

# CITY OF ST. ALBERT

## BYLAW 21/2023

### DOWNTOWN BUSINESS IMPROVEMENT AREA BYLAW

#### A Bylaw to create a Business Improvement Area

WHEREAS the Council of the City of St. Albert received a request on May 18, 2023, pursuant to section 3(1) of the *Business Improvement Area Regulation*, Alta. Reg. 93/2016, appended hereto as Schedule A, to establish a business improvement area generally located in the vicinity of Perron Street, St. Thomas Street, St. Michael Street, and St. Joseph Street;

AND WHEREAS, pursuant to section 3(3) of the *Business Improvement Area Regulation*, reasonable steps were taken by the City of St. Albert to ensure that notice of the intention of Council to consider this Bylaw was delivered to every business that would be a taxable business under this Bylaw;

AND WHEREAS, no petition objecting to the establishment of the business improvement area was received by the City of St. Albert;

NOW THEREFORE, the Council of the City of St. Albert ENACTS AS FOLLOWS:

#### TITLE

1. This Bylaw may be referred to as the "Downtown BIA Bylaw".

#### DEFINITIONS

2. In this Bylaw:
  - a. "Act" means the *Municipal Government Act*, R.S.A., 2000, c.M-26, regulations thereunder, and all amendments thereto;
  - b. "Area" means Downtown Business Improvement Area designated in section 3 of this Bylaw;
  - c. "Association" means the corporation established as the St. Albert Downtown Business Association pursuant to section 4 of this Bylaw;
  - ~~d.~~ "Board" means all Directors of the Area as appointed by Council from time to time;
  - d.

- e. "City" means the municipal corporation of the City of St. Albert, or where the context so requires, the area contained within the boundaries of the City of St. Albert;
- f. Council" means the municipal Council of the City of St. Albert;
- g. "Director" means an individual appointed or elected pursuant to section 9 and 10 of this Bylaw;
- h. "Director's Family" means a Director's spouse or adult interdependent partner, the Director's children, the parents of the Director and the parents of the Director's spouse or adult interdependent partner;
- ~~h.~~i. "Executive" means any of the following positions on the Board: President, Vice-President, Secretary, Treasurer, and Marketing Director;
- j. "Member" means a business assessed for business taxes within the Area;
- k. "Non-Voting Member" means a Person who is formally appointed and does not have the authority to vote on Board decisions;
- ~~i.~~l. "Officer" means a Person who is elected to one of the Executive positions of the Board;
- ~~j.~~m. "Person" means a natural or legal person and also includes an individual, partnership, association, organization, cooperative, corporation, trustee, executor, administrator or legal representative;
- ~~k.~~n. "Taxpayer" means a Person who operates a business and is liable to pay business improvement area tax in respect of that business in the Area, includes a Person who operates a business that will upon Council's passage of a business improvement area tax Bylaw and tax rate Bylaw, be liable to pay business improvement area tax in respect of that business in the Area.

### **DESIGNATION OF THE AREA**

3. That Area, the boundaries of which are outlined and shaded on the map attached hereto as Schedule B and forming part of this Bylaw, and which are more particularly described in Schedule C, attached hereto and forming part of this Bylaw, is hereby designated as the "Downtown Business Improvement Area."

### **ESTABLISHMENT OF THE ASSOCIATION**

4. The Board of Directors of the Area is hereby established as a corporation under the name "St. Albert Downtown Business Association."

5. The Board of Directors of the Association shall consist of Directors appointed by Council from time to time in accordance with sections 9 and 10 of this Bylaw.

### **PURPOSES OF THE AREA**

6. The objects or purposes for which the Area established are:
  - a. improving, beautifying, and maintaining property in the Area;
  - b. developing, improving, and maintaining public parking; and
  - c. promoting the Area as a business or shopping area;

by building effective partnerships with businesses, property owners and municipal government, developing and marketing a positive image for the Area, attracting new businesses that support the vision for the Area, and encouraging reinvestment and future development in the Area.

