

TERMS OF REFERENCE PARKING COMMISSION

This document contains responsible terms of reference with regards to the Bridgewater Parking Commission, a committee of the Town of Bridgewater, under the Terms of the Municipal Government Act of Nova Scotia.

DEFINITIONS

- 1) *Commission* means the Bridgewater Parking Committee;
 - 2) *Council* means Town Council;
 - 3) *Parking Facilities* means those parking areas and facilities that are designated by the Council as parking areas and facilities to be operated and managed by the committee;
 - 4) *Parking Tax* means a tax levied by Council;
 - 5) *Occupier* includes the resident occupier of the land or, if there is no resident occupier, the person entitled to possession of the land;
 - 6) *Town* means the Town of Bridgewater.
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1. The objects of the Commission are:
 - a) to provide, manage and operate parking facilities within the town for the primary use of customers of businesses within each area of the town designated as a parking services district;
 - b) to make recommendations
 - i. with respect to Land Use By-laws of the Town to the extent that the Land Use By-laws relate to motor vehicle parking;
 - ii. with respect to which a parking tax is to be rated;
 - iii. concerning areas of the town to be designated as parking facilities.

2. a. The Commission consists of **ten** members:
- i. **Two** members of the Council appointed by the Council for one year or until that member's successor is appointed;
 - ii. **Seven** persons appointed by the Council, each of whom
 - (1) is liable or, by reason of being the owner or occupier of commercial property which has been assessed and within a parking services district;
 - (2) is an officer of a corporation that is liable or, by reason of being the owner or occupier of commercial property which has been assessed and within a parking service district;
 - (3) is an agent of a corporation appointed by that corporation for the purpose of this agreement where that corporation is liable or, by reason of being the owner or occupier of commercial property which has been assessed and within a parking services district.
 - iii. **A member** appointed by Council and recommended by the **Town Centre Development Corporation**.

each of whom holds office for a term of two years or until that person's successor is appointed except that, of the first four persons appointed pursuant to this clause, three shall be appointed for a term of one year or until their successor is appointed.
- b. A person ceases to be a member of the Commission where that person
- i) ceases to have the qualifications that enabled that person to be appointed to the Commission;
 - ii) fails to attend four consecutive meetings of the Commission where notice of each meeting has been duly given to that person and that has not been excused from attendance at the meeting by a resolution;
 - iii) resigns or becomes incapable of performing the duties of a member of the Commission;

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- c. Where a vacancy occurs in the membership of the Commission, the secretary of the Commission shall forthwith notify the council, through the clerk of the town, and the Council, when so notified, shall appoint a person, within sixty days of the occurrence of the vacancy, who has the same qualifications for appointments as the person who ceased to hold office, and the person so appointed holds office for the remainder of the term of the members in whose place that member is appointed.
 - d. A vacancy on the Commission does not impair the ability of the remaining members of the Commission to act or to exercise the powers of the Commission.
 - e. A member of the Commission may be re-appointed.
 - f. Five members of the Commission constitutes a quorum.
3. The Council shall, within sixty days after this agreement comes into force,
- a. appoint the members of the Commission, and;
 - b. direct one of the members of the Commission to call the first meeting of the Commission within thirty days of that member's appointment, and that member shall forthwith call the first meeting.
 - c. Each member of the Commission serves without compensation except that the Commission shall pay to each of its members the amount of traveling and other expenses necessarily incurred by that member in the discharge of that member's duties.
 - d.
 - i. At the first meeting of the Commission held in each year, the Commission shall elect from among its members a chair, a vice-chair, and secretary who hold office until their respective successors are appointed on an annual basis.
 - ii. The secretary shall, not later than five days before the first meeting of the Commission held in each year, contact each member of the Commission with a notice of the time and place of the meeting.
 - iii. The Commission shall meet at such time and place as the Commission determines, and the chair may convene a meeting of the Commission at any time, upon giving each member of the Commission proper notice of the time, place and purpose of the meeting.

- e.
 - i. The Commission may exercise such powers as are necessary or conducive to the attainment of its objects, and without restricting the generality of the foregoing, may
 - (1) construct, equip, supervise, maintain, administer, and operate parking facilities in the town;
 - (2) set and collect tolls and charges for the use of the parking facilities operated and managed by the commission, and establish the procedures for the collection of such tolls and charges.
 - (3) conduct surveys, including statistical surveys, in order to determine parking needs and requirements of a parking services district, and to determine usage for the purposes of assessment or levying parking taxes.
- f.
 - i. The Commission shall, not later than the thirty-first day of January in each year, submit to the Council for approval or refusal by the Council a budget for the immediately following fiscal year of proposed expenditures for capital and operating purposes together with an estimate of the parking tax required to be levied to raise the funds required to implement the capital and operating budget as proposed.
 - ii. No expenditure may be made by the Commission unless the expenditure is made in accordance with a budget approved by the Council.
 - iii. The expenditures of the Commission in any fiscal year shall be budgeted not to exceed the revenue, inclusive of budgeted loan revenue, of the Commission for that fiscal year.
- g. Where a budget is submitted pursuant to Section 10 and is approved for a fiscal year, the Council shall levy and collect, by resolution, an area parking rate.
- h.
 - i. The areas described in the schedule to this agreement comprise a parking services district for the purposes of this agreement.
 - ii. Notwithstanding subsection i, the Council may, and on the recommendation of the Commission, revise the boundaries of the parking services district described in the schedule to this agreement.

- iii. No property or any part thereof is liable to double taxation pursuant to this agreement by reason that the property, or any part thereof, is included in the area described in the schedule to this agreement.

- i.
 - i. Upon the recommendation of the Commission, the Council may
 - (1) designate parking facilities in the town to be operated and managed by the Commission, but parking tax shall not be levied in respect of the ownership or occupation thereof;
 - (2) designate areas of the town as parking services districts;
 - (3) authorize the Commission to erect signs prescribing terms or conditions upon which vehicles may be parking in parking lots or areas including signs prescribing customer parking and employee parking and maximum free parking time,
 - (4) prescribe a scale of fees for vehicles using parking facilities and requiring the payment of fees, in accordance with such scale, for vehicles using the parking facilities and with power to prescribe different scales of fees of no fees, or to prescribe different fees for different types of vehicles,
 - (5) provide for the use of parking meters or other devices for the purpose of measuring and recording the duration of parking of vehicles in parking facilities.