(1) of the Act.

Background - Analysis and Options

Each year the KBIA submits a budget for Council's approval, which is required for the purposes of the KBIA. In accordance with section 208 of the Act, the municipality is then required to annually raise this amount from the BIA. 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 budgeted amount. This approach, which has been used for many years, provides for a more fair distribution of the budgeted amount.

The Board has requested that the levy charged to each property be amended to reflect an increase in the minimum and maximum amounts currently being used. In 2007, By-law number 169-84 was amended to reflect new minimum and maximum charges:

2007	\$300 minimum / \$1500 maximum
2008	\$300 minimum / \$2000 maximum
2009	\$350 minimum / \$2500 maximum
2010	\$350 minimum / \$3000 maximum
2011	\$350 minimum / \$3500 maximum

Now that the above noted minimum/maximum charges have expired, the by-law must be amended to reflect a new minimum/maximum structure.

The amounts proposed by the KBIA Board of Management, as approved in their General meeting, as minimum and maximum amounts for the 3 year period commencing in 2012, are as follows:

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

In order for the City to approve the revision, the notice requirements set out in section 210(1) of the Act, as amended, requires notices of the proposed by-law to the Board of Management of the KBIA and to every person assessed for rateable property in the prescribed business or commercial class within the improvement area.

Should no objection be received and should the conditions otherwise set out in subsections 210(3), (4) and (5) be met, the City may proceed to enact the amendment to By-law No. 169-84.

A report will be brought back to Council at the expiration of the period for filing objections, which will be approximately three months from Council's adoption of the recommendations in this report, setting out particulars of objections filed, if any, and the Determination by the Clerk in accordance with subsection 210(5) of the Act. The report will also indicate the amount to be billed to each property owner as applicable and the amount will be levied at that time.

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF MAY 29, 2012

Item 18, CW Report No. 21 – Page 3

Petition to remove the KBIA by-law from Kleinburg Property Owners

It should be noted that the City is in receipt of a petition to remove the KBIA by-law in Kleinburg. The petition did not include all the information mandated in the Act. All those who signed the petition have been informed of the requirements as set out in the legislation and that no further action would be taken at this time. In the event the petition is resubmitted in accordance with the legislation, staff will bring a report to Council informing them of any changes that may be required with respect to the by-law amendment process that will be initiated following adoption of the recommendations in this report.

Dissolution of Board

In accordance with section 214(1) of the Act, should the petition to remove the KBIA by-law 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

Municipal Act Section 211(5) - The repealing by-law 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

After the notification process and the results are known, Council can proceed to enact the By-law to change the minimum and maximum special charge if required and staff can bill the 2012 amount to each KBIA member. Staff will bring back a report should any changes be necessary as a result of the outstanding petition.

Attachments

Attachment 1 - Board of Management Letter of request

Report prepared by:

Maureen E. Zabiuk, A.I.M.A., CMTF  
Manager, Property Tax & Assessment  
Ext. 8268

(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.)



**The Village of Kleinburg  
Business Improvement Association**  
BOX 152, VILLAGE OF KLEINBURG  
ONTARIO, CANADA L0J 1C0

Ms. Maureen Zabuik  
City of Vaughan  
2141 Major Mackenzie Dr.,  
Vaughan, ON L6A 1T1

April 4, 2012

RE: Kleinburg BIA Fee Structure

Dear Ms. Zabuik,

Please be advised that the Kleinburg BIA Board of Directors has approved the terms for the BIA Fee structure commencing in 2012 as follows:

**Maximum and Minimum Charges**

<b>2012</b>	<b>\$400 minimum / \$4,000 maximum</b>
<b>2013</b>	<b>\$450 minimum / \$4,500 maximum</b>
<b>2014</b>	<b>\$500 minimum / \$5,000 maximum</b>

**Approved by the BIA Board March 21, 2012**

If you have any questions, please feel free to call me at anytime. Thank You.

Sincerely,

Louise Zembal, BIA Chair

cc Ms. Maria Furlano, BIA Co-secretary  
Ms. Giovanna Luciani-Lamb, BIA Co-secretary

# ***THE CITY OF VAUGHAN***

# ***BY-LAW***

## **BY-LAW NUMBER 199-2012**

**A By-law to amend By-law Number 169-84, as amended, to provide for the yearly levy and collection of the Kleinburg Business Improvement Area (KBIA).**

NOW THEREFORE the Council of the Corporation of the City of Vaughan enact as follows:

1. That By-law Number 169-84, as amended, be and it is hereby further amended by deleting Section 15 as follows:

15. Maximum and Minimum Charges

Notwithstanding the provisions of Section 14 hereof, all commercial property within the boundary of the Kleinburg Business Improvement Area shall be charged a special charge, based on the property's taxable commercial assessment, the amount of which shall be between the minimum and maximum amount for a 5 year period commencing in 2007 as follows:

2007	\$300 minimum/\$1500 maximum
2008	\$300 minimum/\$2000 maximum
2009	\$350 minimum/\$2500 maximum
2010	\$350 minimum/\$3000 maximum
2011	\$350 minimum/\$3500 maximum

and adding a new Section 15 as follows:

15. Maximum and Minimum Charges

Notwithstanding the provisions of Section 14 hereof, all commercial property within the boundary of the Kleinburg Business Improvement Area shall be charged a special charge, based on the property's taxable commercial assessment, the amount of which shall be between the minimum and maximum amount for a 3 year period commencing in 2012 as follows:

2012	\$400 minimum/\$4000 maximum
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2013 \$450 minimum/\$4500 maximum

2014 \$500 minimum/\$5000 maximum

Enacted by City of Vaughan Council this 11<sup>th</sup> day of December, 2012.

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Hon. Maurizio Bevilacqua, Mayor

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Jeffrey A. Abrams, City Clerk

Authorized by Item No. 4 of Report No.48  
of the Committee of the Whole  
Adopted by Vaughan City Council on  
December 11, 2012