

## The Business Improvement Districts Bylaw, 2022

### ISSUE

This report submits Bylaw No. 9845, *The Business Improvement Districts Bylaw, 2022* ("Bylaw") for City Council's consideration. The Bylaw implements City Council's decision to develop a consolidated business improvement districts ("BID") governance approach and bring forward the updated Bylaw to this October meeting of City Council for its consideration. The Bylaw provides for a governance regime that is consistent, comprehensive, and applicable to all the BIDS.

### RECOMMENDATION

That City Council consider Bylaw No. 9845, *The Business Improvement Districts Bylaw, 2022*.

### BACKGROUND

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

At its [May 16, 2022](#) meeting, the Governance and Priorities Committee ("GPC") considered a report from the LTGS, which included a draft of the proposed new consolidated BID Bylaw and resolved:

1. That the Administration prepare a comparative document/chart of bylaw changes proposed;
2. That section 20 relating to the City Manager be removed;
3. That regarding Section 33(1)(3), Council define how a surplus could be addressed, as a potential benefit to the area, after liabilities of the dissolution of a Business Improvement District have been addressed;
4. That the Administration report back to the July Governance and Priorities Committee meeting;

5. That Section 19 regarding Annual General Meetings be supported for inclusion in the future bylaw; and
6. That Section 8(1)(b)(iii) regarding non-profit eligibility for board appointment be supported for inclusion in the future bylaw.

At its [July 25, 2022](#), Regular Business Meeting, City Council considered a report and a new draft of the consolidated BID Bylaw prepared by the LTGS and resolved:

1. That the following changes be made to the proposed consolidated Bylaw:
  - a. That clause 11(3)(d), Board Member Responsibilities, be amended to read “advise an officer of the board or designated staff person if they are unable to attend a board meeting or general meeting”;
  - b. That a subsection 3 be added to section 14, Role of the Chair and Vice-Chair, saying that “the chair may delegate any of the actions mentioned in clauses 1(b) through (e) to a board member or district staff person, as appropriate, but remains responsible to ensure that any delegated actions are taken;
  - c. That section 19, Annual General Meeting, be amended so that the requirement for a BID to hold an Annual General Meeting be within a six month period following its most recent fiscal year rather than four months;
  - d. That section 20, Authority of the City Manager, be deleted;
  - e. That section 28, Insurance, be deleted, and that the City Solicitor’s Office shall continue to work with the BIDs regarding any insurance issues;
  - f. That the BIDs be required to provide their annual report to Council by June 30 of each year;
  - g. That no change be made to clause 5(a), Purpose of Districts;
  - h. That no changes be made to clause 2(c) and section 24 regarding the levies except to clarify that the levy is to be paid by the tenant to the landlord and the landlord to the City;

- i. That subsection 11(4) remain as currently drafted (Option 3 – Board Member Responsibilities – City Council Appointments);
  - j. That subsection 18(2) remain as currently drafted to allow for notice of an annual general meeting or a general meeting to be at least 15 days (Option 1 – Annual General Meetings);
  - k. That section 8 be amended to allow for the appointment of two “at large” members of the board rather than non-profit corporate appointments (Option 2 – Eligibility for Appointments) but business owners shall constitute the majority and quorum of a BID Board;
  - l. That subsection 25(3) be amended to allow for the BIDs to incur indebtedness of up to five years for the lease of office space or the lease of office equipment but limit indebtedness to the current year for other reasons but allow for exceptions on application to and approval by the Standing Policy Committee on Finance (Option 3 – Expenditures by Board);
  - m. That subsection 33(3) be amended to provide that any surplus be used to support an initiative or project in the area of the former BID (Option 2 – Disestablishment of a District); and
2. That the City Solicitor be instructed to bring forward the updated version of The Business Improvement Districts Bylaw, 2022 to City Council’s October 2022 meeting for its consideration.

## **DISCUSSION/ANALYSIS**

After City Council’s meeting on July 25, 2022, the LTGS made changes to the BID Bylaw as directed by City Council. The updated version was shared with each of the BIDs by email on August 25, 2022. Any further feedback was requested by October 3, 2022 to ensure its inclusion in this report. A copy of the communication is attached at Appendix 1.

Communication was received from the Downtown BID on behalf of itself and the Sutherland BID on September 22, 2022. A follow up meeting with Brent Penner, Executive Director of the Downtown BID, and the City Solicitor took place on Tuesday September 27, 2022 to discuss the outstanding issues. The issues raised were satisfactorily resolved during the meeting. No other communications were received.

The Bylaw includes all updates as directed by City Council at its July 25, 2022 meeting and updated maps of each district. The maps depict district areas identical to the maps attached to the existing BID Bylaws but have been formatted to look similar. In addition,

the Bylaw includes a minor amendment to section 5 requested by the Downtown BID in its September 22, 2022 communication. This was the only matter raised that had any impact on the Bylaw. A minor change to section 23 has also been included to clarify when revenue and expenditure estimates must be submitted by a BID board. Attached at Appendix 2 is a blackline copy of the Bylaw identifying the changes made and including comments alongside the sections amended to identify the direction provided by City Council and any rationale for the changes.

We are pleased to present Bylaw No. 9845, *The Business Improvement Districts Bylaw, 2022* (attached at Appendix 3) for City Council's consideration.

### **NEXT STEPS**

On passage of the Bylaw by City Council, each of the BIDs will be notified and a clean copy of the Bylaw provided.

### **PUBLIC NOTICE**

Public Notice is required for consideration of this matter, pursuant to section 3 of Policy No. C01-021, *The Public Notice Policy*. The following notice was given:

- Advertised in *The Star Phoenix* on October 22, 2022
- Posted on the City's website at [www.saskatoon.ca](http://www.saskatoon.ca) on October 20, 2022

### **APPENDICES**

1. Communication from LTGS to BIDs dated August 25, 2022
2. Blackline of proposed Bylaw No. 9845, *The Business Improvement Districts Bylaw, 2022*
3. Proposed Bylaw No. 9845, *The Business Improvement Districts Bylaw, 2022*
4. Solicitor-Client Privilege

### **Report Approval**

Written by: Christine G. Bogad, Director of Legal Services  
Reviewed by: Adam Tittermore, City Clerk  
Mike Jordan, Chief Public Policy and Government Relations Officer  
Jeff Jorgenson, City Manager  
Approved by: Cindy Yelland, City Solicitor