



REPORT TO MAYOR AND COUNCIL

PRESENTED: MARCH 27, 2017 - REGULAR EVENING MEETING
FROM: CORPORATE ADMINISTRATION DIVISION
SUBJECT: FORT LANGLEY BIA ENACTMENT

REPORT: 17-30
FILE: 6750-01

RECOMMENDATIONS:

That Council give first, second, and third reading to Fort Langley Business Improvement Area Bylaw 2017 No. 5272, to continue a Business Improvement Area in downtown Fort Langley for a three-year term.

EXECUTIVE SUMMARY:

At its October 17, 2016 regular afternoon meeting, Council endorsed directing staff to commence the enactment of the business improvement area service in the identified business core area of Fort Langley for the period 2017 to 2019 through the Fort Langley Business Improvement Association (BIA).

Staff provided Public Notification according to the Community Charter and also issued letters to each affected property owner. Property owners were given 30 days to respond to the enactment notice. The response deadline was end of business hours on February 20, 2017. The number of responses received in opposition to the enactment of the Fort Langley BIA were well below the threshold level, representing 11.8% or 9 properties of the total number of affected properties. Therefore, Council can now proceed to consider the Fort Langley Business Improvement Area Bylaw for first, second, and third readings.

PURPOSE:

The purpose of this report is to inform Council of results of the notification process and of the number of responses registering enactment opposition which are well below the minimum required in accordance with Provincial legislation.

BACKGROUND/HISTORY:

Authority to create a BIA is contained in Part 7, Division 5 – Local Service Taxes, Sections 210 through 219 of the Community Charter. A BIA is a Council-endorsed entity wherein industrial and/or commercial property owners in a designated area benefit from activities and programs to improve business viability, to promote and beautify the designated area, and to stimulate the local economy virtue of a special charge levied on each industrial and/or commercial property within the designated area. A BIA is to provide the organized structure and administers levied funds to enable these.

The Fort Langley BIA was initially created in 1997, has been renewed in each of 2002, 2007, 2012 and currently is scheduled to expire on April 2, 2017. As the defined business core area has changed since 2012, a bylaw renewal process was not permissible resulting in the Council's endorsement to direct staff to commence the process to enact the business improvement area service.

DISCUSSION/ANALYSIS:

The original request from the BIA, dated October 5, 2015, identifies that it plans to focus on "encouraging business in one or more business improvement areas". The BIA established the following proposed Annual Budget for inclusion in notification to affected properties.

Year	Annual Budget
2017	\$ 93,500
2018	114,200
2019	<u>124,950</u>
Total	\$337,650

Township staff issued a notice letter by postal mail on January 12, 2017, including the 2017 Completed Assessment Roll levy calculation, to each affected property in this business core area.

Further, public notification occurred during the weeks of on January 9, and January 16, 2017 through newspaper ads on Township Pages of all three local newspapers; and through notice on the Township's website.

Affected industrial and/or commercial property owners had until 4:30pm February 20, 2017 to register any opposition to the enactment. Pursuant to regulations, such opposition must be received in writing, with the handwritten signature of all registered owners.

If a majority of affected industrial and/or commercial properties representing at least 51% of the assessed value of Class 5 and Class 6 properties within the Designated Area registered their disapproval, then the enactment would not proceed. If this did not occur, then Council could proceed with the first three readings of the proposed bylaw.

Nine properties registered opposition to BIA enactment, which represents 11.8% opposition of the total number of affected properties. With registered opposition being well below the 51% threshold required to defeat the enactment, in accordance with Section 213 of the Community Charter, a Certificate of Sufficiency has been endorsed by the Township Clerk on February 27, 2017(attached). Council is now in a legal position to be able to renew the Fort Langley Business Improvement Bylaw, and as such, can now give first three readings to Bylaw 2017 No. 5272.

Financial Implications:

There will be no financial implication should Council approve the staff recommendations contained in this report.

Respectfully submitted,

Val Gafka
SENIOR MANAGER
For
CORPORATE ADMINISTRATION

This report has been prepared in consultation with the following listed departments.

