

Additional Information on Appointments to Business Improvement Area Boards of Management (Uptown Yonge BIA)

Date: June 24, 2019

To: Economic and Community Development Committee

From: General Manager, Economic Development and Culture

Wards: 8, 12, 15

SUMMARY

Based on the interviews and information provided to him, the General Manager of Economic Development and Culture has no information that would lead him to question the validity of the Uptown Yonge BIA's most recent AGM election results or to suggest any alternate course of action different from that recommended in the Report.

FINANCIAL IMPACT

There are no financial implications resulting from the adoption of this report.

The Chief Financial Officer and Treasurer has reviewed this report and agrees with the financial impact information.

DECISION HISTORY

At its meeting on March 6, 2019 the General Manager of Economic Development recommended the appointment of directors to the Uptown Yonge BIA Board of Management for the new term of Council. This report was deferred to the next meeting. <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.EC2.6>

At its meeting on April 3, 2019 the General Manager of Economic Development recommended the appointment of directors to the Uptown Yonge BIA Board of Management for the new term of Council. This report was deferred until June 26, 2019. <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.EC3.9>

COMMENTS

This report provides further information for Committee's consideration regarding item EC6.6 'Appointments to Business Improvement Area Boards of Management Wards 8, 12 and 15' (Uptown Yonge BIA). This Report previously came to Committee as EC2.6, was deferred and then resubmitted as EC3.9 and was deferred again.

The main issues were concerns about the validity of the Board election at the Uptown Yonge BIA's (UYBIA) Annual General Meeting (AGM). A number of members of the BIA submitted letters or emails of concern. Of the existing eight member Board, three members were re-elected including one who had stepped down for personal reasons when the Board was larger. The AGM elected an eleven member Board. Due to the deferrals of this item, the Board members at the end of the 2014-2018 term are still the official Board.

In order to investigate the situation, the General Manager of Economic Development and Culture interviewed, mostly by phone, almost all current Board members and all Board-elect members (the GM did not attend the AGM). The General Manager also interviewed the Executive Director of the Toronto Association of Business Improvement Areas (TABIA), the Manager of the City's BIA Office, the Executive Director of the Uptown Yonge BIA, an employee of the BIA who acted as Secretary and the UYBIA's Auditor who was present at the AGM and assisted with the election process and who has done this for a large number of BIAs. With exception of the UYBIA Executive Director, all others listed in the previous sentence were in attendance and took an active role in the AGM. Over twenty interviews were completed and participants were promised anonymity to encourage a frank conversation. Over thirty BIA members participated which is significantly more than what the UYBIA has had at previous recent AGMs. The following only addresses issues that could have a direct bearing on the validity of the election at the UYBIA's most recent AGM.

The main concerns that were raised about the validity of the election and comments on those concerns are:

- Voters and nominees did not register ahead of time. There is no need for AGM attendees to register ahead of time and nominations for the Board can be made direct from the floor of the AGM.
- Some observers felt that one nominated person was not present. Nominees do not need to be present as long as the officials at the AGM are comfortable with the fact that the nominee accepts the nomination.
- Some felt that there was not proper control of the distribution of voting cards. The three officials (the TABIA representative, the BIA Office and the Auditor) indicated that they were satisfied that the cards were distributed appropriately.
- Certain connected individuals voted and there was some concern that they all should not have. When multiple property owners are involved with multiple properties, this is possible and within the guidelines. No one person can have more than one vote.

- Some attendees felt that the debate became inappropriate at times. The officials present indicated that when it did, the debate was brought back in order and that the conversation was somewhat 'typical' of what can transpire at an AGM, even if at times inappropriate.
- Some raised the issue of the balance of property owners and local business operators. Both are eligible for election to the Board and there is no direction as to an ideal or preferred balance. In this case, four property owners were selected at the AGM and seven business operators.
- The AGM targeted the election of ten members since that had been the intention going into the AGM and was so moved. As it turned out, two candidates were tied for the 10th position and the AGM decided to expand the size by one more person to accommodate this tie, something that has precedent in other BIA elections.

None interviewed raised any issues with the counting (done publicly).

Based on the interviews and information provided to him, the General Manager has no information that would lead him to question the validity of the Uptown Yonge BIA's most recent AGM election results or to suggest any alternate course of action different from that recommended in the Report.

If the Committee and Council agree to the recommendations in the Report, the BIA Office and the General Manager will assist the new Board since it will have many members who are first-time BIA Board members. This assistance will include Board training, familiarization with City policies and any other matters that would help make the Board successful.

CONTACT

Mike Williams, General Manager, Economic Development and Culture, 416-397-1970,
mike.williams@toronto.ca

SIGNATURE

Mike Williams
General Manager, Economic Development and Culture