

# Procedure

## Business Improvement Area Establishment and Operation

This procedure falls under the Business Improvement Area Establishment and Operation Policy, C462C

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| <b>Program Impacted</b>      | Economic Development<br><i>Edmonton has a diverse and prosperous economy that thrives locally and globally</i> |
| <b>Approved By</b>           | City Manager                                                                                                   |
| <b>Date of Approval</b>      | TBD                                                                                                            |
| <b>Approval History</b>      | March 6, 2007<br>May 7, 1996<br>July 14, 1992                                                                  |
| <b>Next Scheduled Review</b> | September 2029                                                                                                 |

### 1. OPERATING A BUSINESS IMPROVEMENT AREA

#### 1.01 PROCEDURES FOR ONGOING MANAGEMENT OF A BIA

- a) A BIA will prepare and submit its budget and any other required reports and statements in accordance with procedures outlined by the City Manager.

#### 1.02. AMENDMENTS TO ESTABLISHMENT BYLAWS

- a) Text amendments, meaning alterations or revisions to the rules, procedures and methods contained in the establishment bylaws under which BIAs are created, operated and maintained, shall be subject to the following requirements and process:
  - i) These establishment bylaw amendments may be initiated by either the Urban Planning and Economy Department or the BIA Board.
  - ii) If initiated by the Board, a letter requesting, describing and justifying the amendment is submitted to the Urban Planning and Economy Department to initiate the process.
  - iii) If initiated by the Urban Planning and Economy Department, the Urban Planning and Economy Department notifies the Board(s) and/or their agent(s) of the proposed amendment(s).
  - iv) The Urban Planning and Economy Department will consult with representatives of the affected BIA(s) to obtain feedback regarding the proposed amendment.
  - v) The Urban Planning and Economy Department, with the assistance of the applicant(s), if applicable, and the Legal Services Branch, prepares the bylaw(s) and a report for City Council, which itemizes the proposed amendment(s), implications, consultation process and position of the affected BIA(s), with copies to affected BIAs.

- vi) The Urban Planning and Economy Department submits the amending bylaw(s) and Council Report to City Council for its consideration and ultimate decision for approval, amendment or refusal.
- b) Boundary amendments, both expansions and contractions of the boundary of a BIA, shall be subject to the following requirements and process:
  - i) Proponents, with consent from the BIA Board and/or the Board's agent, submit the formal request for amendment to the boundary to the Urban Planning and Economy Department by April 30th of a given calendar year.
  - ii) The request must be accompanied by a justification or declaration of reasonable cause for the boundary change being requested, a statement outlining the public consultation process which was followed to solicit the support shown on the request, and confirmation that the area's Board consents to the change in boundaries.
  - iii) Upon determining the completeness of the application, the Urban Planning and Economy Department moves the application forward for administrative processing, and simultaneously informs the Board and/or the Board's agent.
  - iv) The Urban Planning and Economy Department, with the assistance of the applicant(s) and the Legal Services Branch, prepares and submits the required amending bylaw and a report describing the application and the substance/implications of the action requested, for Council's consideration and ultimate decision for approval or refusal.
  - v) At least one month prior to the date on which City Council will consider the proposed amending bylaw, the Board will take reasonable steps, utilizing, but not limited to, City of Edmonton business data and information, and BIA business data and information, to notify by personal delivery, paper mail, or electronic delivery (provided that the recipient has given consent to do so and the requirements listed in Section 608 of the *Municipal Government Act* have been met), or a combination of the three, all of the businesses within the BIA, including those people who would be taxpayers under the change in boundaries, of:
    - 1) a summary of the proposed bylaw, including a map and description of the proposed change in boundaries; and,
    - 2) a description of the opportunity, manner and time period for affected taxpayers to make representations to City Council regarding the proposed amendment.
  - vi) Before City Council may give the bylaw Second Reading, the Board's written consent of the amending bylaw's proposed change in boundaries must be received by the Urban Planning and Economy Department. If consent is not given, the City Manager will advise City Council that the bylaw cannot be passed.
  - vii) A bylaw which amends the boundary of a BIA will not come into force until the next January 1st after its passing.

