

Report

Date February 21, 2024

File: 3900-50

Subject Chemainus Business Improvement Area Bylaw No. 3931, 2023 for adoption

PURPOSE

To receive the results of the petition against the renewal of the Chemainus Business Improvement Area before considering the adoption of Chemainus Business Improvement Area Bylaw No. 3931, 2023.

BACKGROUND

At the December 20, 2023, Special Council meeting, Council resolved,

"THAT Council:

- (1) Give first, second and third readings to Chemainus Business Improvement Area Bylaw No. 3931, 2023; and*
- (2) Give notice that it intends to renew a Business Improvement Area for Chemainus unless a valid petition against this service is presented within 30 days after notice has been given, as attached to the Deputy Corporate Officer's report dated December 20, 2023."*

The 'petition against' process was initiated in accordance with section 213 of the *Community Charter*, and notice of Council's intention to proceed with Bylaw No. 3931, 2023 was given in accordance with section 94.2 of the *Community Charter* and North Cowichan's Public Notice Bylaw.

Petitions were mailed on January 2, 2024, to the owners of 142 parcels that would be the subject of the local area service tax with a response deadline of February 12, 2024. In addition to the mailout, notice was posted to North Cowichan's website and on the notice board at the main entrance to Municipal Hall on January 2, 2024. It was also posted to North Cowichan's social media [Facebook and Twitter] on January 3, 2024, and appeared in the January 11, 2024, edition of the Cowichan Valley Citizen and Chemainus Courier newspapers.

DISCUSSION

The results of the petition indicated that 4.23 percent of the property owners, representing 2.66 percent of the assessed value of land, petitioned Council **not to proceed** with the Chemainus Business Improvement Area. Section 212(3) of the *Community Charter* states that: in order for a petition for a local area service to be certified as sufficient and valid,

- (1) the petition must be signed by the owners of at least 50 percent of the parcels that would be subject to the local service tax; and,
- (2) the persons signing must be the owners of parcels that in total represent at least 50 percent of the assessed value of land and improvements that would be subject to the local service tax.

Section 212(4) of the *Community Charter* states that: the corporate officer must determine the sufficiency and validity of a petition to a council and must certify this determination. A copy of the Certificate of Sufficiency is attached to this report (Attachment 1).

Based on the above information, the requirements for establishing a local area service, per section 211 of the *Community Charter* has been met. Council may proceed with the adoption of Chemainus Business Improvement Area Bylaw No. 3931, 2023.

OPTIONS

1. **(Recommended Option)** THAT Council:
 - (1) Receive the Certificate of Sufficiency for the establishment of the Chemainus Business Improvement Area as certified by the Deputy Corporate Officer; and,
 - (2) Adopt Chemainus Business Improvement Area Bylaw No. 3931, 2023.
 - *If Council adopts Bylaw No. 3931, the Chemainus Business Improvement Area Society will be renewed for a three-year term, expiring on December 31, 2026.*
2. THAT Council abandon Chemainus Business Improvement Area Bylaw No. 3931, 2023.
 - *If Council abandons Bylaw No. 3931, the Chemainus Business Improvement area will not be renewed.*

IMPLICATIONS

The Chemainus Business Improvement Area has successfully planned and implemented a business promotion scheme within Chemainus's designated Business Improvement Area since 1996. The results of the petition indicate strong support from the business community to continue the levy to fund the Chemainus Business Improvement Area for a further three years.

RECOMMENDATION

THAT Council:

- (1) Receive the Certificate of Sufficiency for the establishment of the Chemainus Business Improvement Area as certified by the Deputy Corporate Officer; and,
- (2) Adopt Chemainus Business Improvement Area Bylaw No. 3931, 2023.

Report prepared by:



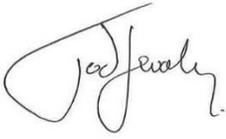
Tricia Mayea
Deputy Corporate Officer

Report reviewed by:



Teri Vetter
Acting General Manager, Corporate Services/Chief
Financial Officer

Approved to be forwarded to Council:



Ted Swabey
Chief Administrative Officer

Attachments:

- (1) Certificate of Sufficiency
- (2) Chemainus Business Improvement Area Bylaw No. 3931, 2023