

Dormant Business Improvement Area (BIA) Status Procedure

Definition of a Dormant BIA

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

Procedure

1. Upon failure of a BIA to satisfy the legislated requirements of the *Municipal Act, 2001*, the Economic Development Division will send a notice advising the members of the BIA of this and inviting them to a meeting to determine the future of the BIA;
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 BIA, staff will undertake an assessment of the BIA. An inventory list would be prepared identifying all the material assets of the BIA. The finances of the BIA 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 years;
5. Once Council approves the dormant status, the members of the BIA will be advised of this by means of a notice sent by the Economic Development Division;
6. The BIA would provide a cheque to the City of Hamilton for any funds that the BIA 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 BIA'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 BIA account;

9. During the dormant term, the BIA 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 BIA would be reinstated as an active BIA for the year in which the proposed budget is approved by Council, provided that the approval occurs on or before March 1. The Economic Development Division would assist with the facilitation of the process to revive the BIA;
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 BIA;
12. Throughout the term of the dormant BIA, the Economic Development Division would annually canvass the members of the BIA to gauge their interest in reviving the BIA. If there is an interest, the Economic Development Division would facilitate meeting(s) with respect to such a revival; and,
13. If the BIA is not reinstated prior to the expiration of the three year term, a report will be prepared to advise City Council. Council may resolve to dissolve the BIA, which requires the repeal of the By-law(s) that designated the area and established the Board of Management. Upon dissolution of the BIA, the assets and liabilities of the BIA become the assets and liabilities of the City. The report will include recommendations with respect to the distribution of any remaining BIA assets.