



CITY POLICY

POLICY NUMBER: C462B

REFERENCE:

C462A City Council 1996 05 07
C462 City Council 1992 07 14

ADOPTED BY:

City Council

SUPERSEDES:

C462A

PREPARED BY: Planning and Development Department

DATE: 2007 03 06

TITLE: Business Revitalization Zone Establishment and Operation

Policy Statement:

The Business Revitalization Zone structure is a mechanism for organizing business interests, resources and opinions within a commercial district comprised of a diversity of business types and numbers. The City encourages and will facilitate the efforts of a business community to improve and promote its economic and physical well-being through the creation of a Business Revitalization Zone Association.

The purpose of this policy is to:

Outline the roles, procedures and processes to be followed in establishing, disestablishing, operating and amending the bylaws of a Business Revitalization Zone.



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1. DEFINITIONS

- 1.01 “Board” means a Board established pursuant to the provisions of Section 6(1) of AR 377/94, the Business Revitalization Zone Regulation;
- 1.02 “BRZ” means a Business Revitalization Zone;
- 1.03 “Business Community Representative” means an individual business operator or that person’s lawful representative;
- 1.04 “Current Assessment Roll” means the business assessment roll maintained by the City;
- 1.05 “Member” means a business assessed for business taxes operating within an established BRZ;
- 1.06 “Municipal Government Act” means the Municipal Government Act, RSA 2000, c. M-26, and includes all regulations passed under the Act.

2. PROCEDURES FOR ONGOING MANAGEMENT OF A BRZ

- 2.01 A BRZ will prepare and submit its budget in accordance with procedures outlined by the City Manager.

3. AMENDMENTS TO ESTABLISHMENT BYLAWS

- 3.01 Text amendments, meaning alterations or revisions to the rules, procedures and methods under which BRZs are operated/maintained, shall be subject to the following requirements and process:
 - a) These amendments may be initiated by either the City Manager or the Board of a BRZ.
 - b) If initiated by the Board of a BRZ, a letter requesting, describing and justifying the amendment is submitted to the City Manager to initiate the process.
 - c) If initiated by the City Administration, the City Manager notifies the Board of the BRZ(s) and/or their agent of the proposed amendment.
 - d) The City Manager will consult with representatives of the affected BRZ(s) to obtain feedback regarding the proposed amendment.
 - e) The City Manager prepares the bylaw(s) and a report for City Council, which itemizes the proposed amendment, implications, consultation process and position of the affected BRZ(s), with copies to affected BRZs.



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- f) The City Manager submits the amending bylaw(s) and Council Report to City Council for its consideration and ultimate decision for approval, amendment or refusal.
- 3.02 Boundary amendments, both expansions and contractions of the boundary of a BRZ, shall be subject to the following requirements and process:
- a) Proponents submit the formal request for amendment to the boundary to the City Manager and at the same time submit a copy to the Board of a BRZ and/or the Board's agent.
 - b) The request must be accompanied by a justification or declaration of reasonable cause for the boundary change being requested, and a statement outlining the public consultation process which was followed to solicit the support shown on the request.
 - c) Upon determining the completeness of the application, the City Manager refers the application for processing, and simultaneously informs the Board of the BRZ and/or the Board's agent, of the completeness of the application.
 - d) The City Manager prepares and submits the required amending bylaw and a report describing the application and the substance/implications of the action requested, for Council's consideration and ultimate decision for approval or refusal.
 - e) At least one month prior to the date on which City Council will consider the proposed amending bylaw, the Board of the BRZ will notify by mail or personal delivery, or a combination of the two, all businesses within the BRZ listed in the current assessment roll, including those people who would be taxpayers under the change in boundaries, of:
 - (1) a summary of the proposed bylaw, including a map and description of the change in boundaries;
 - (2) a description of the opportunity, manner and time period for affected taxpayers to make representations to City Council regarding the proposed amendment.
 - f) Before City Council may give the bylaw Second Reading, the Board of the BRZ Association's written consent must be received by the City Manager. If consent is not given, the City Manager will advise Council that the bylaw cannot be passed.
 - g) A bylaw which amends the boundary of a BRZ will not come into force until the next January 1 after its passing.