CONCURRENCES	
Division / Department	Name
Finance Division	Darlene Foxgord

ATTACHMENT A Certificate of Sufficiency, Local Area Service, Fort Langley Business
Improvement Area Service Enactment



Est. 1873

CERTIFICATE OF SUFFICIENCY
LOCAL AREA SERVICE

FORT LANGLEY BUSINESS IMPROVEMENT AREA
SERVICE ENACTMENT

Pursuant to Section 212 and 213 of the Community Charter, I hereby certify that the attached enactment to the Township of Langley Council for Fort Langley Business Improvement Area Service for Class 5 and Class 6 properties in the identified business core of Fort Langley (attached), which includes 76 properties does meet the requirements and contains the following:

- 1) of the 76 properties notified, 9 properties officially registered opposition to the enactment; consequently representing 88% favorable support by owners of the parcels being subject to the local service tax; (s.212 and 213) - at least 50% is required) and
- 2) the persons registering opposition are the owners of parcels that in total represent less than 50% of the assessed value of land and improvements that would be subject to the local service tax; (s.212 and 213) and
- 3) that enactment notification, via individualized letter to each property owner and via public notice advertised in local newspapers, contained the necessary information as outlined in Section 212 and 213 of the Community Charter.

The enactment, having met the requirements as provided by the Community Charter, I declare as sufficient to proceed for the purpose of a Business Improvement Area Service Enactment in the identified area of the business core of Fort Langley for the 76 Class 5 and Class 6 properties.

Declared at Langley, British Columbia this 27 day of February, 2017.

A handwritten signature in black ink, appearing to read 'W. Bauer'.

Wendy Bauer
TOWNSHIP CLERK

THE CORPORATION OF THE TOWNSHIP OF LANGLEY

FORT LANGLEY BUSINESS IMPROVEMENT AREA

BYLAW 2017 NO. 5272

EXPLANATORY NOTE

Bylaw 2017 No. 5272 provides for the establishment of a Business Improvement Area or Association in Fort Langley and repeals Fort Langley Business Improvement Area Bylaw 2012 No. 4904.

THE CORPORATION OF THE TOWNSHIP OF LANGLEY

**FORT LANGLEY BUSINESS IMPROVEMENT AREA
BYLAW 2017 NO. 5272**

A Bylaw to establish the Fort Langley Business Improvement Area

WHEREAS the Township Council may, by majority vote, grant money to an applicant under Section 215 (2) of the "Community Charter" for the purpose of the planning and implementation of a Business Promotion Scheme;

AND WHEREAS before a Council grants money for a Business Promotion Scheme, the Council shall pass a bylaw as required by Section 211 (2) of the "Community Charter";

AND WHEREAS the Council has had an application for a grant of money under Section 215 of the "Community Charter";

NOW, therefore the Council of the Township of Langley in OPEN MEETING ASSEMBLED, ENACTS AS FOLLOWS:

1. This bylaw shall be cited as "Fort Langley Business Improvement Area Bylaw 2017 No. 5272."

2. For the purpose of this Bylaw:

"Association" means the Fort Langley Business Improvement Association, or any other name that the members of the Association may approve.

"Fort Langley Business Improvement Area" means the area of the Township designated by Section 3 of this Bylaw.

"Business Promotion Scheme" means:

- e) encouraging business in one or more business improvement areas.

3. Council hereby designates those lands shown within the heavy outline on Schedule "A" attached hereto and forming part of this Bylaw, as the Fort Langley Business Improvement Area.

4. Council hereby approves to grant to the Association the amounts listed below, payable in accordance with the terms of this Bylaw. The three-year funding ceiling shall be \$337,650.