### 1.03. PRODUCTS OF THE PROCESS

- a) Bylaw(s) to Amend Business Improvement Area Establishment Bylaw
  - i) The bylaw(s) make text amendments, meaning alterations or revisions to the rules, procedures and methods that are contained in the establishment bylaws under which BIAs are created, operated/maintained.
- b) Bylaw to Amend Business Improvement Area Boundary
  - i) The bylaw amends the boundary of a BIA set out in a BIA's establishment bylaw.

## 2. ESTABLISHING A BUSINESS IMPROVEMENT AREA

### 2.01 PROCESS FOR ESTABLISHING A BIA

a) The process to establish a BIA aligns with requirements set out in the Municipal Government Act. The process for establishing a BIA is ideally divided into two stages. Although some activities are accomplished solely within each stage, many others overlap between them.

i) Stage 1 – Initial Interest and Confirming Viability (“Pre-Application”)

- 1) Business Community Representatives approach the Urban Planning and Economy Department to discuss a proposal for the creation of a BIA and receive relevant available information.
- 2) Urban Planning and Economy Department staff provide consultative services to the proponents regarding, but not limited to, the proposed BIA size, utilizing but not limited to City of Edmonton business data and information, compatibility of its business mix, the objectives of a new BIA, preparing consultation plans, and legislative and municipal requirements of the process (including applicable deadlines/timelines).
- 3) Proponents should discuss the proposal with affected local business operators and assess the potential interest in the proposal (recommended to hold a minimum of two public meetings for information and debate, preferably in-person, but virtually as an option).
- 4) Urban Planning and Economy Department staff may attend the public meetings, as requested, to provide information and examples of local experiences.
- 5) Urban Planning and Economy Department staff will assist proponents to apply by providing a list of application requirements including a preliminary budget and map of the proposed area.
- 6) Proponents then proceed to gather the required signatures of potential BIA Members who favour the establishment of the BIA (represent at least 25% of the businesses that would be taxable businesses if an area was established), towards the completion of the formal application.

ii) Stage 2 – Formal Application to Establish a BIA (“Application Process”):

- 1) Proponents submit their request to establish a BIA, which meets the Provincial requirements set out in Section 3 of AR 93/2016, the Business Improvement Area Regulation, via an application in letter-form to The Office of the City Clerk on behalf of City Council, as well as a copy to Urban Planning and Economy Department by April 30th of a given calendar year (to be effective January 1st of the following year). The application must include: a statement of objectives of the proposed BIA, justification of need and of the area chosen, proposed BIA area map, and description of the consultative process followed by the proponents, including, but not limited to, the process of and feedback from the two information sessions that were part of Stage 1. This application should also contain an attachment consisting of a list of all businesses who are supportive of the creation of the BIA that includes; business name as per license (if applicable), business locations/addresses within the proposed area, printed names of the business taxpayers (owners of businesses), signatures, witness signature accompanied by an Affidavit of Execution, and dates signed. In addition, the Proponent is responsible for the preparation and inclusion of a preliminary operational budget, in a format agreeable to the Urban Planning and Economy Department and Assessment and Taxation Branch. Additional letters of support may also be included to the attachment, but are not required.
- 2) Applications received after April 30th cannot be assured to receive City Council approval of the BIA's Budget in time for operations to begin in the following year (operations must coincide with calendar years in order to align with taxation assessment and collection).
- 3) The Urban Planning and Economy Department will provide the Office of the City Clerk, if requested, with a list of all the businesses within the proposed area, effective on the date the application is received from the proponents, using relevant information at their respective disposal, including, but not limited to business licenses, taxation data, and census data, for the verification of the applicants' status as would be taxpayers under the

proposed BIA.