4. PRODUCTS OF THE PROCESS

- 4.01 Bylaw(s) to Amend Business Revitalization Zone Establishment Bylaw



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The Bylaw(s) make text amendments, meaning alterations or revisions to the rules, procedures and methods under which BRZs are operated/maintained, to the BRZ establishment bylaw.

4.02 Bylaw to Amend Business Revitalization Zone Boundary

The Bylaw amends the boundary of a BRZ set out in the BRZ establishment bylaw.



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1. DEFINITIONS

- 1.01 “Board” means a Board established under Section 6(1) of AR 377/94, the Business Revitalization Zone Regulation;
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- 1.04 “Current Assessment Roll” means the business assessment roll maintained by the City;
- 1.05 “Member” means a business assessed for business taxes operating within an established BRZ;
- 1.06 “Municipal Government Act” means the Municipal Government Act, RSA 2000, c. M-26, and includes all regulations passed under the Act.

2. PROCESS FOR ESTABLISHING A BRZ

- 2.01 The process for establishing a BRZ is ideally divided into two stages. Although some activities are accomplished solely within each stage, many others overlap between them.
 - a) Stage 1 – Initial Interest/Development (“pre-application”)
 - (1) Business Community Representatives should approach the Planning and Development Department to discuss the proposal and receive available information;
 - (2) Planning and Development Department staff provide consultative services to the proponents regarding, but not limited to, the proposed BRZ size and compatibility of its business mix, the objectives of a new BRZ, preparing consultation plans, and legislative and municipal requirements of the process (including applicable deadlines/timelines);
 - (3) Proponents should discuss the proposal with affected local business operators and assess the potential interest in the proposal (preferably by holding a minimum of two public meetings for information and debate);
 - (4) Planning and Development Department staff may attend the public meetings, as requested, to provide information and examples of local experiences;



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- (5) Planning and Development Department staff will assist proponents to apply by drafting a written application in the proper form, with a map of the proposed area;
 - (6) Proponents then proceed to gather the required signatures of business operators who favour the establishment of the BRZ (at least 25% of the businesses liable to pay the BRZ tax), towards the completion of the formal application.
- b) Stage 2 – Formal Application to Establish a BRZ
- (1) Proponents submit the formal application to establish a BRZ to the City Clerk by **June 1** of the current calendar year (to be effective the following January 1). The application should include: Business Name as per License, Business Location/Address, Printed name of the Business Taxpayer (owner of business), Signature, Date signed, Witness signature accompanied by an affidavit of execution, and be accompanied by a statement of objectives of the proposed BRZ, justification of the area chosen and business mix, and description of the consultative process followed by the proponents;
 - (2) Applications received after June 1 cannot be guaranteed to receive Council approval of the BRZ's Budget in time for operations to begin in the following year;
 - (3) The Office of the City Clerk requests a list of all the businesses within the proposed area, effective on the date the application is received from the Assessment and Taxation Branch for verification of the applicants' status on the Current Assessment Roll, and sends a copy of the application to the Law Branch;
 - (4) The Office of the City Clerk determines the validity of the application, as related to statutory requirements, proceeding if the application is valid or informing City Council and the Planning and Development Department if the application is invalid and cannot be processed;
 - (5) If the application is valid, the Assessment and Taxation Branch of the Planning and Development Department conducts a field survey to verify the accuracy and completeness of the Current Assessment Roll;
 - (6) Upon determining the validity of the application, related to both the statutory and City requirements, the City Clerk refers the application to the Planning and Development Department for processing and the development of an interim information report to familiarize City Council with the application's particulars and status;
 - (7) The Planning and Development Department will, using a Current Assessment Roll provided by the Assessment and Taxation Branch, mail to all businesses within the proposed zone a Notice of the Request for



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formation of the BRZ, an information sheet regarding BRZs, a map and description of the boundary of the proposed zone, and instructions for petitioning against the Bylaw;

