

REPORT

Office of the Chief Administrative Officer

To: Mayor Johnstone and Members of Council
Date: December 11, 2023

From: Peter DeJong
Corporate Officer
File:

Item #: 2023-798

Subject: Renewal of Uptown New Westminister Business Improvement Area - Results from Notification of Affected Property Owners

RECOMMENDATION

THAT the Corporate Officer's report dated December 11, 2023, regarding the results from the notification of property owners affected by renewal of the Uptown New Westminister Business Improvement Area be received for information.

THAT Council approve the Uptown New Westminister Business Improvement Area Bylaw No. 8424, 2023 for adoption.

PURPOSE

To provide Council with the results of the notification of affected property owners of local service tax, Uptown New Westminister Business Improvement Area Bylaw No. 8424, 2023, prior to consideration of adoption of the bylaw.

BACKGROUND

New Westminister has two BIA's, one in the Downtown commercial area and the other in the Uptown commercial area. The Uptown Business Association was established in 2013, for a five year period, and renewed in 2018 for another five year period, ending December 31, 2023. The Uptown Business Improvement Association (BIA) has been broadly supported during past renewal processes.

- The 2013 establishment recorded 4 of 50 properties opposed (8%), equal to 2% of assessed value opposed

- The 2018 renewal recorded 3 of 49 properties opposed (6%), equal to 1% of assessed value opposed

At the September 18, 2023 Uptown Business Association board meeting, the membership passed a resolution to request a five-year renewal term for the Uptown Business Improvement Area, based on four program pillars: Street Beautification, Street Activation, Promotion and Marketing and Outreach. **Attachment 1** includes the formal request by the Uptown Business Association for Council to initiate the process along with their mandate and business promotion scheme for renewal.

At the October 16, 2023 Council meeting, Council recommended that the renewal process be commenced and that the notice requirements under the *Community Charter* be initiated. Uptown Business Improvement Area Bylaw No. 8424, 2023 was given three readings.

ANALYSIS

In accordance with the *Community Charter* Section 213, in order for Council to proceed with the renewal of the initiative plan for the Uptown New Westminster Business Improvement Area affected property owners must first be given an opportunity to respond. Notices of the intention to establish a BIA for a five year period commencing January 1, 2024 were mailed to all affected property owners per the last revised assessment roll and published on October 19, 2023 via the CityPage e-newsletter per the City's Public Notice Bylaw. Second notices were provided via posting on October 20, 2023 to Library notice boards per Public Notice Bylaw. Property owners were given 30 days to submit written opposition to the initiative plan. The deadline for receiving submissions was November 20, 2023 at 5:00 p.m.

Section 213 (4) of the *Community Charter* stipulates that a work for which notice is given in accordance with Sections 212 and 213 may be undertaken as a local improvement unless, within thirty (30) days after publication of the notice property owners, representing at least 50% of the parcels subject to the local service tax and representing at least 50% of the assessed value of the parcels that are liable to be specially charged, petition the Council not to proceed.

Section 212 (4) of the *Community Charter* also requires that the sufficiency of a petition is to be determined by the municipal officer assigned responsibility for corporate administration (Corporate Officer). The Corporate Officer must verify if submissions of opposition are made in accordance with Sections 212 and 213 of the *Community Charter*. A determination of sufficiency must be evidenced by a certificate of the City Clerk.

In accordance with Section 212 of the Community Charter, the following information is provided for Council's consideration:

| Uptown Business Improvement Area Bylaw No. 8424, 2023 | | |
|--|---|-------------|
| | Number of Properties in BIA | 54 |
| | Number of Property Owners opposed | 3 |
| | Percentage of properties opposed | 5.5% |
| | Total Assessed Values | \$ 571.6M |
| | Total Assessed Values opposed | \$ 27.7M |
| | Percentage of assessed value opposed | 4.8% |

According to the above results, the petition in opposition to the initiative plan for the Uptown BIA is certified as insufficient and Council may proceed with consideration of final adoption of Bylaw No. 8424, 2023.

The total number of submissions of written opposition shown above reflects only those responses which were verified as meeting the requirements of Section 212(6) of the *Community Charter*.

