

(as amended by By-laws 9-77, 69-82, 91-82, 90-88, 116-88, 79-91, 96-2010, 68-2011, 35-2013 and 82-2016)

being a by-law to designate an area in the Oshawa Central Business District as an Improvement Area and to establish a Board of Management for the Oshawa Central Business Improvement Area.

WHEREAS The Municipal Act provides that the Council of a local municipality may pass by-laws designating an area as an Improvement Area;

AND WHEREAS notice of the intention of the Council to pass a by-law designating the area hereinafter described as an Improvement Area has been given as by the said Act prescribed and no sufficiently signed petition objecting to the passing of the by-law has been received within the time limited therefor:

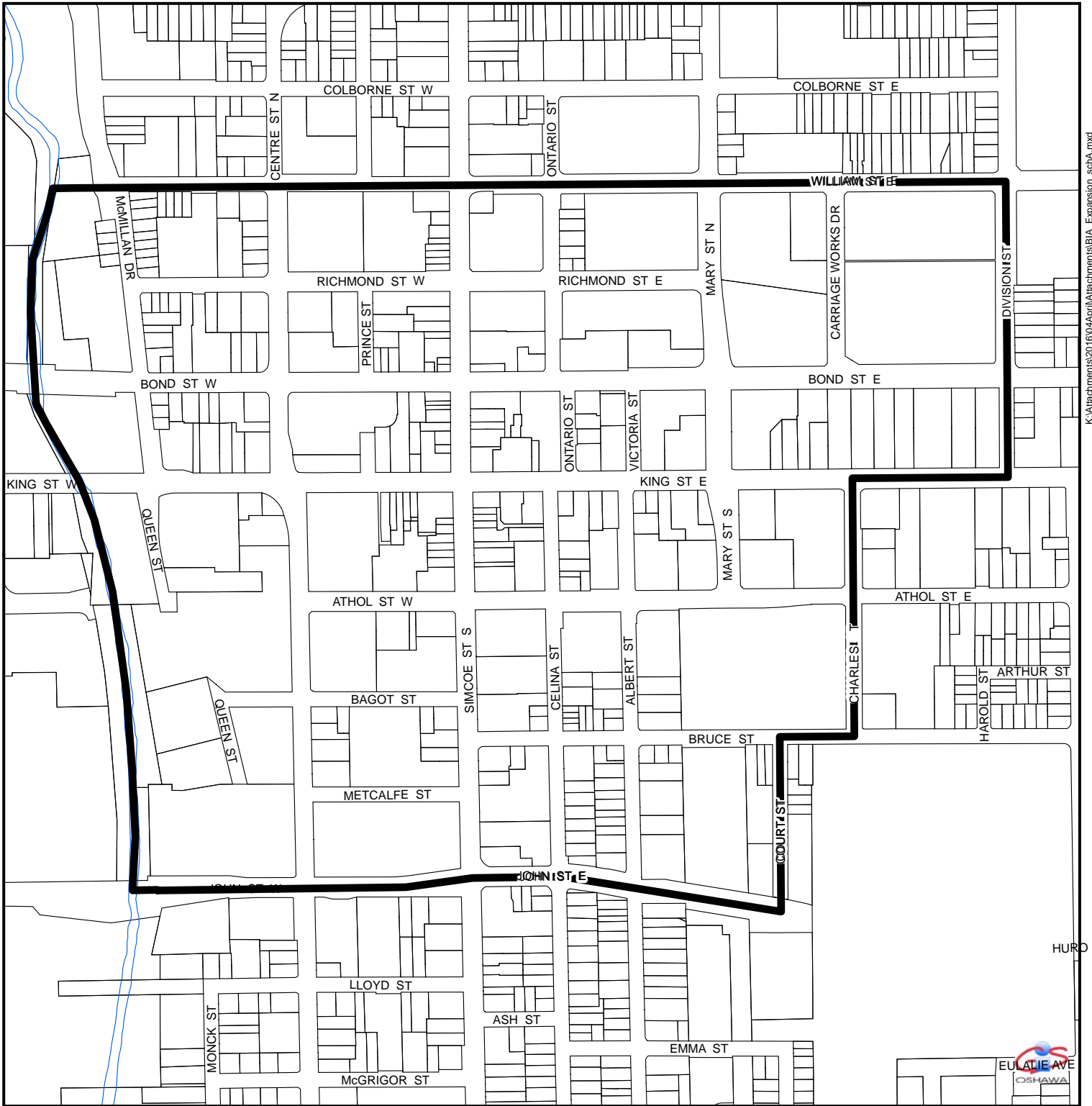
NOW, THEREFORE, BE IT ENACTED AND IT IS HEREBY ENACTED as a by-law of The Corporation of the City of Oshawa by the Council thereof as follows:

