

Municipal Act Changes Recommendations – BIA Advisory Committee Task Force Meeting

Thursday, May 28, 2015

Attendance: Kathy Drewitt, Downtown Hamilton BIA

Lisa Anderson, Downtown Dundas BIA

Carlo Gorni, City of Hamilton

Kay Matthews, OBIAA Executive Director

Section of Municipal Act	Recommendations for Change
204 (1) Designation	(b) to promote the area as a business, employment, tourist or shopping area (added to a BIA purpose)
204 (2) Improvement Area – Board Corporation	Clearer identification of what type of entity is a BIA, a not for profit corporation established by the municipality but for other government levels to recognize for granting, tax purposes
204 (4) Definition of a Member	<ul style="list-style-type: none"> • Using the Toronto Act definition in identifying current BIA members through the “current” and not “last” returned assessment roll. It should also address those who have recently purchased property in a BIA but not yet assessed. • The current definition of membership in the legislation is not specific with regards to the type of tenant that can be considered a member (i.e., those paying a levy or not paying a levy). • The possibility of including only those tenants who pay a portion of the levy, as defined in their lease, was brought forward, however concern was raised that it is not the responsibility of the BIA to determine the contents of tenants’ lease agreements. Membership should be defined as any tenant conducting industrial or commercial business in a property within the BIA boundaries, regardless of whether or not the tenant pays a levy as part of their lease agreement.
204 (6) Proxy Voting	No proxy voting is allowed. Each member of the business improvement area is entitled to a single vote per question or motion at BIA general membership meetings, regardless of the number of properties that the member may own or lease in the BIA.
204 (8) Corporation Vote	Rules should still apply for one person one vote per corporation
204 (8) Joint Nominee	Should be made clearer that one person can only hold one vote even by a corporation so that two or more corporations cannot nominate the same person for voting purposes. Joint nominees will not be allowed

204 (3) Improvement Areas Board Composition	Board members directly appointed by the municipality not to exceed 20% of board composition with the remaining directors selected by a vote of the membership and appointed by the municipality
208 (3) Improvement Area charges – Minimum-Maximum	A set amount of percentage of the board of management’s annual budget should be determined in the act
210 (2) Improvement Area notice of changes	<p>The current legislation gives the property owner 30 days to circulate the notice of the creation or change of boundaries of a BIA to those tenants who are required to pay all or part of the taxes on the property. Depending on lease arrangements some tenants are not responsible for directly paying taxes but the cost of the taxes are built into their lease or the financial statements of their building and therefore a great deal of confusion exists with respect to who is entitled to receive a notice. Changes to this section should include the formulation of a business steering committee, the determination of a series of informal informational sessions with area businesses and property owners, the need to hold a formal public information meeting to provide clarification and confirm preliminary interest in taking the next steps to establish a BIA or expand the boundaries of a BIA. It should also clarify the process for notification of such meetings and intent and to whom all notices should be addressed. It should also clarify the process of proceeding with the creation of or expansion of a BIA with a formal request to City Council in which it is confirmed that the work and consultation has been carried out.</p> <p>When notices are received by a Property owner, that person shall, within 30 days give a copy of the notice to each tenant regardless of whether or not they pay all or part of the taxes and that person shall , within 60 days of the date of the notice, give the Clerk a list of every tenant and the share of the taxes that each tenant is required to pay or if it is shared within the operation of the building.</p>
214 (1) Improvement Area Dissolution	<p>Provision should exist in the municipal act to allow a Business Improvement Area Board of Management to go dormant for a period of no greater than 3 years.</p> <p>If assets of a BIA upon dissolution are greater than its liabilities the amount should be dispensed by the municipality in the former BIA area on improved municipal assets or programs.</p>
Newly added section on Insurance	A BIA board shall pay to the City in each year its apportioned share of the insurance cost to participate in coverage under the City’s commercial general liability insurance policies and programs. This will be the only insurance coverage provided to Boards by the City.

Newly added section on Procedure bylaw	A board shall within 18 months of its establishment, prepare and adopt a procedural bylaw for the BIA which governs the calling, place and proceedings of the meeting as well as adopt policies pertaining to the procurement of goods and services, the hiring of employees, a code of conduct, and other such policies pertaining to the operation of a BIA as a local board.
364 Vacancy Rebates	That vacancy rebates only apply for one year and that following the one year anniversary, the tax on the vacant property revert to its former level as it occupied.