

Letter Regarding the Declaration of Insufficiency of the Petition



July 31, 2017

Re: Declaration of Insufficiency of the Petition Against the Establishment of the Highland Industrial Park Business Improvement Area and the Process to Establish a BIA

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Dear Petition Sponsors and the HIPville BIA Establishing Committee,

On 2017 June 26, a petition entitled the *Petition Against the Establishment of the Highland Industrial Park Business Improvement Area* was submitted to the Office of the City Clerk ("the *Petition*"). Section 226(1) of the Alberta *Municipal Government Act*, R.S.A. 2000, c. M-26 ("the MGA"), requires The City's Chief Administrative Officer to make a declaration to City Council on whether the *Petition* is sufficient or insufficient.

A petition against the establishment of a Business Improvement Area ("BIA") is sufficient (or valid) if it meets the requirements of sections 222 to 226 of the MGA and section 4 of the *Business Improvement Area Regulation*, AR 93/2016 ("the Regulation").

The Chief Administrative Officer has declared the petition to be insufficient because it does not comply with the mandatory statutory requirements in the MGA, namely:

1. section 224(3): *Petition* missing the required affidavit of witness to signatures; and,
2. section 224(4): *Petition* missing the required signed statement of representative of the petitioners which must be attached to the *Petition*.

In addition, section 4 of the Regulation requires the *Petition* to be signed by more than 51% of the BIA taxpayers in the proposed BIA. Section 225 of the MGA states that those signatures that do not meet the statutory requirements must not be counted.

The total number of persons eligible to sign the *Petition* is 304. The minimum number of signatures required by section 4 of the Regulation is 153. The *Petition* contained 158 signatures, but 39 signatures were excluded from the count as required by section 225 of the MGA. Therefore, the number of valid signatures is 119 or 39.1%.

Section 5 of the Regulation states that where a sufficient petition is not received, Council may exercise its authority to pass a business improvement area bylaw to establish the BIA. This is a discretionary decision.

The HIPville BIA Establishing Committee has advised The City of its decision to proceed with the request to establish the proposed HIPville BIA in Highland Park. A report and a proposed bylaw to establish the BIA will be presented to the Standing Policy Committee on Community & Protective Services, and subsequently to Council which will decide whether to pass the proposed bylaw. The report will inform the Standing Policy Committee on Community & Protective Services and Council of the process followed, and will include information about the request to establish the BIA and the *Petition* opposing the establishment of the BIA.



The meeting of the Standing Policy Committee on Community & Protective Services is scheduled for:

Date: 2017 September 6  
Time: 9:30a.m.  
Location: MUNICIPAL BUILDING- PLAZA LEVEL  
Council Chambers  
800 Macleod Trail SE, Calgary, AB

Due to the 2017 municipal election, Council will make its decision regarding the proposed HIPville BIA at a meeting of the Combined City Council on one of the two alternate dates below:

Date: 2017 September 11 OR 2017 November 13  
Time: 9:30a.m.  
Location: MUNICIPAL BUILDING- PLAZA LEVEL  
Council Chambers  
800 Macleod Trail SE, Calgary, AB

The report on the proposed HIPville BIA will first be presented and discussed at the meeting of the Standing Policy Committee on Community & Protective Services which is open to the public. Any member of the public, including business owners or their representative, may make a presentation to the Standing Policy Committee on Community & Protective Services. Presentations to the Committee must be brief, as each speaker is allotted only five minutes. The Committee is made up of members of Council who may ask questions following each presentation.

Although section 226(3) of the MGA states that Council is not required to take any notice of a petition which has been declared insufficient, Council may still consider the business community's support and opposition to the establishment of the proposed BIA when deciding whether or not to pass the proposed bylaw to establish the BIA. However, Council's decision on the HIPville BIA will not be considered in the public hearing part of the Council meeting where members of the public may make presentations to Council. Therefore, Council will not invite any businesses to make submissions at the Council meeting.

All Council meetings are open to the public and any business owners who wish to attend the Council meeting will need to confirm the date of the Council meeting. For further information, please contact:

Lorelei Higgins  
Business Improvement Area Liaison, The City of Calgary  
T: 403-476-4180 E: [Lorelei.Higgins@calgary.ca](mailto:Lorelei.Higgins@calgary.ca)

Ms. Higgins can confirm whether the proposed HIPville BIA will be considered at the 2017 September 11 or the 2017 November 13 meeting of Council, provide information on The City of Calgary process to pass the proposed bylaw to establish the BIA, and answer any questions you might have about the procedure for addressing the Standing Policy Committee on Community & Protective Services.



Sincerely,

*for*   
atie Black, Director

Calgary Neighbourhoods

T 403-268-5155 | F 403-268-3786 | Mail code #116