

Business Improvement Areas and Business Revitalization Zones – Board Appointments

EXECUTIVE SUMMARY

This report presents the business improvement areas' and business revitalization zones' board membership for appointment by Council.

ADMINISTRATION RECOMMENDATIONS:

That Council:

1. Appoint members to the boards of business improvement areas and business revitalization zones for the 2018/2019 terms as per the Attachment;
2. Direct that retiring board members receive a letter from the Mayor thanking them for their service; and
3. Direct that the Attachment remain confidential pursuant to Sections 17 and 19 of the *Freedom of Information and Protection of Privacy Act* until Council rises and reports on the matter.

PREVIOUS COUNCIL DIRECTION / POLICY

At the 2017 November 13 Regular Meeting of Council, Council approved business improvement area ("BIA") board governance and legislative changes (CPS2017-0647), the establishment of the HIPville Business Improvement Area (CPS2017-0648), and changes to the boundary and changes in name of the Marda Loop Business Revitalization Zone (CPS2017-0650).

At the 2017 July 24 Regular Meeting of Council, Council directed Administration to develop a BIA policy and governance framework in consultation with the BIA community that details the roles and responsibilities of the BIAs and The City of Calgary ("The City") related to the establishment and ongoing functioning of BIAs, including reporting obligations, and return to Council through the Standing Policy Committee on Community and Protective Services no later than 2018 Quarter 4.

At the 2016 November 28 Regular Meeting of Council, Council adopted the recommendations contained in report CPS2016-0826, amending The City's bylaws establishing various business revitalization zones ("BRZs") in order to align these bylaws with current provincial legislative requirements and current BRZ practices to improve board governance.

BACKGROUND

The *Municipal Government Act* ("MGA") provides that a Council may by bylaw establish a business improvement area for one or more of the following purposes:

- (a) improving, beautifying and maintaining property in the business improvement area;
- (b) developing, improving and maintaining public parking;
- (c) promoting the business improvement area as a business or shopping area.

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The *MGA* provides that a business improvement area is governed by a board consisting of members appointed by Council under the business improvement area bylaw. Subsection 51(2) of the *MGA* provides that the board is a corporation.

Twelve BRZs and BIAs have been established between 1984 and 2017, each under a separate City of Calgary bylaw. The *MGA* provides that the Minister may make regulations respecting the appointment, term and renewal of members of the board of a business improvement area. The business improvement areas are regulated by the *Business Improvement Area Regulations*, Alberta Regulation 93/2016 ("*BIA Regulation*"), which provide the following:

Board

- 6(1) A board established for a business improvement area must consist of individuals nominated by one or more taxpayers in the zone.
- (2) A council may also appoint one or more councillors to be members of a board.
- (3) A council may only revoke the appointment of a board member who was nominated by a taxpayer if the revocation is recommended by the board.

INVESTIGATION: ALTERNATIVES AND ANALYSIS

Each year, Administration solicits and receives from the BIAs and BRZs their membership selected for appointment to the individual BIA and BRZ boards. The board membership established by the BIAs and BRZs for appointment by Council is detailed in the Attachment.

Since 2015, Administration has been exploring improvements to BIA and BRZ appointment practices. For instance, Council appointments to BIA and BRZ boards have traditionally been made annually in December; however, BIAs and BRZs hold their Annual General Meetings throughout the year. Consequently, for those BIAs and BRZs that hold their Annual General Meetings in Q1 and Q2, Council appointments to their boards have not been made at the most effective time. Over the course of 2017, Administration collaborated with the BIA and BRZ that held their Annual General Meetings in Q1 and Q2 of 2017 and presented The Calgary Downtown Association (A Business Revitalization Zone) and the Chinatown District Business Improvement Area board membership for appointment by Council in 2017 July. This revised practice marked the first time appointments to BIA/BRZ boards were completed outside of the traditional annual Q4 timeline in order to better align with the their appointment practices.

Stakeholder Engagement, Research and Communication

In 2017 November, Administration received the BIA and BRZ board membership for presentation to Council for appointment.

Strategic Alignment

This report aligns with Council's priority of a well-run city: "Calgary's government is open, responsive, accountable and transparent, delivering excellent services at a fair price. We work with our government partners to ensure we have the tools we need" (*Action Plan 2015-2018*).

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Social, Environmental, Economic (External)

The BIAs and BRZs are established by Council to improve, beautify and maintain property; develop, improve and maintain public parking; and, to promote the BIAs and BRZs as business or shopping areas.

Financial Capacity

Current and Future Operating Budget:

None.

Current and Future Capital Budget:

None.

Risk Assessment

There are no significant risks associated with the recommendations of this report. In 2015, as a response to an identified misalignment between The City's BRZ bylaws, the *Business Revitalization Zone Regulations*, AR 377/1994 and The City's practices respecting the appointment of boards, Council directed Administration to work with the BRZs to review governance practices. On 2016 November 28, Council adopted recommendations contained in report CPS2016-0826, *Business Revitalization Zones – Board Governance and Legislative Changes* and passed amendments to six of The City's BRZ bylaws to align them with the *MGA, BIA Regulations* and current practices. On 2017 November 13, Council adopted recommendations contained in report CPS2017-0647, *Business Improvement Areas (Formerly Business Revitalization Zones) – Board Governance and Legislative Changes*, and CPS2017-0650, *Change to the Boundary and Change in Name of the Marda Loop Business Revitalization Zone*, and passed amendments to four of The City's bylaws to align them with the *MGA, BIA Regulations* and current practices. These recent decisions of Council have brought The City's BIA and BRZ bylaws, provincial legislation and regulation, and current practices into alignment.

REASONS FOR RECOMMENDATIONS:

In accordance with the *MGA*, Council approval is required for the appointment of members to the boards of business improvement areas and business revitalization zones.

ATTACHMENT

Business Improvement Areas and Business Revitalization Zones – Boards of Directors