### **POWERS OF ASSOCIATION**

7. Subject to the provisions of this Bylaw and every other applicable bylaw of the City or statute or regulation of the Province, the Association shall have the power to do all things necessarily incidental to the attainment of its objectives including but not limited to: hiring and terminating employees, entering into contracts, applying for grant funds, and raising revenues to support activities in furtherance of the objectives and purposes of the Association.
8. Nothing in this Bylaw shall be construed as giving the Association the power to borrow money or otherwise pledge its assets without the express direction of Council.

### **OFFICERS**

8.1 The Board of the Association shall elect Officers from its Directors to fill Executive positions of the Board.

a. A Director may only fill one Executive position at a time.

### **DIRECTORS**

9. The Board of the Association shall consist of no more than nine (9) Directors elected by the Members of the Association- Council may appoint Directors and Non-Voting Members in accordance with section 10 of this Bylaw.

10. The Directors and Non-Voting Members shall be elected by the Members of the Association at the annual general meeting of all Members, subject to Council approval. No individual shall be appointed as a Director pursuant to section 10 unless that individual:

- a. owns a property or operates a business in the Area;
- b. has been nominated in writing, submitted to the Board before close of nominations, for election as a Director, by one or more Taxpayers;
- c. has consented to act as a Director, in writing submitted to the Board prior to that individual's appointment;
- d. the Director's appointment has been approved by Council.

11. Each of the Directors shall have one vote.

12. Each appointment or election of a Director is for a term of up to two years for a maximum of three consecutive terms. The first appointments will be for staggered terms. ⋮

~~12.~~13. Any Director or Non-Voting Member may resign from the Board at any time upon sending written notice to the Board to that effect.

~~13.~~14. Where an individual elected and appointed pursuant to section 10 ceases to be a Director or Non-Voting Member of the Board before the expiration of their designated term, the Board, subject to Council approval, may appoint a Director or Non-Voting Member for the unexpired portion of the term provided that the new Director was nominated by one or more Taxpayers, owns a property or operates a business in the Area, and has consented to act as a Director.

~~14.~~15. A majority of existing, appointed Directors constitutes quorum. Non-Voting Members do not form part of the quorum.

## NON-VOTING MEMBERS

15.1 -A Non-Voting Member:

- a. may participate in Board or committee meetings;
- b. may provide advice, expertise, or stakeholder perspective;
- c. may receive non-confidential Board materials;

d. may not vote on motions, resolutions, or other official decisions of the Board;

e. may not participate in confidential discussions; and

f. must disclose any conflicts of interest to the Board.

15.2 A Non-Voting Member may be appointed to a term of up to one year and may serve more than one term.

## RENUNERATION

16. The position of a Director and Non-Voting Member is voluntary, and no remuneration will be paid for services as a Director.

17. Directors shall be reimbursed for expenses necessarily incurred in performance of duties as a Director and carrying out the business of the Association. Notwithstanding the foregoing, Directors shall not be reimbursed for any expenses relating to their attendance at meetings of the Board.

## PROCEDURES OF THE BOARD

18. The Board shall manage the business and affairs of the Association.

19. The Board shall meet at least quarterly and may meet more frequently, as it sees fit, for the dispatch of business.

20. The Directors shall:

a. Elect one of their ~~Numbers~~ members as chair of the Board to preside at all meetings of the Board; and;

~~b.~~

~~c.~~b. Determine the period for which that Person is to hold office.

21. If the chair is not present within 15 minutes from the time fixed for the holding of any meeting, the Directors present shall choose one of their ~~numbers~~ members to be the chair of the meeting.

22. A motion is lost when the vote is tied.

23. The Board may delegate any of the Board's powers, other than its proposed budget for submission to Council pursuant to section 31 of this Bylaw, to a committee or committees consisting of Directors.