- 4) City Administration provides a copy of the application to the Legal Services Branch for review and for ruling on compliance of legislation (i.e. purpose statement and statement of representative).
- 5) If the application is valid, the Urban Planning and Economy Department will verify the accuracy and completeness of the current and relevant business lists using the information at their respective disposal, including, but not limited to business licenses, taxation data, and census data, as well as gathering and verifying business mailing address information to support step (7) below.
- 6) The Urban Planning and Economy Department checks with all other relevant City functions to understand implications, and are to include these in any reports to City Council that accompanies the draft bylaw.
- 7) Within 30 days of the receipt of the complete and validated application by the Office of the City Clerk; the Urban Planning and Economy Department will, using the current and relevant business lists obtained using business licenses, taxation data, and census data, mail or deliver to all businesses within the proposed zone a Notice of the Request for formation of the BIA, an information sheet regarding BIAs, a map and description of the boundary of the proposed zone, the preliminary budget, and instructions for petitioning against the bylaw.

iii) Objection Process:

- 1) Those wishing to object to the establishment of the proposed BIA have 60 days from the day on which the last notice was sent to file a petition. The petition must contain the business name, location/address, name of the Members (owner of business), signature, date signed, witness signature accompanied by an Affidavit of Execution, and must be submitted with a signed statement of representative to the Office of the City Clerk.
- 2) During the 60 day Notification Period, Urban Planning and Economy Department staff may provide assistance to proponents and opponents by providing publically available lists of businesses within the area, responding to and referring public inquiries as appropriate, preparing and sending information on behalf of proponents, if necessary (e.g. notice of meeting with agenda/intent of meeting, etc.), and providing information on petitions regarding proper form.
- 3) Once the 60 day Notification Period has passed, and providing there are no valid objecting petitions representing more than 50% of the businesses liable to pay the BIA tax have been submitted to the Office of the City Clerk, the Urban Planning and Economy Department, with the assistance of the applicant(s) and the Legal Services Branch, prepares the bylaw to establish the BIA.
- 4) The Proponent will then review the draft bylaw and submit a written letter of approval to the Urban Planning and Economy Department. The Proponent will also need to prepare and include the preliminary budget, as well as a list of proposed Board members to be considered for City Council approval. The Urban Planning and Economy Department will then present the bylaw along with a motion to appoint the Board and the proposed BIA's first year's Budget Estimates for City Council's consideration and ultimate decision for approval or refusal.
- 5) If a petition objecting to the BIA establishment is submitted to the Office of the City Clerk within the prescribed timelines, the validity of the petition must be verified by the Office of the City Clerk within 30 days of the receipt of the petition.
- 6) The Office of the City Clerk informs City Council and the Urban Planning and Economy Department on the validity of the petition.
- 7) If the Office of the City Clerk declares the petition to be sufficient, City Council may not pass a bylaw establishing a BIA set out in the request until 2 years have passed from the day the petition was declared to be sufficient.

- b) If a sufficient petition is not received, City Council may pass a BIA bylaw that is based on the request.

## 2.02. PRODUCTS OF THE PROCESS

- a) Bylaw Report to City Council Regarding the Establishment of the Proposed Business Improvement Area
  - i) This report outlines the application's purpose and the area affected. It describes all input received during the 60 day Notification Period, including input from individuals and businesses who may not have originally been entitled to Notice. The report may include suggestions for addressing opposition or other issues encountered during the process, and will make a recommendation respecting the Bylaw to Establish the BIA.
- b) Bylaw to Establish the Business Improvement Area
  - i) The bylaw establishes the existence of the BIA and the BIA Association.

