

Dormant Business Improvement Area (B.I.A.) Status Procedure

Definition of a Dormant B.I.A.

All functions of the B.I.A. cease to exist. The material assets would be held in storage as determined by the City. The funds in the B.I.A.s bank account would be transferred to the City and held in an account. Financial incentives available to active B.I.A.s would not be available to non-active B.I.A.s.

Procedure

1. Upon failure of a B.I.A. to satisfy the legislated requirements of the *Municipal Act, 2001*, the Downtown and Community Renewal Division will send a notice advising the members of the B.I.A. of this and inviting them to a meeting to determine the future of the B.I.A.
2. An information report will be provided for City Council to apprise them of item 1.
3. If the meeting demonstrates a lack of interest in an active B.I.A., staff will undertake an assessment of the B.I.A. An inventory list would be prepared identifying all the material assets of the B.I.A. The finances of the B.I.A. would be reviewed to determine its ability to meet financial obligations.
4. Staff will determine if the dormant status could be supported, and if it can, will prepare a report recommending this for Council approval. The term for dormant status will be three (3) years.
5. Once Council approves the dormant status, the members of the B.I.A. will be advised of this by means of a notice sent by the Downtown and Community Renewal Division.
6. The B.I.A. would provide a cheque to the City of Hamilton for any funds that the B.I.A. holds and close its account(s).
7. The Finance Department would create an account to hold the funds. It will be responsible for any activity of the account, including meeting any the B.I.A.'s financial obligations.
8. The Public Works Department would be responsible for storage of any material assets and will submit invoices to the Finance Division for any costs associated with inspection, removal or storage which may be paid from the B.I.A. account.
9. During the dormant term, the B.I.A. may be revived by the membership. This would require a meeting of the members to elect a Board of Management and to prepare a proposed budget. The B.I.A. would be re-instated as an active B.I.A. for the year in which the proposed budget is approved by Council, provided that the approval occurs on or before March 1. The Downtown and Community Renewal Division would assist with the facilitation of the process to revive the B.I.A.

10. A report would be submitted for Council appointment of the elected Board of Management and approval of the proposed budget.
11. Once item 10 is approved by Council, any remaining funds in the account will be transferred to the active B.I.A.
12. Throughout the term of the dormant B.I.A., the Downtown and Community Renewal Division would annually canvas the members of the B.I.A. to gauge their interest in reviving the B.I.A. If there is an interest, the Downtown and Community Renewal Division would facilitate meeting(s) with respect to such a revival.
13. If the B.I.A. is not reinstated prior to the expiration of the three (3) year term, a report will be prepared to advise City Council. Council may resolve to dissolve the B.I.A., which requires the repeal of the by-law(s) that designated the area and established the Board of Management. Upon dissolution of the B.I.A., the assets and liabilities of the B.I.A. become the assets and liabilities of the City. The report will include recommendations with respect to the distribution of any remaining B.I.A. assets.