24. The Board may appoint such officers of the Association as the Board sees fit and may specify the powers and duties of such officers and, subject to the provisions of this Bylaw, may delegate to any officers such powers of the Board as the Board sees fit. [Any delegated powers or duties must be recorded in meeting minutes.](#)

## FINANCIAL MATTERS

25. The financial year of the Board is the calendar year.
26. If a Director or a Director's Family has a pecuniary interest in a matter before the Board, the Director shall be precluded from voting on or participating in the discussion regarding the matter.
27. The banking business of the Association shall be transacted with such banks or financial institutions as the Board may from time to time designate, and shall be transacted in accordance with such agreements, instructions and delegations of power as the Board may from time to time prescribe.
28. The Board shall cause true accounts to be kept of the sums of money received by the Association and the matter or matters in respect of which such receipts and expenditures take place, all acquisitions and dispositions of the property of the Association, and all the assets and liabilities of the Association.
29. The Board shall appoint an auditor.
30. The books of account of the Association shall be kept at such place or places as the Board considers fit, and no person, other than a Director, an Officer, auditor, accountant, or other Person whose duty to the Association or to Council require that person to do so, shall have any right to inspect any account or book or document of the Association except as may be authorized by the Board, by Council, or by statute.
31. The Board shall, in each year at the time and in the form prescribed by the Council, submit to the Council, for its approval, a proposed budget. The proposed budget must be a balanced budget and include:
- a. the estimated amount of the Association's revenue from every source, the amount that the Association will receive from the City in respect of the business improvement area tax;
  - b. the estimated amount of all operating and capital expenditures planned for the year.
32. The Board shall present and review those estimates with its Members at the annual general meeting and subsequently revise, if necessary, and approve them prior to their submission to Council. Notwithstanding the foregoing, a vote of the Members

of the Association to approve or adopt the Board's proposed budget prior to submission to Council is not required.

33. The Board shall notify by mail, electronic mail, personal delivery, or a combination of the three, every business within the Area whose operator is a Taxpayer of the date and place of the Council meeting at which the proposed budget will be considered.

### **ANNUAL GENERAL MEETINGS AND GENERAL MEETINGS**

34. In each calendar year, prior to submitting its estimate of revenues and expenditures to Council, the Board shall have an annual general meeting of all Members.

35. Written notice of the annual meeting shall be sent by mail, electronic mail, personal delivery, or a combination of the three, to all Members, at least 14 days prior to the meeting date.

36. At the annual meeting the Board shall:

- a. review with Members its estimates of revenues and expenditures for the next calendar year, provided however that a vote of the Members of the Association to approve or adopt the Board's estimates is not required;
- b. review with Members any nominations for new Directors from the Members for the next calendar year received by the Board prior to the meeting;
- c. seek any additional nominations for new Directors for the next calendar year;
- d. close the nomination period for new Directors for the next calendar year;
- e. hold an election for such Directors as is required by the provisions of this Bylaw.

37. For the purposes of any vote of the membership during the annual meeting or a general meeting, the following voting procedures shall apply:

- a. each Member shall be entitled to one vote;
- b. in order to be eligible to vote, each representative of a Member that is not the owner or operator of the Member shall present to the Board upon arrival at the meeting, an original signed statement giving the bearer permission to represent the Member in any vote at that meeting; and

- c. motions are passed by a majority of the votes cast by the Members present at the meeting.

### **ANNUAL REPORT**

~~38. The Board shall prepare and submit to Council an annual report of the activity of the Association at the time specified by Council, together with an audited financial statement of the Association comprised of an income and expenditure account and balance sheet and any other statements and reports required by Council.~~ The Board shall prepare and submit to Council the following based on the Association's most recently completed financial year end:

- a. an annual report of the activity of the Association within 6 months of the end of the Association's financial year, or at the time specified by Council; and
- b. an audited financial statement of the Association comprised of an income and expenditure account and balance sheet and any other statements and reports, within 6 months of the end of the Association's financial year, or at the time specified by Council.

39. The City may issue payments to the Association within 30 calendar days of the Association meeting the following requirements:

- a. 50% of the approved budget amount following Council approval of the Association's budget; and
- a.b. 50% of the remaining approved budget amount upon receipt by the City of the Association's annual report and accompanying financial statements.

### **SEVERABILITY**

40. Should any provision of this Bylaw be invalid, then the invalid provision shall be severed, and the remainder of this Bylaw shall be maintained.

### **EFFECTIVE DATE**

~~38.~~41. This Bylaw comes into effect when it is passed.

READ a First time this 19 day of September 20 23.

READ a Second time this 19 day of September 20 23.

