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* I have read and understand that my name, contact information and comments will be made publicly available in the Council Agenda.

* First name karen

* Last name barry

Email karen@beltlinecannabiscalgary.com

Phone 4035895599

* Subject Finalization of Budget for Beltline BIA and all newly formed BIA's

* Comments - please refrain from providing personal information in this field (maximum 2500 characters)

I am requesting a REVOTE of the establishing a BIA for the BELTLINE area. The attached information is based on materials gathered outside of my FOIP request which i am told will not be available until after February 13th, 2020. Some of the material herein has already been shared the city clerks office (Laura Kennedy, Lori Kerr and Kim Mustard) together with an email of this material that was sent to Evan Wooley and Jeromy Farkas

January 22nd, 2020

SUBJECT: Beltline BIA REVOTE, NEW BIA REVOTE, and request to be appointed to finance and audit committee for oversight into the BIA city programs

Dear City Council,

I, Karen Barry am requesting that 3 motions be brought forward to council for consideration:

- a) A re-vote of the 'establishment of BIA in the BELTLINE' Area,
- b) Re-vote for each new area where a BIA has been established in the city of Calgary;
- c) Council to appoint a concerned business owner, Karen Barry to the audit and finance committee as a non-paid, volunteer position, specific to the activities and oversight of the City of Calgary BIA's.

Preamble:

As the business owner of Beltline Cannabis Calgary (BCC), the current real estate taxes BCC pays for the 1,301 sq. ft. of above grade commercial space is \$21.00 per sq. ft., equal to \$26,800 in real estate taxes per year, for this small, again 1,301 sq. ft. retail location. When I contacted the city assessment department regarding the current assessment and related taxes, the city worker had to do the calculation twice. Further, I was told that Beltline Cannabis Calgary was NOT ELIGIBLE for the tax relief in 2019.

As a concerned citizen and business owner/taxpayer I am being asked to participate in the BELTLINE BIA, at an amount of money per year in a levy OVER AND ABOVE the current real estate taxes – this could add another minimum \$1.00 +/- per sq. ft. if not more/less to our already ballooned, overburdened commercial real estate tax bill that is being presented as a 'business levy'. As a concerned citizen and taxpayer, if it is my business money being spent, I want to know where it is being spent, and a complete costs and benefits analysis is undertaken (a balanced scorecard) – to decide if the cost of an expense is worth the benefits being received. We analyze the cost in a fiscally responsible way and ensure that a balanced scorecard is kept for future consideration year over year.

In December, when I received a letter from the City with a proposed budget for the newly formed BIA for the Beltline Area totaling \$400,000 with expense line items that appeared vague. I became very engaged. I requested and received city provided material to complete a 5- year historical analysis of all BIA's within 6 days of receipt of the would be Beltline BIA budget. The results, while you can conclude many varying opinions, appeared that:

1. In each case, with the exception of Montgomery** as noted in the summary attached – in each case, no reductions in budgets has occurred over the past 5 years. This is interesting as a BIA cannot make financial obligations that are longer than one year. With space and staff being your two top line 'expenses' items, and the city vacancy escalating to alarming levels this appeared like an unbalanced scorecard to this business owners. Additionally, as researched – the City of Calgary has continued rising vacancy – with PEAK VACANCY (ref: Avison Young Dec 2019) not happening until sometime later this year. While the administration line item in EACH OF THE 12 existing BIA's is upwards of 30% of the overall budget, not declining while vacancy and business costs continue to rise. This is certainly concerning.

To be clear, I am not opposed to the concept of a BIA. HOWEVER, at this time, in our fragile economic cycle - I am not in favour of the establishment of the Beltline BIA. However, the reasoning whether I am

for or opposed, is secondary to the errors in process that were undertaken in the establishing of a BIA in the Beltline and could have occurred in the establishment of the other 2 new BIA's in addition to the BELTLINE BIA.

Background - THE PROCESS of Establishing A BIA

The process of establishing a BIA only requires a 25 % approval rate of the 'would be taxpayers' in a given area. Additionally, that the petitioner, in accordance with the MGA, Regulations must be a "would be taxpayer" of the established area.

In the case of the Beltline BIA, many errors in process appear to have taken place for which I have submitted a FOIP with a delivery date of February 13th, 2020. The result for the BIA vote in the Beltline affecting 343 businesses, appears that 95 businesses voted in favour of the establishment of the BIA, some 27+/-%. In short, 73% +/- of businesses DID NOT WANT A BIA at this critical time for business in Calgary.

However, it is now revealed that is not the case in the matter of establishing the BIA.

As was the case with BELTLINE Cannabis Calgary, **where a signature was provided by someone who is "NOT THE WOULD BE TAXPAYER"**. In checking with the establishing committee, their response was "we used the city provided BIA toolkit".