Year	Annual Budget
2017	\$ 93,500
2018	114,200
2019	<u>124,950</u>
Total	\$337,650

5. Monies granted to the Association under this Bylaw must be expended only by the Association and only for the purpose of the Business Promotion Scheme in accordance with the terms and conditions set out in Schedule "B" of this Bylaw.
6. All of the money granted to the Association pursuant to this Bylaw shall be recovered within the Fort Langley Business Improvement Area from the owners of land within that area.
7. For the purpose of recovering the monies granted to the applicant under this Bylaw pursuant to Sections 216 (3)(a)(ii) of the "Community Charter", the Council shall levy annually on all land and improvements that fall into Class 5 and Class 6 of the Assessments within the designated Business Improvement Area, rates sufficient to raise the sum as set out in Section 4 of this Bylaw.
8. The Association shall submit annually to Council, on or before March 1, a budget for the purpose of the Business Promotion Scheme set out in Schedule "B".
9. Money granted pursuant to Section 4 of this Bylaw shall be expended only for projects provided for in the annual budget submitted to the Township of Langley.
10. The Association shall confirm that the money granted for the previous year was spent according to the Business Promotion Scheme, by submitting to the Township on or before March 1, in each of the years 2018, 2019, 2020, an annual review engagement financial statement which shall be prepared in accordance with generally accepted standards for review engagements (enquiry, analytical procedures, and discussion with management) and shall include a Balance Sheet and a Statement of Revenue and Expenditure. The review engagement financial statement shall be prepared on a calendar year basis and will confirm that previous year expenditures are in compliance with this bylaw.
11. The Association shall not incur any indebtedness or other obligations beyond each budget year.
12. The Association shall obtain and maintain in force during the three year term of this Bylaw, a policy of insurance in accordance with the specifications set out in Schedule "C" attached hereto, and shall deliver a certified copy of each policy to the Township of Langley's Clerk / Corporate Officer on or before May 15, each year of the three-year term of the Business Improvement Area.

13. This Bylaw shall be in effect from the date of adoption until April 2, 2019 (end of three-year term).
14. Fort Langley Business Improvement Area Bylaw 2012 No. 4904 and all amendments are hereby repealed upon the adoption of Bylaw 2017 No. 5272.