## 3. **DISESTABLISHMENT OF A BUSINESS IMPROVEMENT AREA**

### 3.01. DISESTABLISHMENT OF A BIA

- a) The process to disestablish a BIA as per requirements detailed in the *Municipal Government Act* is as follows:
  - i) The process to disestablish a BIA may be initiated by the BIA Board, or through a petition signed by taxpayers representing at least 25% of the taxable businesses in the BIA, or by City Council.
  - ii) Proponents submit the formal request or petition for disestablishment to the Office of the City Clerk for processing, and at the same time submit a copy to the BIA Board and/or the Board's agent, and the Urban Planning and Economy Department.
  - iii) The request should be accompanied by a justification or declaration of reasonable cause for the disestablishment being requested, and a statement outlining the public consultation process which was followed to solicit input from Members of the BIA.
  - iv) Proponents should discuss the proposal with affected local business operators and assess the potential interest in the proposal (recommended to hold a minimum of two public meetings for information and debate, preferably in-person but virtually as an option);
  - v) When a petition is submitted, the Office of the City Clerk:
    - 1) Provides a copy to the Legal Services Branch for review and for ruling on compliance of legislation (i.e. purpose statement and statement of representative);
    - 2) Obtains a current list of known businesses within the area that would be verified using information from the Assessment and Taxation Branch;
    - 3) The Office of the City Clerk determines the sufficiency of the petition in accordance with provincial legislation, and advises City Council and the Urban Planning and Economy Department of such.
  - vi) If a valid petition is received, then the process under 3.01 (b) (below) is followed.
  - vii) If City Council initiates the disestablishment process, the Office of the City Clerk refers the application to disestablish the BIA to the Urban Planning and Economy Department for processing, and simultaneously informs the Board or the Board's agent of the application to disestablish the BIA, and the process under 3.01 (b) (below) is followed.
  - viii) If the Board initiates the disestablishment process, the Office of the City Clerk refers the application to disestablish the BIA to the Urban Planning and Economy Department for processing and the process under 3.01 (b) (below) is followed.
- b) The Urban Planning and Economy Department, with the assistance of the applicant(s), if applicable, and the Legal Services Branch, prepares the bylaw to disestablish the BIA and a report for City Council's consideration.

- i) Within 30 days of the Office of the City Clerk's receipt of a sufficient petition for disestablishment, or with a request for disestablishment from the Board or City Council, City Council must:
    - 1) Give first reading to a bylaw to disestablish the BIA;
    - 2) Specify a date within 90 days of the first reading for a vote of the taxpayers in the area on the support for disestablishing the BIA, and
    - 3) specify the question(s) which will appear on the ballot.
  - ii) After a bylaw to disestablish an area receives first reading, the Board must take reasonable steps, utilizing, but not limited to, publicly available City of Edmonton business data and information, and BIA business data and information, to notify by personal delivery, paper mail, or electronic delivery (provided that the recipient has given consent to do so and the requirements listed in Section 608 of the *Municipal Government Act* have been met), or a combination of the three, every taxable business within the area of the following:
    - 1) that a bylaw to disestablish the area has been given first reading, and
    - 2) that a vote on the bylaw will be held on the specified day.
  - iii) The BIA provides the Urban Planning and Economy Department and any other Members requesting such, with a copy of up-to-date financial statements for consideration.
  - iv) The vote will be held in accordance with the Local Authorities Election Act and the *Municipal Government Act*.
  - v) City Council is responsible for holding the vote on the bylaw to disestablish the area. The Board is responsible for the costs and expenses of the vote on the bylaw.
  - vi) A vote to approve the disestablishment bylaw requires a minimum of 50% plus 1 of all voters being in favour of this action.
  - vii) If the vote approves the disestablishment bylaw, the Office of the City Clerk schedules the bylaw on City Council's agenda. City Council must pass the bylaw within 30 days of the vote.
  - viii) If the vote does not approve the disestablishment bylaw, the Office of the City Clerk informs City Council of the results of the vote, that the disestablishment bylaw cannot be passed and any previous readings must be rescinded. City Council must not, within two years of the date of the vote, give first reading to a bylaw that disestablishes the BIA.
- c) If upon disestablishment the BIA's assets do not cover the BIA's liabilities, the City is liable for those liabilities and may recover the outstanding amount by imposing a BIA tax on the businesses which were taxable before disestablishment of the area. City Council may, despite the disestablishment of a BIA, recover any outstanding amount by imposing a BIA tax on businesses that were taxable businesses before the disestablishment of the BIA.