In review the of the BIA toolkit, it outlines that the "would be taxpayer" is required to be the signing authority and to be the ONLY person (s), authorized in the final count in accordance with the Municipal Government Act, Regulations.

Further, it is outlines that the "if there is a boundary change" that "would be taxpayers" are to be notified – which did not happen AND was outlined in the submitting petitioners documents to council on April 12th as stating "in some cases, **business owners were provided with a different map**" for the establishment of the Beltline BIA. While this was addressed in an ancillary manner via the BIA report from the petitioner – this did not adhere to the municipal government act, regulations.

Other irregularities in voting procedures have also been revealed through my own personal canvassing of the businesses that were to have 'supported the Beltline BIA" on the submission provided to council in April 2019. HOWEVER, in discussion with business owners it turns out that they were not in support of the establishment of a BIA, and their vote was erroneously recorded by the volunteer.

I understand from the city that a total of 95 businesses supported the establishment of a Beltline BIA, while 8 petitions were received not in support. HOWEVER, it turns out in some cases what the city tabulated as in opposition, were businesses whereby their vote was erroneously collected by the volunteer, **and in the case of Beltline Cannabis Calgary, a signature was provided by someone who was "not the would be taxpayer"**.

While nothing in business has a perfect process, the request for the establishment of a BIA, comes at a critical time in our fragile economy. As such it requires, in the words of Major Roberts:

"The decision of the Majority, the voice of the Minority, and the Protection of the Unrepresented."

Therefore, I respectfully request that council place a motion forward for:

1. A re-vote of the newly formed BELTLINE BIA's bylaw 34m2019; and
2. A revote of all newly formed BIA's as taxpayers were not aware of how much they will be required to pay – BEFORE they either supported or opposed the establishment of a BIA;
3. Appointment of Karen Barry BA AACI (ret.), FRICS (ret.) as a concerned citizen and taxpayer to the audit and finance committee – which I believe is within the rights of council to do in accordance with the MGA, Regulations.

REQUEST for MOTION

It is to this end, that I am hopeful council can debate the contents of this letter and that clear leadership will prevail with business owners and the city working together in overcome the severe obstacles facing small business AND council in Calgary. Outlined below are further recommendations for consideration by council:

Recommendations

1. That the **city review the communications material** that was delivered and utilized by the BIA establishing committee for the BELTLINE BIA. It appears that errors in terms of stakeholder engagement was not adhered to by the petitioner, who acknowledged to me in writing that he used the BIA Toolkit. I am unclear if the petitioner ever reviewed the Municipal Government Act, Regulations and recommend that reference to this is in alignment with the “toolkit”.
2. **ONLY after a budget has been debated**, and is close to finalization – that the City produce a letter to ‘would be taxpayers’ so that taxpayers ARE AWARE how much money is being charged and where this money is going to be used (itemized and detailed). The city could handle the FINAL communication between Standing Committee on Finance and the “would be taxpayer”;
3. **Elections return** – in verifying a business,
 - a. **Was a corporate title** pulled on each company that signed in support to ENSURE that the signing authority WAS the person that signed the petition is the “would be taxpayer” for a BIA?
 - b. **Was a business license search** completed to ensure that each of the entities listed on the support document was only registered once?
 - c. Were the petitions **signed and dated** from “would be taxpayers” if a BIA was established?
 - d. **Duplicates** - were duplicates omitted from the final count

Conclusion

In conclusion - it is time for city council to take seriously and demonstrate Clear Leadership toward the ongoing Tax and Spend mindset that appears to be overriding the ability for small business to succeed and prosper in the our current fragile economy. Further, that IF a BRAND NEW levy is being asked to be supported by small business, that the City use its best commercial efforts to ensure that the proper protocols are followed in adherence with the Municipal Government Act, so that business and City Council can both demonstrate **CLEAR LEADERSHIP**. I will be in attendance at council on February 3rd, to address in person any questions you might have. In advance, please feel free to email me as I am away until February 2nd, 2020.

Regards,

Karen J. Barry BA, AACI (ret.), FRICS (ret.)

