

The Business Improvement Districts Bylaw, 2022

ISSUE

This report submits *The Business Improvement Districts Bylaw, 2022* (the “Bylaw”) to be considered by the Governance and Priorities Committee (“GPC”). The Bylaw implements City Council’s decision to develop a consolidated BID governance approach.

RECOMMENDATION

1. That the report of the Leadership Team Governance Subcommittee, tabled at this meeting, be debated at the April 2022 meeting of the Governance and Priorities Committee.
2. That the Governance and Priorities Committee recommend to City Council that it consider *The Business Improvement Districts Bylaw, 2022* at its May 2022 Public Hearing Meeting.

BACKGROUND

At its [December 16, 2019 Regular Business Meeting](#), City Council considered a report from the Leadership Team Governance Subcommittee and resolved:

1. That the Leadership Team Governance Subcommittee proceed with developing a consolidated BID governance approach (Option 1) as outlined in its report dated October 21, 2019; and
2. That the Leadership Team Governance Subcommittee report further on next steps and other details as required for implementation of the consolidated BID governance approach.

The Leadership Team Governance Subcommittee (the “Subcommittee”) drafted a proposal for the new consolidated Business Improvement District (“BID”) Bylaw based on the BIDs’ earlier feedback, jurisdictional research, and the direction of City Council. It presented this proposal to the BIDs by memo dated June 23, 2021 (Appendix 2). Members of the Subcommittee met with the Executive Directors of the BIDs on August 3, 2021 to discuss the proposal; the BIDs provided written feedback by memo dated August 20, 2021. The Subcommittee responded to the concerns raised by the BIDs by memo dated September 22, 2021 and invited further feedback. Members of the Subcommittee met with the Downtown BID on October 19, 2021; the Subcommittee received written feedback from the Broadway BID dated November 17, 2021 and the Sutherland BID dated December 9, 2021.

This report has been shared with the BIDs and they have been encouraged to attend debate of this report.

DISCUSSION/ANALYSIS

Rather than report further on next steps and details for implementation of a consolidated governance approach, the Subcommittee has prepared the Bylaw for consideration. The Subcommittee has maintained an ongoing dialogue with the BIDs since City Council's direction in December 2019. Given the significant engagement with the BIDs, consideration of the BIDs' feedback regarding the appropriate contents of the Bylaw, and in the interests of efficiency, the Subcommittee is bringing forward the Bylaw for consideration now rather than returning to Council twice, first for approval of the approach and then adoption of the Bylaw.

The Bylaw is intended to be a comprehensive governance document applicable to all BIDs. This ensures consistency of rules and a common understanding among the BIDs.

As a result of this consolidated governance approach, all rules applicable to the appointment of BID board members that were contained in Policy C01-003, *Appointments to Civic Boards, Commissions, Authorities, and Committees* ("Policy") have been included in the Bylaw. The Policy is currently under review as part of the governance review project, and corresponding amendments to the Policy will be brought forward at the appropriate time.

The main change in the Bylaw from the existing appointment regime for BID board members is the ability to reappoint board members with no term limit. The Bylaw specifically allows for this. On the contrary, the Policy establishes a term maximum of six consecutive years with the ability to exceed that maximum at Council's discretion for members of quasi-judicial boards. That board members may be appointed with no term limits was requested by the BIDs.

Other feedback from the BIDs that was included in the Bylaw includes:

- That board size range between 5 and 12 members;
- That representatives of non-profit corporations be eligible for appointment to a BID board; and
- That a board's secretary-treasurer need not be a board member.

The BIDs were generally not supportive of including an annual general meeting ("AGM") requirement in the Bylaw; they were concerned about notifying the membership and achieving quorum. An AGM requirement was included because it is a marker of good board governance and is commonly required of boards that are subject to provincial regulation; however, quorum was set to be the same as quorum of the board so it should be easily achieved, and methods of notice were included which allow for posting notice to the BID's website. The BIDs also raised concerns respecting the requirements for appointments to and removals from the board; the BIDs preferred that these be left to the discretion of the BID rather than City Council. The Bylaw has been drafted to require resolutions from City Council for members to be added to or removed from a board but allows the board to provide recommendations to City Council on what actions

should be taken. This is consistent with the appointment process for all City established boards and committees. City Council retains authority to make these appointments.

In accordance with City Council's instructions, we are pleased to submit the Bylaw for consideration and debate.

NEXT STEPS

The Subcommittee is recommending that this report be tabled at the March 2022 GPC meeting and then debated at the April 2022 GPC meeting. The BIDs have been encouraged to attend the debate of this report at the April meeting. If GPC intends to recommend consideration of the Bylaw to City Council, the Bylaw should be referred to the May 2022 Public Hearing Meeting of City Council to allow for appropriate public notice as described below.

Public notice will be required when this matter is considered by City Council pursuant to clause 3(p) of Policy No. C01-021, *The Public Notice Policy*. The following notice will be given:

- Advertised in The StarPhoenix at least seven days immediately prior to the meeting at which Council will consider the matter;
- Posted on the City's website at www.saskatoon.ca at least ten days prior to the meeting at which Council will consider the matter.

APPENDICES

1. Proposed Bylaw, *The Business Improvement Districts Bylaw, 2022*
2. Subcommittee memo to BIDs, dated June 23, 2021

Report Approval

Written by: Reché McKeague, Q.C., Solicitor
Reviewed by: Jeff Jorgenson, City Manager
Approved by: Cindy Yelland, City Solicitor