- (8) Those wishing to object to the establishment of the proposed BRZ have 60 days from the day on which the last notice was mailed to file a petition. The petition must contain Business Name as per Licence, Business Location/Address, Printed name of the Business Taxpayer (owner of business), Signature, Date signed, Witness signature accompanied by an affidavit of execution, and must be submitted with a signed statement of representative with the City Clerk;
- (9) During the 60 day Notification Period, Planning and Development Department staff will provide assistance to proponents and opponents in organizing information meetings with the local businesses by providing lists of businesses within the area, responding to and referring public inquiries as appropriate, preparing and mailing information on behalf of proponents, if necessary (e.g. notice of meeting with agenda/intent of meeting, etc.), and preparing petitions in the proper form;
- (10) Once the 60 day Notification Period has passed, and providing no valid objecting petitions representing more than 50% of the businesses liable to pay the BRZ tax have been submitted to the City Clerk, the Planning and Development Department, with the assistance of the Law Branch, prepares the Bylaw to Establish the BRZ along with a statement of BRZ objectives, a motion for appointment of the Board, definitions of the rules of conduct, responsibilities and powers of the Board, and the first year's Budget Estimates for Council's consideration and ultimate decision for approval or refusal;
- (11) If a petition objecting to the BRZ establishment is submitted to the City Clerk within the prescribed timelines, the validity of the petition must be verified by the Office of the City Clerk within 30 days of the receipt of the petition;
- (12) The Office of the City Clerk informs City Council and the Planning and Development Department on the validity of the petition.

3. PRODUCTS OF THE PROCESS

3.01 Interim Report to Executive Committee and City Council Regarding an Application for the Proposed Business Revitalization Zone

This information report consists of an evaluation by the Planning and Development Department of the proposal's objectives, its justifications for the area and boundaries, and the appropriateness of its consultative process. It may include the



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Department's estimate of the proposal's chances for success, based upon other local BRZs' experiences.

3.02 Bylaw Report to City Council Regarding the Establishment of the Proposed Business Revitalization Zone

This report outlines the application's purpose and the area affected. It describes all input received during the 60 day Notification Period, including input from individuals and businesses who may not have originally been entitled to Notice. The report may include suggestions for addressing opposition or other issues encountered during the process, and will make a recommendation respecting the Bylaw to Establish the BRZ.

3.03 Bylaw to Establish the Business Revitalization Zone

The Bylaw establishes the existence of the BRZ and the Association.



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1. DEFINITIONS

- 1.01 “Board” means a Board established pursuant to the provisions of Section 6(1) of AR 377/94, the Business Revitalization Zone Regulation;
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- 1.04 “Current Assessment Roll” means the business assessment roll maintained by the City;
- 1.05 “Member” means a business assessed for business taxes operating within an established BRZ;
- 1.06 “Municipal Government Act” means the Municipal Government Act, RSA 2000, c. M-26, and includes all regulations passed under the Act.

2. DISESTABLISHMENT OF A BRZ

- 2.01 The process to disestablish a BRZ as specified in the Municipal Government Act is as follows:
 - a) The process to disestablish a BRZ may be initiated by City Council, the Board or a petition representing 25% of the taxable businesses in the zone.
 - b) Proponents submit the formal request or petition for disestablishment to the City Clerk for processing, and at the same time submit a copy to the Board of a BRZ and/or the Board’s agent.
 - c) The request should be accompanied by a justification or declaration of reasonable cause for the disestablishment being requested, and a statement outlining the public consultation process which was followed to solicit input from members of the BRZ at large.
 - d) When a petition is submitted, the City Clerk:
 - (1) provides a copy to the Law Branch for ruling on compliance of legislation (i.e. purpose statement and statement of representative);
 - (2) obtains a current list of businesses within the proposed area from the Assessment and Taxation Branch;
 - (3) determines the sufficiency of the petition in accordance with Provincial Legislation, and advice Council and the Planning and Development Department of such.