403.589.5599

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Total Budget BIA's	2015	2017	2019
Bowness	\$ 45,100	\$ 45,100	50,100
Downtown	\$ 1,586,825	\$ 1,586,825	1,586,825
Fourth St	\$ 205,000	\$ 205,000	205,800
Inglewood	\$ 245,000	\$ 245,000	265,000
International Ave	\$ 263,000	\$ 263,000	275,000
Kensington	\$ 220,000	\$ 220,000	220,000
Marda	\$ 168,000	\$ 168,000	220,000
Montgomery	\$ 71,000	\$ 71,000	70,000
17th Ave Entertainment	\$ 435,900	\$ 435,900	410,800
Victoria Park	\$ 341,784	\$ 341,784	389,369
SUBTOTAL	\$ 3,581,609	3,581,609	3,692,894
Chinatown		\$ 160,000	\$ 215,000
SUBTOTAL		\$ 3,741,609	\$ 3,907,894
Greenview		\$ -	\$ 50,000
SUBTOTAL		\$ 3,741,609	\$ 3,957,894

BIA Administration	BIA Levy 2015	2015	% of total levy	BIA Levy 2017	2017	% of total levy	BIA Levy 2019	2019	% of total levy
Bowness	\$ 45,100	\$ 14,080	31%	45,100	\$ 32,000	71%	50,100	\$ 38,700	77%
Downtown	\$ 1,586,825	\$ 240,000	15%	1,586,825	\$ 217,500	14%	1,586,825	\$ 242,125	15%
Fourth St	\$ 205,000	\$ 99,800	49%	205,800	\$ 91,800	45%	205,800	\$ 93,713	46%
Inglewood	\$ 245,000	\$ 85,000	35%	245,000	\$ 105,000	43%	265,000	\$ 135,000	51%
International Ave	\$ 263,000	\$ 78,500	30%	267,000	\$ 81,000	30%	275,000	\$ 84,400	31%
Kensington	\$ 220,000	\$ 63,800	29%	220,000	\$ 95,950	44%	220,000	\$ 106,700	49%
Marda	\$ 168,000	\$ 117,500	70%	188,986	\$ 130,798	69%	220,000	\$ 95,340	43%
Montgomery	\$ 71,000	\$ 46,500	65%	74,000	\$ 30,000	41%	70,000	\$ 30,000	43%
17th Ave Entertainment	\$ 435,900	\$ 89,317	20%	404,600	\$ 77,050	19%	410,800	\$ 80,750	20%
Victoria Park	\$ 341,784	\$ 123,156	36%	384,062	\$ 145,721	38%	389,369	\$ 164,412	42%
SUBTOTAL	\$ 3,581,609	\$ 957,653		\$ 3,621,373	\$1,006,819		\$ 3,692,894	\$1,071,140	
Chinatown				\$ 160,000	\$ 100,300	63%	\$ 160,000	\$ 141,736	89%
SUBTOTAL					\$1,107,119				
Greenview							\$ 50,000	\$ 51,530	103%

BIA Marketing Commun	BIA Levy 2015	2015	% of total levy	BIA Levy 2017	2017	% of total levy	BIA Levy 2019	2019	% of total levy
Bowness	\$ 45,100	\$ 500	1%	45,100	\$ 250	1%	50,100	\$ 1,600	3%
Downtown	\$ 1,586,825	\$ 675,000	43%	1,586,825	\$ 685,000	43%	1,586,825	\$ 639,207	40%
Fourth St	\$ 205,000	\$ 44,500	22%	205,800	\$ 54,000	26%	205,800	\$ 58,000	28%
Inglewood	\$ 245,000	\$ 50,000	20%	245,000	\$ 30,000	12%	265,000	\$ 60,000	23%
International Ave	\$ 263,000	\$ 72,000	27%	267,000	\$ 91,500	34%	275,000	\$ 78,700	29%
Kensington	\$ 220,000	\$ 44,000	20%	220,000	\$ 9,300	4%	220,000	\$ 33,175	15%
Marda	\$ 168,000	\$ 25,000	15%	188,986	\$ 45,000	24%	220,000	\$ 50,000	23%
Montgomery	\$ 71,000	\$ 7,000	10%	74,000	\$ 10,000	14%	70,000	\$ 3,000	4%
17th Ave Entertainment	\$ 435,900	\$ 152,917	35%	404,600	\$ 183,680	45%	410,800	\$ 191,327	47%
Victoria Park	\$ 341,784	\$ 101,648	30%	384,062	\$ 98,369	26%	389,369	\$ 105,480	27%
SUBTOTAL	\$ 3,581,609	\$ 1,172,565	33%	3,621,373	\$ 1,207,099	33%	\$ 3,692,894	\$ 1,220,489	33%
Chinatown				\$ 160,000	\$ 10,000	6%	\$ 215,000	\$ 53,462	25%
SUBTOTAL				\$ 3,781,373	\$ 1,217,099	32%	\$ 3,907,894	\$ 1,273,951	33%
Greenview							\$ 50,000	\$ 5,000	10%

A portion of Attach 2- Public Submissions Letter 1 can be found in the Closed Meeting Agenda, held confidential pursuant to Section 17 (Disclosure harmful to personal privacy) of the *Freedom of Information and Protection of Privacy Act*.