

# **Port Credit Business Improvement Area**

## **CONSTITUTION Incorporating Bill 130 Approved by the PCBIA Membership – November 2014**

WHEREAS, Section 220 of the Municipal Act, R.S.O. 1990, governs the formation and operation of a Business Improvement Area.

AND WHEREAS, Pursuant to City of Mississauga By-law No. 518-92, the Port Credit Business Improvement Area adopts this Constitution dated, November 5, 2014 respecting the transaction of the business affairs of the Port Credit Business Improvement Area.

### **1.0 PURPOSE**

- 1.1 The Board of Management is entrusted, subject to the limitations set out herein, to the improvement, beautification and maintenance of the Municipality owned lands, buildings and structures in the business improvement area, beyond such improvement, beautification and maintenance as is provided by the City of Mississauga, and the promotion of the business improvement area as a business, commercial and shopping area.
- 1.2 The geographic area comprising the Port Credit Business Improvement Area (the “Port Credit BIA”) is defined in the Corporation of the City of Mississauga By law Number 518-92, attached as Schedule “A”.
- 1.3 The Port Credit B.I.A. is the voice of the business community, designated under a special Municipal by-law and legislated by the province of Ontario. The mission of the BIA is to promote Port Credit as the foremost commercial retail and entertainment centre in Ontario.

### **2.0 MEMBERSHIP**

#### **Membership**

- 2.1 Members of an improvement area consist of persons who are assessed, on the last returned assessment roll, with respect to rateable property in the area that is in a prescribed business property class and tenants of such property. 2001, c, 25, s, 204 (5).

### **Determining tenancy**

2.2 In determining whether a person is a tenant or not, the Clerk of the Municipality may accept a list provided under clause 210 (2) (b) or the declaration of a person that the person is a tenant and the determination of the Clerk is final. 2001, c. 25, s. 204 (5).

### **One Vote**

2.3 Each member of an improvement area has one vote regardless of the number of properties that the member may own or lease in the improvement area. 2001, c. 25, s. 204 (6).

## **3.0 HEAD OFFICE**

3.1 The office of the Port Credit BIA shall be within the geographical boundaries of Port Credit or Clarke Memorial Hall 161 Lakeshore Rd. W. Mississauga, Ontario L5H 1G3

3.2 In the event that the Board of Management selects a new location for its head office, written notice shall be forwarded to all members at least seven (7) days prior to the date of such relocation.

## **4.0 BOARD OF MANAGEMENT**

### **Corporation**

4.1 A Board of Management is a corporation consisting of the number of Directors established by the Municipality. 2001, c. 25, s. 204 (2).

### **Composition**

4.2 A Board of Management shall be composed of:

- a) One or more Directors appointed directly by the Municipality; and
- b) The remaining Directors selected by a vote of the membership of the improvement area and appointed by the Municipality. 2001, c. 25, s. 204 (3).

4.3 The Executive Committee shall be elected by the Board of Management and shall consist of the Chair, the Vice Chair and the Treasurer.

4.4 The immediate Past Chair is also a member of the Executive Committee.

4.5 The Manager shall be an ex-officio member of the Executive Committee.

## 5.0 THE CHAIR

5.1 The Chair of the Board of Management shall preside at all Board meetings, be the ex-officio member of all committees, preside at all Membership meetings, exercise general supervision over the affairs of the Port Credit BIA and perform any and all duties normally incumbent of a Chair.

5.2 During the absence or inability of the Chair, the Vice-Chair shall exercise the duties and powers of the Chair.

5.3 The Chair shall be the official spokesperson of the Board of Management in all matters relating to the activity of the Port Credit BIA with the power to delegate.

## 6.0 VICE-CHAIR

6.1 The Vice-Chair shall perform the duties of the Chair when the Chair is absent or unable to perform his or her duties.

## 7.0 TREASURER

7.1 The Treasurer shall supervise the keeping of the accounts of the Port Credit BIA and its banking arrangements.

7.2 The Treasurer shall advise the Board of Management with respect to the financial report which is presented at the Annual Meeting.

## 8.0 BUDGET

8.1 A Board of Management shall prepare a proposed budget for each fiscal year by the date and in the form required by the Municipality and shall hold one or more meetings of the members of the improvement area for discussion of the proposed budget. 2002, c. 17, Schedule A, s. 40 (1)

### **Council to Approve**

8.2 A Board of Management shall submit the budget to Council by the date and in the form required by the Municipality and the Municipality may approve it in whole or in part but may not add expenditures to it. 2001, c. 25, s. 205 (2); 2002, c. 17, Schedule. A, s. 40 (2).

### **Limitations**

8.3 A Board of Management shall not:

- a) Spend any money unless it is included in the budget approved by the Municipality or in a reserve fund established under section 417;
- b) Incur any indebtedness extending beyond the current year without the prior approval of the Municipality; or
- c) Borrow money. 2001, c. 25, s. 205 (3)

## **9.0 STAFF**

9.1 The Board of Management shall engage a Manager under such terms and conditions it deems advisable and may delegate to this person authority to manage and direct the day-to-day business affairs of the Board of Management. The Manager shall report, on the affairs of the Board, at all regular meetings.

9.2 A member of the Port Credit BIA may not be appointed as the Manager.

## **10.0 AMENDMENTS**

10.1 Any amendment to this Constitution may be adopted by no less than two thirds of the members of the Board of Management. Written notice of the proposed amendment and date of such meeting shall be given to members of the Board of Management, at least two weeks prior to the meeting. The Constitution will then be presented to the general membership at the next general meeting.

## **11.0 ERRORS OF OMISSIONS**

11.1 No error or omission in giving notice for a meeting shall invalidate the scheduled Board meeting.

## **12.0 DISCUSSION**

12.1 Upon the repeal of the by-law establishing the Board of Management, the Board ceases to exist and its undertaking, assets and liabilities shall be assumed by the City of Mississauga.