

**From:** Leuschen, Candice  
**Sent:** Thursday, August 25, 2022 8:42 AM  
**To:** [brent.penner](#); deeannmercier <[deeannmercier@](#)>; Judy Denham  
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**Cc:** Yelland, Cindy <>; Tittlemore, Adam <>;  
Bogad, Christine <>; Bryant, Shellie <>  
**Subject:** BID Governance Review - The Business Improvement Districts Bylaw

Hello,

As you will recall, at is [July 25, 2022 Regular Business Meeting](#), City Council considered a report from the Leadership Team Governance Subcommittee (LTGS) and debated the proposed new consolidated Business Improvement Districts Bylaw, 2022. The debate and resolutions are a culmination of many months of work and engagement by the BIDs and the LTGS. All relevant communications and information shared between the BIDs and the LTGS are attached to the reports identified by the links included in this email.

The issue was initially considered by City Council at its [December 16, 2019 Regular Business Meeting](#) where the LTGS was provided with direction to pursue a consolidated BID governance approach.

At its [May 16, 2022](#) meeting, the Governance and Priorities Committee first considered a draft of the proposed new consolidated BID Bylaw. It was 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.

A further draft of the new consolidated BID Bylaw was considered by City Council at its [July 25, 2022](#) meeting where it was 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.

Please find attached for your review a final draft of the proposed new consolidated Business Improvement Districts Bylaw, 2022 which incorporates all the changes directed by City Council at its July 25, 2022 meeting. Comments alongside the sections of the proposed Bylaw that were the subject of the report contain reference to the specific direction provided by City Council to identify the rationale for any changes.

As directed by City Council, the LTGS intends on submitting the updated version of The Business Improvement Districts Bylaw, 2022 to City Council's Regular Business Meeting scheduled for October 31, 2022. We would ask that you please place the proposed Bylaw before your Boards for consideration and provide any further comments to Christine Bogad by October 3, 2022 to ensure they may be incorporated in the October report with enough time for proper public notice of this matter to be given in advance of the City Council meeting.

As always, we remain available to meet and discuss the proposed Bylaw.

Thank you,

Sincerely,

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