1. The lands within the area shown outlined on Schedule "A" attached hereto are designated an Improvement Area within the meaning of the Municipal Act. (82-2016)
2. A Board of Management to be known as the "Board of Management for the Oshawa Central Business District Improvement Area" (hereinafter called "the Board") is established for the area shown outlined on Schedule "A" attached hereto. (82-2016)
3. There is entrusted to the Board, subject to the limitations hereinafter set out, the improvement, beautification and maintenance of lands, buildings and structures in the area owned by The Corporation of the City of Oshawa beyond such improvement, beautification and maintenance as is provided at the expense of the municipality at large, and the promotion of the area as a business or shopping area.
4. The Board's board of directors shall be comprised of ten (10) persons as follows:
(35-2013)
 - (a) Five (5) directors shall be appointed directly by City Council, of whom
 - (i) four (4) directors shall be members of the Improvement Area or nominees of corporate members of the Improvement Area who are officers or directors of those corporate members; and
 - (ii) one (1) director shall be a resident of the City of Oshawa;
 - (b) One (1) director shall be appointed directly by City Council who shall be a senior staff member of University of Ontario Institute of Technology ("UOIT"), part of the UOIT downtown campus and selected by UOIT's President; and
 - (c) Three (3) directors shall be appointed by City Council from a list of candidates selected by members of the Improvement Area, of whom two (2) directors shall be members of the Improvement Area or nominees of corporate members of the Improvement Area who are officers or directors of those corporate members. (68-2011)
 - (d) One member of Oshawa City Council, as appointed by City Council. (35-2013)
5. Each member shall hold office from the time of his appointment until the expiration of the term of the Council that appointed him, provided he continues to be qualified as provided in Section (4). (91-82)
6. Where a vacancy occurs from any cause, the Council shall appoint a person qualified as set out in Section 4 to be a member, who shall hold office for the remainder of the term for which his predecessor was appointed.
7. The members shall hold office until their successors are appointed and eligible for re-appointment on the expiration of their term of office.

8. The Board shall, as soon as possible after its members are appointed in each year, elect a Chair and Vice-Chair and appoint a treasurer, and such other officers as it may deem necessary properly to conduct the business of the Board during the said year. (35-2013)
9. The Board shall keep proper minutes and records of every meeting of the Board and shall forward true copies of such minutes and records to all members of the Board, the City Clerk and to the Director of Planning and Development of the Corporation as soon as possible after the meeting covered thereby.
10. The Board shall adopt and maintain only banking arrangements and ordinary good accounting practices that are acceptable to the external City Auditor of the Corporation and keep such books of account and submit such statements from time to time as the said external City Auditors may require. (35-2013)
11. The external City Auditor shall be the auditor of the Board and all books, documents, transactions, minutes and accounts of the Board shall at all times be open to his inspection. (35-2013)
12. The fiscal year of the Board shall be the calendar year.
13. As soon as possible, the Board shall submit its annual report for the preceding year to Council including a complete audited and certified financial statement of its affairs with balance sheet and revenue and expenditure statement. (35-2013)
14. In addition to the requirements of the *Municipal Act, 2001* and of section 14 of this By-law and prior to submitting an annual budget to Council, the Board shall approve the annual budget at a publicly advertised and open meeting of the membership of the Board of Management for the Oshawa Central Business District Improvement Area with reasonable notice to all who may be interested in attending and shall include in its submission of its annual budget to Council any comments received and resolutions passed at any membership meeting that relates to the annual budget. (96-2010)
15. The Board shall submit to the Council, an annual budget in a form and at a time satisfactory to the Director of Finance for the Corporation and within the limits of the estimates as approved by Council, the money to be provided by Council shall be paid by the Director of Finance of the Corporation to the Board from time to time upon receipt of requisitions signed by the Chair thereof. (35-2013)
16. The Board shall submit to the Council a detailed programme of the improvement beautification and maintenance proposed for each fiscal year with its budget. The Council shall within 45 days notify the Board where any project which forms part of the programme may adversely affect the use or function of any land owned by the City including any highway, street, lane or pedestrian walkway, and upon such notification being given the Board shall delete the project or alter that project to the satisfaction of the City.
17. Council shall not approve any estimates submitted in an annual budget of the Board in excess of the sum of \$246,100.00 (the maximum estimate) plus an inflation adjustment, based on the maximum estimate, equivalent to any increase in the annual consumer price index for the preceding calendar year according to the Bank of Canada's inflation Calculator. The inflation adjustment shall be calculated as part of preparing the annual budget commencing on January 1, 2018 and shall be calculated cumulatively each year thereafter based on the maximum estimate and inflation adjustment of the preceding year. (79-91, 82-2016)
18. A minimum charge of \$50.00 and a maximum charge of \$5,500.00 shall apply where any person in the improvement area is liable to the special charge levied by Council as required by The Municipal Act. The budget and each subsequent amendment or expenditure not included in the budget that exceeds \$2,000 are subject to Council's approval. (91-82, 96-2010, 35-2013)


19. The City of Oshawa shall arrange for Municipal Liability and Errors and Omissions insurance to cover the operations of the Board. The Board shall arrange for property insurance to cover property, contents and equipment owned by or belonging to the Board. (35-2013)
20. This by-law shall not come into force without the approval of the Ontario Municipal Board.

By-law approved this eighteenth day of November, 1974.



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Figure 1
 Downtown Oshawa Business Improvement
 Area Board of Management

 Improvement Area Boundary