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- e) if a valid petition is received, then the process under 2.02 (below) is followed.
 - f) If Council initiates the disestablishment process, the City Clerk refers the application to disestablish the BRZ to the Planning and Development Department for processing, and simultaneously informs the Board of the BRZ or the Board's agent of the application to disestablish the BRZ, and the process under 2.02 (below) is followed.
 - g) If the Board initiates the disestablishment process, the City Clerk refers the application to disestablish the BRZ to the Planning and Development Department for processing and the process under 2.02 (below) is followed.
- 2.02 The Planning and Development Department prepares the Bylaw to Disestablish the BRZ and a report for Council's consideration.
- a) Within 30 days of the City Clerk's receipt of a sufficient petition for Disestablishment, or with a request for Disestablishment from the Board or City Council, Council must:
 - (1) give First Reading to the disestablishment bylaw,
 - (2) specify a date within 90 days for a vote of the taxpayers in the zone on the support for disestablishing the BRZ, and
 - (3) specify the question(s) which will appear on the ballot;
 - b) The Board of the BRZ notifies every taxable business within the zone that a bylaw to disestablish the zone has been given First Reading and the date, time and place of the vote;
 - c) The vote will be held in accordance with the Local Authorities Election Act and the Municipal Government Act;
 - d) The City Clerk supervises the vote and the Board is responsible for holding the vote and paying all expenses of the vote;
 - e) A vote to approve the disestablishment bylaw requires 50% plus 1 of all voters being in favour of this action;
 - f) If the vote approves the disestablishment bylaw, the City Clerk places the bylaw on Council's agenda. Council must pass the bylaw within 30 days of the vote;
 - g) If the vote does not approve the disestablishment bylaw, the City Clerk informs City Council of the results of the vote, that the disestablishment bylaw cannot be passed and any previous readings must be rescinded. Council must not, within two years of the date of the vote, give First Reading to a Bylaw that disestablishes the BRZ.



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2.03 If upon disestablishment the Board's assets do not cover the Board's liabilities, the City is liable for those liabilities and may recover the outstanding amount by imposing a BRZ tax on the businesses which were taxable before disestablishment of the zone.

3. PRODUCTS OF THE PROCESS

3.01 Bylaw to Disestablish the Business Revitalization Zone

The Bylaw disestablishes the BRZ and the Association.



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1. DEFINITIONS

- 1.01 "Board" means a Board established under Section 6(1) of AR 377/94, the Business Revitalization Zone Regulation;
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2. BRZ BUDGET PROCESS

- 2.01 The BRZ Association's annual budget shall contain, at a minimum, the following information:
 - a) objectives for the Budget Year;
 - b) a brief description of proposed projects and programs for the Budget Year;
 - c) a breakdown of the Expenditures, including:
 - (1) "Administration" (i.e. office costs)
 - (2) "Personnel" (i.e. staffing)
 - (3) "Programs & Projects" (i.e. special events, promotions)
 - (4) "Operational Contingency" (i.e. 5% to 20% of the operating budget to allow flexibility within the budget)
 - (5) "Reserves" (i.e. building fund for future major projects/studies);
 - d) a breakdown of Revenues, including special levy, grants, donations, etc.;
 - e) a summary of the Budget Approval Process, including:
 - (1) date the Board approved the proposed budget
 - (2) date the membership reviewed the proposed budget
 - (3) method by which members were advised of the details of the budget (i.e. copy distributed at an Annual Meeting, mailout, hand delivery, etc.)



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- (4) budget submission date
- (5) a summary of recurring expenses (i.e. extended leases).

2.02 The BRZ Association prepares the budget as per the requirements, and the Board of the Association approves the budget.

- a) The BRZ Board holds an annual meeting of all BRZ members to review the proposed budget. Written notice of the meeting is sent by mail, personal delivery or an equivalent to all businesses within the BRZ at least 14 days prior to the meeting date. The Board may seek formal approval of the proposed budget through a vote of the membership.
- b) The BRZ Association submits the budget proposal to the City Manager through the Planning and Development Department by mid October for processing.
- c) The Planning and Development Department checks and verifies the form of the proposed budget, and prepares a report to go directly to City Council making a recommendation regarding each BRZ Budget proposed for Council approval. The Department's recommendation will address the budget form, its completeness and the Association's compliance with the budget process.
- d) In the beginning of November, the Planning and Development Department notifies the BRZ Association of the City's recommendation related to their proposed budget and the date and place at which Council will consider approval of the budget.
- e) If the City's recommendation is for Council to refuse to approve the BRZ's proposed budget, due to the budget being incomplete or the process not being complied with, the BRZ may withdraw their proposed budget prior to its submission to City Council. The Board must then either provide the required information or complete the process, as previously described, and resubmit the proposed budget by the end of November for Council approval prior to year end.
- f) The BRZ Board notifies by mail, personal delivery or an equivalent, all businesses within the BRZ listed on the current assessment roll of the date and place when City Council will consider approval of the proposed budget, and provides each member with a copy of the proposed budget.
- g) City Council considers approval of the proposed BRZ budget in late November or, as noted in (e), prior to year end.