READ a Third time this this 19 day of September 20 23.



SIGNED AND PASSED this 21 day of September 20 23.

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\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CHIEF LEGISLATIVE OFFICER

# SCHEDULE "A"

## REQUEST TO ESTABLISH BUSINESS IMPROVEMENT AREA

**From:** Shannon Roche <[shannon@divineandfree.com](mailto:shannon@divineandfree.com)>  
**Sent:** Thursday, May 18, 2023 6:58 AM  
**To:** Shawn McCauley <[SMcCauley@stalbert.ca](mailto:SMcCauley@stalbert.ca)>  
**Cc:** Tryst <[trystexperience@shaw.ca](mailto:trystexperience@shaw.ca)>  
**Subject:** Re: BIA Establishment - Next Steps

External Email: Use caution with links and attachments.

Hi Shawn

please accept this email as written confirmation to the following:

The letter dated January 15, 2023 was sent as a request to Council to pass a bylaw establishing a BIA as outlined.

The list provided is not a petition and represents persons of businesses who would be taxable if a BIA would be established, who are making the request to council.

The area within the light blue solid line on the drawing provided accurately depicts the requested BIA area.

Thank you and I look forward to hearing from you

Shannon Roche

On Wed, May 17, 2023 at 4:40 PM Shawn McCauley <[SMcCauley@stalbert.ca](mailto:SMcCauley@stalbert.ca)> wrote:

Hi Shannon and Michelle,

As you represent the St. Albert Downtown Business Association Steering Committee, please accept this as a response to your letter to Mayor Heron dated January 15, 2023, concerning establishment of a Business Improvement Area ("BIA") within the downtown of St. Albert, and also in response to the list received in late March 2023 containing signatures of persons representing businesses that would be taxable if a BIA were established.

The City's Legal Department advises that the letter and list are not completely in compliance with the requirements of the BIA Regulation (Alta Reg 93/2016), but that we can proceed with next steps if you are able to confirm to me in writing the following:

1. The January 15, 2023 letter is intended to convey a request to Council to pass a bylaw establishing a BIA for the purposes set out in the letter
2. The follow up list is not a petition, but is rather to identify persons representing businesses who would be taxable if a BIA were established, who are making the request to Council.
3. The area within the light blue solid line on the attached drawing accurately depicts the requested BIA area.

Upon receiving your written confirmation of the above and upon my verification that the businesses represented by the signatories represent at least 25% of the businesses that would be taxable businesses if the proposed BIA was established, I will proceed to notify all businesses within the proposed BIA area that the request has been made. That must be done within 30 days of my receipt of your confirmation of the points set out above. Upon notification of all affected businesses (which could occur within less than 30 days) a period of 60 days will commence during which a petition opposing the request could be presented to the Chief Administrative Officer. If any such petition is received I will so advise you, and will also advise you of the CAO's determination of the sufficiency of the petition.

I want to reassure you that we intent to expedite the process where possible and still on schedule to hit the necessary milestones to have you established for January 1, 2024, pending a successful petition and Council approvals of course.

I look forward to hearing from you and further supporting your efforts of establishing a BIA.

**Shawn McCauley**

*Manager, Business Retention & Expansion*

P: 780-860-6711

City of St. Albert | 29 Sir Winston Churchill Avenue | St. Albert, AB | T8N 0G3

[smccauley@stalbert.ca](mailto:smccauley@stalbert.ca) | [www.stalbert.ca](http://www.stalbert.ca)

Date: January 15, 2023

Mayor Cathy Heron  
City of St. Albert  
5 St. Anne Street  
St. Albert, Alberta  
T8N 3Z9

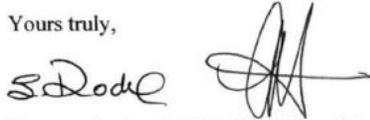
Dear Mayor Heron,

On behalf of the St. Albert Downtown Business Association Steering Committee, we are excited to present you with this letter to formally notify the City of our intentions to establish a Business Improvement Area (BIA) within the attached boundary (Schedule A) for the following proposed purposes:

1. Build effective partnerships with businesses, property owners and municipal government;
2. Develop and market a positive image for the downtown.
3. Attract new businesses that support the vision for the area.
4. Beautify the area.
5. Reinvestment and future development in the area.

