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Main Street Business Improvement Area Board Member Nomination Process Timing and Governance Review Information Report to Council

Report Number: INFO-2022-23

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Distribution Date: September 9, 2022

In accordance with the Procedure By-law, any member of Council may make a request to the Town Clerk that this Report be placed on an upcoming Committee of the Whole agenda for discussion.

Purpose

The purpose of this report is to provide Council with an update on upcoming governance review and Board Member nomination process timing of the Newmarket Main Street Business Improvement Area (BIA).

Background

The Municipal Act permits the creation of Business Improvement Areas as local municipal boards to conduct beautification, maintenance and promotion of the area beyond what is generally provided by the municipality. The Municipal Act also lays out the process for selecting a slate of candidates by vote for Council's consideration and appointment and general governance for Business Improvement Areas (Municipal Act, 2001, c.25., s. 204). The term of the directors of the Board of Management is the same as the term of the council that appointed them but continues until their successors are appointed, (Municipal Act, 2001 c. 25, s. 204 (10)).

In 2022, the Newmarket Main Street BIA finalized a strategic plan for the Board of Management. The strategic plan, among other key initiatives, noted a desire of the Board to find ways to "strengthen the NBIA Board," "develop a playbook for the next board," "create a list of SOPs [standard operation procedures]," "explore hiring consultants for some of the short-term tactics," and "complete an audit of the budget."

The 2021-2024 Economic Development Strategy, adopted by Council in April 2021 outlines a need to "increase efficiencies and capacity at the Board of Management for the Business Improvement

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Association (BIA)” and to “compare current service levels and BIA functions with other Ontario BIAs and explore opportunities to increase BIA Board’s internal capacity for implementation of programs, initiatives and governance at the Board.”

Discussion

Comparing service levels and increasing capacity for Main Street BIA Board of Management

In response to the direction received in the Economic Development Strategy and the desire of the Board of Management to improve governance, explore increased autonomy, analyze the current budget and identify and execute standard operating procedures, staff are preparing a request for proposals seeking a consultant to assist with these tactics. The RFP would seek to identify a consultant who can provide recommendations and advice to staff and Council about best practices and best scenarios for the Town and Main Street Newmarket BIA about the BIA Board of Management governance and function. Staff intend to work with the successful consultant to create updated draft terms of reference for the Board and to create recommendations for policies to be implemented at the Board level including budget management, procurement, and others as deemed necessary. The draft terms of reference would be brought to Council for review and adoption early in 2023 in line with the regular review of Committees by new terms of Council. Staff intend to start the RFP process immediately and are seeking a completed report in Q1 2023.

Impact on BIA Nomination Process Timing

In the past, the Newmarket Main Street BIA Board of Management nomination process has typically been held in Q4 of a municipal election year, following the election of the new term of Council. The Municipal Act does not legislate the nomination process to occur during a set timeframe but instead outlines the term as “the same as the term of the council that appointed them but continues until their successors are appointed,” (Municipal Act, 2001, c. 25, s. 204 (10)). Staff consulted with the Ontario Business Improvement Area Association (OBIAA) with regards to the nomination timeframe, and they advised that the process usually occurs late in Q4 or early in Q1 following the municipal election. Given there is no legislated timeframe to hold the nomination process, and that the Town is reviewing the governance and terms of reference for the BIA Board of Management, it is prudent to delay the BIA nomination process for the new Board of Directors until the new term of Council has adopted any changes.

As such, staff intend to follow the draft schedule below for the BIA review for the 2022-2026 term:

September 2022 – issue RFP for BIA Board of Management review

October 2022 - January 2023 – staff work with consultant on a Town led BIA Board of Management review

February/March 2023 - Council to review and where appropriate adopt draft terms of reference and resulting governance documents for Newmarket Main Street BIA

March/April 2023– nomination process for new BIA Board of Management for 2022-2026 term.

April 2023 - Council to appoint BIA Board members as per Municipal Act, inaugural meeting of the new board to follow

The current Main Street BIA Board of Management would remain in place to oversee any necessary business until the new Board has been appointed by Council.

Conclusion

In response to the changing needs of the Main Street BIA, and in order to ensure that the Town is following best practices regarding the Main Street BIA governance, staff intend to seek a consultant to update the terms of reference for the Board. As a result, the nomination process to select a new Board of Management for Council's consideration and adoption would be delayed until the end of Q1 or beginning of Q2 2023. The current Board of Management will continue to function in the interim. The new terms of reference will allow the Main Street BIA and the Town to better understand the Board/Council relationship and implement any resulting changes approved by the new Council.

Business Plan and Strategic Plan Linkages

2021-2024 Economic Development Strategy – Community Vibrancy

Consultation

Legislative Services, Main Street Newmarket Business Improvement Area Board of Management

Human Resource Considerations

None.

Budget Impact

Funding for the RFP will come from the Economic Development operational budget.

Attachments

None.

Contact

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Approval

Kiran Sani, Manager, Legislative Services/Deputy Town Clerk, Legislative Services

Chris Kallio, Economic Development Officer, Office of the CAO

Ian McDougall, Chief Administrative Officer

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