READ A FIRST TIME the _____ day of _____, 2017

READ A SECOND TIME the _____ day of _____, 2017

READ A THIRD TIME the _____ day of _____, 2017

RECONSIDERED AND ADOPTED the _____ day of _____, 2017

_____ Mayor _____ Township Clerk

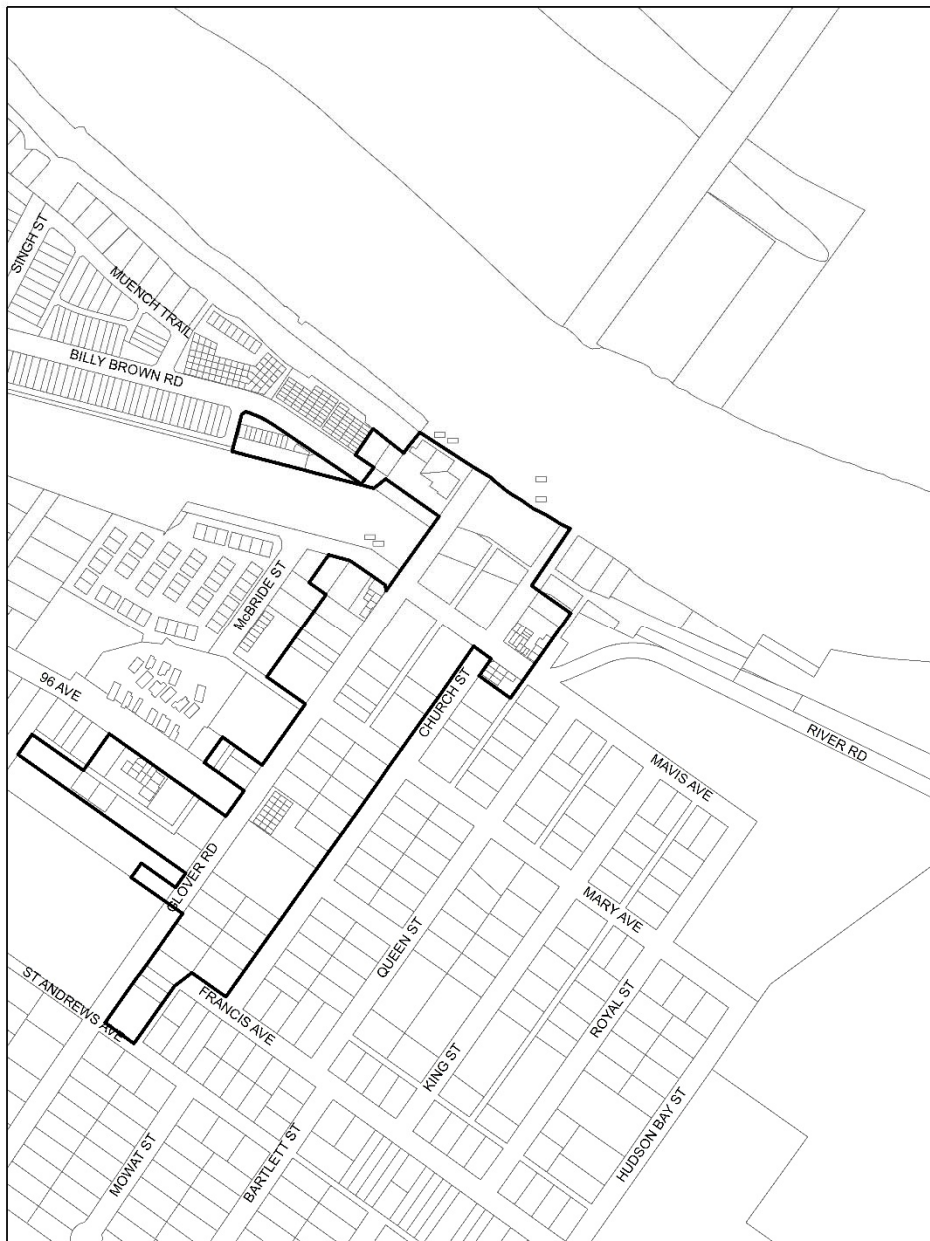
THE CORPORATION OF THE TOWNSHIP OF LANGLEY

**FORT LANGLEY BUSINESS IMPROVEMENT AREA
BYLAW 2017 NO. 5272**

SCHEDULE "A"

BOUNDARIES OF THE FORT LANGLEY BUSINESS IMPROVEMENT AREA

The Class 5 and Class 6 properties in the Fort Langley Business Improvement Area (BIA) are highlighted in gray on the map below.



THE CORPORATION OF THE TOWNSHIP OF LANGLEY

**FORT LANGLEY BUSINESS IMPROVEMENT AREA
BYLAW 2017 NO. 5272**

SCHEDULE “B” BUSINESS

PROMOTION SCHEME

The Business Promotion Scheme for Fort Langley and the mandate of the Fort Langley BIA are to:

- Encouraging business in one or more business improvement areas
- .

THE CORPORATION OF THE TOWNSHIP OF LANGLEY**FORT LANGLEY BUSINESS IMPROVEMENT AREA
BYLAW 2017 NO. 5272****SCHEDULE “C” INSURANCE****SPECIFICATIONS**

1. The applicant shall provide and maintain Comprehensive General Liability insurance acceptable to the Township and subject to limits of not less than THREE MILLION DOLLARS (\$3,000,000) inclusive per occurrence for bodily injury, death and damage to property including loss of use thereof. The insurance shall cover anyone employed directly or indirectly by the applicant as well as any contractor or subcontractor hired by the applicant.
2. The Township shall be added as an additional named insured under the Comprehensive General Liability policy and the policy shall contain a cross-liability clause.
3. The applicant shall provide the Township with a copy of its Comprehensive General Liability insurance policy prior to the Township providing funding under Section 4 of this Bylaw.
4. The applicant's Comprehensive General Liability policy shall contain an endorsement to provide that the policy shall not be cancelled, lapsed or materially altered without giving thirty (30) days notice in writing to the Township.