### **3.02. PRODUCTS OF THE PROCESS**

- a) Bylaw to Disestablish the Business Improvement Area
  - i) The bylaw disestablishes the BIA and the BIA Association.

## **4. ANNUAL REPORTING, FINANCIAL PROCEDURES AND CITY ASSISTANCE FOR BUSINESS IMPROVEMENT AREAS**

### **4.01. BIA ANNUAL REPORTING PROCESS**

- a) All reporting to be provided by the BIA Associations is to be submitted according to the Annual Administrative Timetable which is provided by the Urban Planning and Economy Department in January of each year. This document sets out the expected reporting deadlines for all reporting to Administration and includes other deadlines related to BIA expansion, BIA creation, quarterly reporting AGM timelines and budget notices.
- b) The BIA Annual Report, typically provided to the Urban Planning and Economy Department and City Council each spring according to the Annual Administrative Timetable, shall contain, at a minimum, the following information:

- i) BIA Board
  - 1) A current list of board members including their names and business/Member they represent, as well as roles on the Board (e.g. Chair, Treasurer).
- ii) Business Report
  - 1) A brief summary of the BIA's priorities and the activities, initiatives, and outcomes of the BIA that addresses these priorities for the past year (including media and testimonials attached as available).
  - 2) A description of the challenges, opportunities, and successes over the past year.
- iii) Business Plan
  - 1) A brief summary of planned undertakings for the current year (ie: activities, events, programs, projects, etc.); typically this is established the year prior and approved by the Board.
- iv) A copy of audited financial statements for the past fiscal year
  - 1) Including, but not limited to, the statements of revenues and expenditures (i.e. income and expenditure account,) changes in net assets and cash flows for the year then ended, balance sheet, and notes to the financial statements, including a summary of significant accounting policies.

#### 4.02. BIA ANNUAL BOARD AND BUDGET PROCESS

- a) The BIA annual budget typically provided to the Urban Planning and Economy Department and City Council each autumn according to the Annual Administrative Timetable, shall contain, at a minimum, the following information:
  - i) BIA priorities and objectives for the budget year;
  - ii) A description of proposed projects and programs for the budget year;
  - iii) A breakdown of the expenditures, including:
    - 1) "Administration" (i.e. office costs, overhead, recurring expenses (ie: extended leases, etc.))
    - 2) "Personnel" (i.e. staff and contractors)
    - 3) "Programs and Projects" (i.e. special events, promotions)
    - 4) "Operational Contingency" (if applicable; i.e. 5% to 20% of the operating budget to allow flexibility within the budget year)
    - 5) "Reserves" (i.e. fund for future major projects/studies);
  - iv) A breakdown of anticipated revenues, including BIA tax, grants, donations, etc.;
  - v) A summary of the Budget Review and Approval Process, including:
  - vi) Date the Board approved the proposed budget
  - vii) Date the membership reviewed the proposed budget
  - viii) Method by which Members were advised of the details of the budget (i.e. copy distributed at an annual general meeting, mailout, hand delivery, etc.)
  - ix) Budget submission date to the Urban Planning and Economy Department
- b) An up-to-date BIA Board List provided to the Urban Planning and Economy Department including:
  - i) A current list of board members including their names, Member they represent, business contact information (email and/or phone number). No personal information is to be included.
- c) The budget is typically prepared by BIA staff to meet the operational requirements, and the Board approves the budget.
  - i) The Board holds an annual general meeting (AGM) of all BIA Members to review the proposed budget. Written notice of the meeting is sent by personal delivery, paper mail, or electronic delivery (provided that the recipient has given consent to do so and the requirements listed in Section 608 of the *Municipal Government Act* have been met) or a combination of the three, to all businesses within the BIA at least 14 days prior to the meeting date. The Board may seek formal approval of the proposed budget through a vote of the membership. Though this step is not required, it is strongly encouraged that Member support is sought via a vote at the AGM.