Attached to this report for Council’s reference are:

1. Letter from Uptown New Westminster Business Improvement Society dated September 19, 2023 (Attachment 1)
2. Notices published in CityPage e-newsletter and at the Library (Attachment 2).
3. Sample notice sent to property owners (Attachment 3)
4. List of property owner’s opposed to the initiative plan (Attachment 4).

CERTIFICATION AS TO SUFFICIENCY AND VALIDITY

In accordance with Sections 213(5) and 212(4) of the Community Charter, the Corporate Officer certifies that written opposition to the initiative plan for the renewal of the Uptown New Westminster Business Improvement Area from property owners liable to be specially charged for the area is insufficient to prevent Council from proceeding with the plan.

NEXT STEPS

The process of renewal under the initiative plan is summarized by the following steps:

| Activity | Target Date |
|---|--------------------|
| 1 BIA establishing bylaw delineating area and establishing dollar amount for each year, given 3 readings, not adopted until after the report on sufficiency and validity of petition against. | Oct. 16, 2023 |
| 2 Mailing of notice to all affected property owners per last revised assessment roll and first notice provided via CityPage e-newsletter per Public Notice Bylaw of intention to establish BIA for a five year period commencing January 1, 2024. | Oct. 19, 2023 |

| | | |
|----|--|---------------|
| 3 | Second notice provided via posting to Library notice boards per Public Notice Bylaw. Property owners have 30 days from the date of this notice to respond in the negative (petition against). | Oct. 20, 2023 |
| 4 | Documentation of responses by property owners (report on sufficiency and validity of petition against) by Corporate Officer. The petition against must be signed by property owners representing at least 50% of the number of property owners and 50% of the assessed values in the designated areas in order to be successful. | Nov. 20, 2023 |
| 5 | BIA establishing bylaw adopted if petition against is not successful. | Dec. 11, 2023 |
| 6 | Council bylaw directing staff to prepare BIA Assessment Roll and set time of Assessment Roll Review Panel. | Spring 2024 |
| 7 | Parcel Tax Roll Review Panel advertised, and detailed notices mailed to all property owners. | Spring 2024 |
| 8 | Review Panel held to confirm Parcel tax Roll. | Spring 2024 |
| 9 | Local Service Parcel Tax bylaws prepared and adopted. | Spring 2024 |
| 10 | Levy calculated and billed with normal property tax notices. | Spring 2024 |

FINANCIAL IMPLICATIONS

Annual BIA budgets are funded through a local area service property tax on business and light industry properties (BC Assessment Class 5 and Class 6 properties) within the boundaries established by the BIA bylaw. Through that tax, the grant provided by the municipality for the business promotion schemes of the business improvement area is recovered. Since BIAs are funded through property taxes levied on Class 5 and 6 within the designated BIA boundaries, there are no financial implications to the City of New Westminster.

INTERDEPARTMENTAL LIAISON

This report has been prepared by Office of the CAO and Finance Department staff and the results of the renewal process have been certified by the Corporate Officer.

OPTIONS

The results from the petition in opposition to the initiative plan for the Uptown BIA have been certified as insufficient, therefore Council has the following options available to them:

1. THAT the Corporate Officer’s report dated December 11, 2023, regarding the results from the notification of property owners affected by renewal of the Uptown New Westminster Business Improvement Area be received for information.
2. THAT Council approve the Uptown New Westminster Business Improvement Area Bylaw No. 8424, 2023 for adoption.

3. That Council instruct staff to not proceed with adoption of Bylaw No. No. 8424, 2023.

Staff recommends options 1 and 2.

ATTACHMENTS

Attachment 1 - Letter from Uptown New Westminster Business Improvement Society dated September 19, 2023

Attachment 2 - Notices published in CityPage e-newsletter and at the Library

Attachment 3 – Sample Notice sent to property owners

Attachment 4 - List of Property Owners opposed to renewal of initiative plan

APPROVALS

This report was prepared by:

Carolyn Armanini, Senior Planner Economic Development

This report was reviewed by:

Blair Fryer, Senior Manager Communications & Economic Development

Indeep Johal, Manager, Financial Services

This report was certified by:

Peter DeJong, Corporate Officer

This report was approved by:

Lisa Spitale, CAO