

THE CORPORATION OF THE CITY OF NORTH BAY

BY-LAW NO. 2002-72

**BEING A BY-LAW TO ESTABLISH AN INDEPENDENT
PARKING AUTHORITY FOR THE CITY OF NORTH BAY**

WHEREAS on the advice of the 2002 Parking Task Force the Council deems it advisable to maintain the operation and ownership of municipal parking facilities as a municipal department, but to establish a Parking Authority for the purpose of governance of municipal parking in the downtown;

AND WHEREAS the *Municipal Act*, R.S.O. 1990, Chapter **M. 45**, Section 207(57) as amended, authorizes the Council to pass a by-law to establish an independent Parking Authority to ensure that consumer friendly parking is affordable, accessible and available for the full range of stakeholders in the downtown area on a revenue neutral financial basis;

AND WHEREAS the *Municipal Act*, 2001, will enable the Council to appoint more than three members to a Parking Authority.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF NORTH BAY HEREBY ENACTS AS FOLLOWS:

1. For the purposes of this By-law:
 - (a) “City” shall mean The Corporation of the City of North Bay.
 - (b) “Council” shall mean the Council of The Corporation of the City of North Bay.
 - (c) “municipal parking facilities” means the off street parking lots operated by the City.

NAME

2. A Parking Authority to be known as The Parking Authority of the City of North Bay is hereby established and is referred to herein as The Parking Authority.

ROLE

3. Upon the passing of this By-law all powers, rights, authorities and privileges conferred and duties imposed on The Corporation of the City of North Bay by any general or specific Act with respect to the governance of municipal parking facilities shall be exercised by The Parking Authority subject to the following limitations:
 - (a) The ownership and operation of the municipal parking facilities shall continue as a municipal department within the Corporate Services Business Unit
 - (b) The Council shall consider the recommendations of The Parking Authority in enacting the necessary by-laws for regulating and governing the parking of vehicles in the following places:
 - (i) On City streets in the downtown area;
 - (ii) on land or in buildings owned or leased by the City, and
 - (iii) for imposing penalties for infractions of such By-law or By-laws.
 - (c) The Parking Authority shall recommend rates and charges for the use of the municipal parking facilities under its control and management so that the revenue shall be sufficient to continue such parking facilities as self-sustaining.
 - (d) The City shall receive the revenue from all fines paid out of Court for contravention of any City By-law or By-laws relating to parking.

CORPORATION

- 4. (a) The Parking Authority is a body corporate and shall consist of three (3) members, each of whom shall be a person qualified to be elected as a member of City Council and shall be appointed by the Council by majority vote.
- (b) The members so appointed shall hold office for three (3) years and until their successors are appointed.
- (c) No member of the Council is eligible to be appointed a member of The Parking Authority.
- (d) Where a vacancy in The Parking Authority occurs from any cause, the Council shall appoint immediately a person, qualified as set out in this section, to be a member, who shall hold office for the remainder of the terms for which the predecessor was appointed.
- (e) Any member is eligible for re-appointment on the expiration of his/her term of office but not for a third term.
- (f) The members of The Parking Authority shall be paid a sum of \$35.00 per meeting.
- (g) The individuals set out on Schedule "A" hereto are hereby appointed as members of The Parking Authority.

FINANCE

- 5. The Parking Authority shall submit to the Council its estimates for the Parking Department for the current year at the time and in the form prescribed by Council and oversee the Parking Department for all sums of money applied by The Parking Authority but nothing herein divests the Council of its authority with reference to providing the money for the purposes of The Parking Department.
- 6. (a) On or before the 1st day of April in each year, The Parking Authority shall submit its annual report for the preceding year to Council including a complete financial statement of its affairs, with balance sheet and revenue and expenditure statement.
- (b) All banking transactions, including the deposit of monies received by, for and on behalf of The Parking Authority and all disbursements on its behalf and other financial transactions and the accounting thereof shall be conducted by the City through the Office of the Corporate Services Business Unit.
- (c) The revenue received from parking shall be appropriated as follows:
 - Firstly - in payment of operating expenses
 - Secondly - in retiring debenture debt
 - Thirdly - the sum of \$46,125.00 shall be transferred to the general funds of the City to the intent shall it represents the net surplus of \$6,125.00 per year as existed as of December 31, 2000, as set out on Schedule "B" hereto, to be adjusted for inflation by the certificate of the City Treasurer
 - Fourthly - the remainder shall be maintained in a Parking Reserve Fund.
- (d) The Parking Authority shall have no authority or power to borrow money.

AUDITORS

- 7. The City auditors shall be the auditors of The Parking Authority and all books, documents, transactions, minutes and accounts of The Parking Authority shall, at all times, be open to their inspection.
- 8. The power, right, authority and privilege of the Council to raise money by the issues of debentures or otherwise for the acquisition of lands or construction of buildings shall not be transferred to The Parking Authority.

9. Upon repeal of this By-law establishing The Parking Authority, The Parking Authority shall cease to exist and its undertalung, documents, assets and liabilities shall be assumed by the City.

OFFICERS

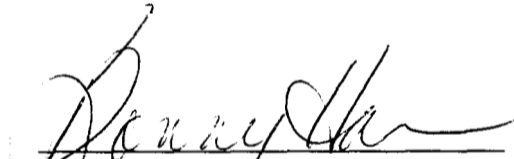
10. The Treasurer of the City shall be the Treasurer of The Parking Authority. The Manager of Corporate Support shall be the Secretary to the Parking Authority
11. (a) The Parking Authority shall have the right to obtain and pay for options for the purchase of lands and buildings in trust for the purposes of parking and shall have the right to pay as consideration for the granting of any such option a sum not exceeding the sum of \$1,000.00. No option shall be exercised without first being approved by Council.
- (b) All lands and buildings optioned by The Parking Authority shall be acquired in the name of the City and shall be used by the City for its purposes only, unless otherwise determined by resolution of the Council.
- (c) The Parking Department shall have the authority to enter into lease agreements in its own name for the purposes of parking provided that the amount payable **any** such lease agreement is provided for in the budget of The Parking Authority.

READ A FIRST TIME IN OPEN COUNCIL THE 8TH DAY OF JULY, 2002.

READ A SECOND TIME IN OPEN COUNCIL THE 8TH DAY OF JULY, 2002.

READ A THIRD TIME IN OPEN COUNCIL AND ENACTED AND PASSED THIS 8TH DAY OF JULY, 2002.


MAYOR


CITY CLERK

THIS IS SCHEDULE "A" TO THE CORPORATION OF THE CITY OF NORTH BAY
BY-LAW NO. 2002-72

Dan Boland
Sandra O'Grady
Doug Sullivan