- ii) The BIA submits the budget proposal to the Urban Planning and Economy Department annually by mid October according to the Annual Administrative Timetable for review, feedback, and processing.
  - iii) The Urban Planning and Economy Department checks and verifies the form of the proposed budget, and prepares a report for the Executive Committee to be referred to City Council with a recommendation regarding each BIA budget proposed for City Council approval. City Administration's recommendation will address the budget, its completeness and the BIA's compliance with the budget process.
  - iv) In the beginning of November, the Urban Planning and Economy Department notifies the BIA Board of the City's recommendation related to their proposed budget and the date and place at which Executive Committee and City Council will consider approval of the budget.
  - v) If the Urban Planning and Economy Department's recommendation is for City Council to refuse the BIA proposed Budget, due to the budget being incomplete or the process not being complied with, the BIA may withdraw their proposed budget prior to its submission to City Council. The Board must then either provide the required information or complete the process, as previously described, and resubmit the proposed budget by the end of November for City Council approval prior to year end.
  - vi) The Board notifies by personal delivery, paper mail, or electronic delivery (provided that the recipient has given consent to do so and the requirements listed in Section 608 of the *Municipal Government Act* have been met) or a combination of these, all businesses within the BIA of the date and place when City Council will consider approval of the proposed budget, and provides each Member with a copy of the proposed budget.
  - vii) Executive Committee considers the proposed BIA budget and refers it to City Council for consideration of approval in late November or, as noted in (e), prior to year end.
- d) City Administration will confirm that the BIA list of board members submitted for City Council appointment has been formed according to approved processes:
- i) BIA nominations and appointments will be held in accordance with the processes and procedures written within each BIA's respective establishment bylaw, as well as those set out in each BIA's respective internal governing documents provided such policies and procedures are not inconsistent with the provisions of this bylaw.
  - ii) If a person appointed pursuant to a BIA establishment bylaw ceases to be a Director of the Board before the expiration of their designated term, the Board may appoint a Director for the unexpired portion of the term provided that the new Director meets all of the requirements for appointment as a Director that are set out in the BIA establishment bylaw. Such interim appointments shall not require the further approval of City Council.
- e) BIA Tax Process
- i) Early each calendar year, and dependent upon City Council approval of the BIA's proposed budget, the Assessment and Taxation Branch establishes the BIA Tax rate which is required to raise the funds from Members to provide each BIA with its approved budget amount.
  - ii) The Assessment and Taxation Branch drafts the BIA Tax Bylaw for City Council approval.
  - iii) Upon approval of the BIA Tax Bylaw, the Assessment and Taxation Branch applies the BIA Tax rate to the business assessment of all Members within the BIA, and sends out the notifications.
  - iv) The City collects the BIA Tax.
  - v) The City disperses the City Council-approved budget in full to BIAs in quarterly installments.

#### 4.03. ADMINISTRATION AND ONGOING FINANCIAL OPERATIONS

- a) Requests from BIAs for information on BIA membership from the City of Edmonton should be directed through the Urban Planning and Economy Department, in accordance with the steps identified in the Information Management for Business Improvement Areas section below.
- b) The Urban Planning and Economy Department provides the following services to BIAs related to daily

operations, planning and reporting:

- i) Acting as advisers and information sources when appropriate and qualified;
  - ii) Attending meetings, as requested;
  - iii) Assisting in setting priorities, goals and guidelines, as requested;
  - iv) Updating of the BIA Toolkit, a best practices guide for operating and reporting;
  - v) Providing advice and guidance on the preparation and updating of BIA strategic and business plans; and
  - vi) Providing the Annual Administrative Timetable each January to set the reporting and document submission requirements each year.
- c) The BIA Tax funds are disbursed annually in full to the BIAs in quarterly payments of 25% of the approved budget.
- d) BIA Associations may not incur indebtedness extending beyond the current fiscal year without the prior approval of City Council.
- e) Provided City Council approval has been granted, the Board may incur indebtedness beyond the current fiscal year for the limited purpose of ongoing operational expenditures (including lease for office space or equipment and employment contracts) which, because of contractual obligations, will extend beyond the current fiscal year, and are so specified within the submitted budget.
- f) The BIA must submit, quarterly, a "budget-to-actual" financial report to the Urban Planning and Economy Department, including;
- i) A year-to-date budget performance report that outlines the year-to-date budget, year-to-date actual, year-to-date dollar variance and percentage of variance to year-to-date budget. The report should also include the annual budget, the full-year revenue and spending projections, and the full-year projected variance from the annual budget.
  - ii) Notes or explanations on any significant budget to actual variances. The term significant may vary depending on the size of the BIA. It typically refers to amounts that are important enough to influence decision making and could affect the BIA's financial position, performance, or cash flows.
  - iii) The projected year-end reserve balance which is based on the projected full-year revenue and spending identified in 4.03(f)(i) above. Significant issues noted through Administration's review of the BIAs' quarterly financial reports and annual audited statements may be identified in the annual report to City Council.
- g) All financial records of the BIA are open to inspection upon request by the City Auditor.

#### **4.04. PRODUCTS OF THE PROCESS**

- a) Bylaw to establish the BIA tax for the Business Improvement Area. The bylaw establishes the BIA Tax rate which will be applied each year to the business assessment of all businesses (i.e. BIA Members) within the BIA boundary, in order to collect sufficient funds to implement the approved budgets of the BIAs.
- b) Annual Urban Planning and Economy Department report to City Council regarding approval of the boards and budgets for the BIAs. This report will make a recommendation to City Council regarding approval of the board members, the budget form, its completeness and the BIAs compliance with board elections and budget processes.

### **5. INFORMATION MANAGEMENT FOR BUSINESS IMPROVEMENT AREAS**

#### **5.01. PROCEDURE**

- a) Membership data necessary to BIAs for ongoing assessment of their programs, financial status and membership priorities will be provided by Urban Planning and Economy Department when requested via the "Access to BIA Membership Information" form.
- b) Boards are required to have information retention policies and management procedures to oversee the use, retention and destruction of data.
- c) Membership data provided by the City is only to be used by the Board, or its staff or directors, for the provision of services related to the operational goals of the BIA, including delivery of information, such as Annual Reports, newsletters and other notices pursuant to the *Protection of Privacy Act*, SA 2024, c P-28.5, as amended or repealed and replaced, and/or the *Access to Information Act*, SA 2024, c A-1.4, as amended or repealed and replaced.
- d) The membership data provided by the City includes: Business Tax Account Number, Business Name, BIA Name, Premise Address, Annual Assessment Amount, Taxable Assessment Amount, and the BIA Annual Tax Amount paid by the Member. The information provided in response to any request will be provided without identifier information.
- e) Membership data cannot be distributed by the board, or its staff or directors, to third parties for any purpose, including to Members. The board is responsible and accountable for the appropriate destruction of membership data, either by secure shredding or destructive methods, electronic data destruction or hard drive wiping, or both.
- f) To obtain BIA membership data, an Access to BIA Membership Information form must be submitted to the Urban Planning and Economy Department by the Executive Director or board of the BIA.

## 6. DEFINITIONS

### 6.01. DEFINITIONS

- a) "Board" means a Board of a Business Improvement Area established pursuant to the provisions of Section 6 of AR 93/2016, the Business Improvement Area Regulation;
- b) "BIA" means a Business Improvement Area;
- c) "Business Community Representative" means an individual business operator or that person's lawful representative;
- d) "Member" means a business assessed for business improvement area taxes within a BIA;

## 7. REFERENCES

### 7.01. REFERENCES

- a) *Municipal Government Act*, RSA 2000, c.M-26, and includes all regulations passed under the Act
- b) Business Improvement Area Regulation AR 93/2016
- c) *Protection of Privacy Act*, SA 2024, c P-28.5, as amended or repealed and replaced, and/or the *Access to Information Act*, SA 2024, c A-1.4, as amended or repealed and replaced.
- d) *Local Authorities Election Act*