

May 12, 2023

SENT VIA EMAIL

Attention: City of Kitchener

To whom it may concern:

Re: Downtown Kitchener BIA – Election of Directors & Appointment by Council

The Downtown Kitchener BIA has recently undergone a recent review of its governance structure and practices, and as part of that review it was determined that, under Section 204 of the *Municipal Act, 2001*, Directors of the BIA who are elected by its members must also be appointed by the City.

Earlier this year the BIA held an election where its new Board was elected by its members. We are therefore now asking that the new Board be ‘appointed’ by City, as required under the *Act*. Enclosed, you will find draft Resolution to this effect that we ask be put before Council.

In addition, it was determined that Chapter 70 of the Municipal Code, which establishes the Downtown Kitchener BIA, is silent on the number of its Directors. Chapter 70 also provides that the Board shall include “at least one member of Council”. To promote clarity and consistency going forward, the draft Resolution enclosed also :


- (i) Codifies that the existing number of “elected” Directors as Ten (10);
- (ii) provides that the Councillors whose Wards fall within the Downtown Improvement Area are automatically members of the BIA Board; and
- (iii) allows the BIA to name “ex-officio” non-voting Directors, as its current practice is to include community stakeholders (such as member of the WRPS)

We are grateful for your attention to this matter, and we would be pleased to answer any questions you may have, or discuss further, at your convenience.

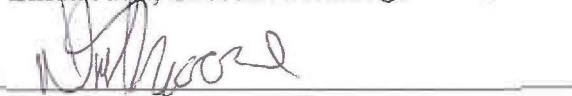
Yours truly,

**KITCHENER DOWNTOWN IMPROVEMENT
AREA BOARD OF MANAGEMENT**

Per:


Linda Jutzi, Executive Director

Per:


Darryl Moore, Board Chair

Draft Resolution of Council

re: Downtown BIA Board Appointments

WHEREAS the City of Kitchener has designated as a Improvement Area under Section 204 of the *Municipal Act, 2001*, SO 2001, c 25 (the “**Act**”) the area shown in Schedule A to Chapter 70 of the City of Kitchener Municipal Code (the “**Municipal Code**”) as the “Downtown Improvement Area”;

AND WHEREAS Section 70.2.2 of the Municipal Code provides that the Downtown Improvement Area Board of Management (the “**Downtown Kitchener BIA Board**”) shall be “as is established from time to time by resolution of Council”, and that at least one member shall be a member of Council, and the remaining members shall be members of the Downtown Improvement Area, or their nominees;

AND WHEREAS paragraph 204(3)(b) of the Act provides that the remaining directors of an Improvement Area Board of Management are to be selected by a vote of the membership of the improvement area, and appointed by the municipality;

AND WHEREAS the existing Downtown Kitchener BIA Board has called for nominees, and having received nominations equal to the number of positions called for, such nominees have been elected by a vote of the membership of the Downtown Improvement Area;

BE IT RESOLVED THAT the Downtown Kitchener BIA Board shall, until changed by further resolution of Council, be composed of:

Each member of Council, from time to time, in whose Ward the Downtown Improvement Area is located, either in whole or in part, which are at the date of this Resolution Ward 9 and Ward 10;

Ten (10) Directors to be selected by a vote of the membership of the Downtown Improvement Area and appointed by Council; and

Such ex-officio non-voting directors, as may be approved by the Downtown Improvement Area membership.

AND BE IT RESOLVED THAT that the following Ten (10) persons, having been elected by a vote of the membership of the Downtown Improvement Area, are approved by and on behalf of the City of Kitchener to serve as Directors on the Downtown Kitchener BIA Board, for the same term as the term of this Council, subject to the provisions of the Act:

1. DARRYL MOORE
2. PHONG TRAN
3. CARA WATSON
4. JESSICA TOOMER
5. JORDAN DOLSON
6. JULIE PHILLIPS
7. LAIRD ROBERTSON

8. MARTHA WALLACE
9. MICHAEL REDERER
10. SARAH PEARSON