By the end of February 2023 our committee intends to submit a petition containing 25% of the signatures required within the boundary identified in Schedule A and our goal is to have a BIA established and levied on January 1, 2024. To accomplish this, we sincerely ask for your and City administrative staff support to help us achieve this timeline.

Yours truly,



Shannon Roche & Michelle McDonald  
Acting Co-Presidents  
St. Albert Downtown Business Association Steering Committee

Enclosures

cc. Mr. William Fletcher, City Manager

# Signature Sheet

## Formation of a St. Albert Downtown Business Improvement Area (BIA)

Please fill out the information below to indicate your support to proceed with the formation of a BIA:

Name of Business	Owner/Manager Name	Signature	Date
SACL		V.E. Charlton	Jan 09/2023
Georgetown Design Htd.	Paul G. Llewellyn	[Signature]	" "
Trust	Michelle McDonald	[Signature]	" "
Evacards Last Extensions	Sharon Brown	[Signature]	" "
Divine Juice	Shannon Forno	[Signature]	" "
Rigan's	Jim	[Signature]	" "
Xo & Home Boutique	Sandra Cassio	[Signature]	" "
Jaspre Bedel	Greg Hecherhut	[Signature]	9/1/2023
Grapeme Deli	Karen Siermack	[Signature]	Jan 9/23
Candy Bouquet	B Dis Pizzaria	[Signature]	Jan 26/01/23
Dinner by Paul	B Dis Pizzaria	[Signature]	Mar 23/23
Haw Beauty Inc	Kim Boyle	[Signature]	Mar 23/23
Bookstore on Beacon	Mary Ellen Green	[Signature]	Mar 23/23
Mavis Leonard MHA	Azam Ayob	[Signature]	Mar 23/23
The Wanted Leaf	Replaine Wright	[Signature]	March 23/23
Mitt Beauty Boutique	Sharon Feller	[Signature]	March 23/23
Cloud Nine Rayons	Rajon Nishy	[Signature]	March 23/23
St. Albert optometrists Clinic	Oshley Plebent	[Signature]	March 23/23
Dynamite vape + smoke			

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Name of Business	Owner/Manager Name	Signature	Date
<del>HEAVEN BOUTIQUE</del>	TEEN DANGREAU		March 23/23
DEROZOUZ FETALTY	GUY + PIERRE HERBERT		March 23/23
Le Rose Boutique	WANG + RENATA CASSEY		March 23/23
Le Rose Boutique	SHAIN FX		March 23/25
DUV BOUTIQUE	EVUNNOU MASSAGE		March 23/23
<del>Le Rose Boutique</del>	Marie Boudelin		March 23/2023
Assade Medical Clinic	Alia Moudal		March 23/23
Medicine Shoppe	WENBY WONG		March 29/23
<del>Le Rose Boutique</del>	KYRA ROBERTSON		March 29/23
Galvus Hair's Salonist Hair	Amelia Rodriguez		March 29/23
Galvus Hair's Salonist Hair	Amelia Rodriguez		March 29/23
<del>Le Rose Boutique</del>	Karen Moor		March 29/23
<del>Le Rose Boutique</del>	Kelsey Palmer		March 29/23
<del>Le Rose Boutique</del>	Shannon Stevenson		March 28/23
AND OSTRICH (GAMMAKAP)	GRETZIE PAETH		March 28/23
Infections Cake Co.	Stithany Delaney		March 29/23
McKerney Investments	Chris Schabat		March 27/23

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**SCHEDULE "B"**  
**MAP OF THE DOWNTOWN BUSINESS IMPROVEMENT AREA**



**SCHEDULE “C”**  
**BOUNDARIES OF THE DOWNTOWN BUSINESS IMPROVEMENT AREA**

The Downtown Business Improvement Area generally encompasses the following area:

- a) from Sir Winston Churchill Ave extending north along Perron Street to Mission Ave; and
- b) from Perron Street extending west along St. Thomas Street to St. Anne Street; and
- c) from Perron Street extending east to the end of St. Michael Street.