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2.03 BRZ Tax Levy Process

- a) In February, and dependent upon Council approval of the BRZ's budget, the Assessment and Taxation Branch establishes the special levy rate which is required to raise the BRZ funds and provide the Board with the approved budget amount.
- b) The Planning and Development Department drafts the Levy Bylaw for City Council approval in late February.
- c) Upon approval of the Levy Bylaw, the Assessment and Taxation Branch applies the special levy rate to the business assessment tax of all Members within the BRZ, and sends out the notifications.
- d) The City collects the BRZ levy.

3. ADMINISTRATION AND ONGOING FINANCIAL OPERATIONS

3.01 Requests from BRZ Associations for information from the City of Edmonton should be directed through the Planning and Development Department, in accordance with the "Access to Information Procedure."

3.02 The City Manager provides the following services on an ongoing basis to BRZ Associations:

- a) acting as consultants and information sources when available and qualified;
- b) attending meetings, as requested; and
- c) assisting in setting project goals and guidelines, as requested.

3.03 The City Manager will assist the BRZ Associations in their efforts in the following areas, as requested and when possible, subject to available resources:

- a) updating of the BRZ Handbook;
- b) preparation and updating of the BRZ Associations strategic business plans; and
- c) development of BRZ revitalization plans.

3.04 The funds collected through the BRZ levy are disbursed to the BRZ Association in quarterly payments of 25% of the approved budget, at the beginning of each quarter, in January, April, July and October.

3.05 BRZ Associations may not incur indebtedness extending beyond the current fiscal year without the approval of Council.



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- 3.06 Provided Council approval has been granted, the Board may incur indebtedness beyond the current fiscal year for the limited purpose of ongoing operational expenditures (including lease for office space or equipment and employment contracts) which, because of contractual obligations, will extend beyond the current fiscal year, and are so specified within the submitted budget.
- 3.07 The BRZ Board must submit a quarterly “budget to actual” financial report to the City Manager. The BRZ Board must also submit an annual report and audited financial statement for the BRZ to the Planning and Development Department.
- 3.08 All records and books of the BRZ Association are open to inspection by the City Auditor.

4. PRODUCTS OF THE PROCESS

4.01 Bylaw to Establish the Levy for the Business Revitalization Zone

The Bylaw establishes the special levy rate which will be applied each year to the business assessment tax base of all businesses within the BRZ boundary, in order to collect sufficient funds to achieve the approved budget for the Business Revitalization Zone Association.

4.02 Annual Report to City Council Regarding Approval of the Budgets for the Business Revitalization Zone Associations

This report will make a recommendation to City Council regarding approval of the budgets for all BRZ Associations. The recommendation will address the budget form, its completeness and the Association's compliance with the budget process.



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1. DEFINITIONS

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- 1.04 “Current Assessment Roll” means the business assessment roll maintained by the City;
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2. PROCEDURE

- 2.01 Membership data necessary to BRZs for their ongoing assessment of their own programs, financial status and membership situations will be provided as requested in accordance with the “Access to BRZ Information Request Form.”
- 2.02 Boards are required to have information retention policies and management procedures to oversee the use, retention and destruction of data.
- 2.03 Membership data provided by the City is only to be used by the BRZ Board or Executive Director for the provision of services related to the operational goals of the BRZ, including delivery of information by mail, such as Annual Reports, Newsletters and other notices pursuant to the Freedom of Information and Protection of Privacy Act.
- 2.04 The membership data provided by the City includes: Tax Roll Account Identification, Business Name, BRZ Name, Premise Address, North American Industry Code (NAIC), Owner Name, Annual Assessment Amount, Taxable Assessment Amount, and the BRZ Levy Amount paid by the member business. Requests for the en-masse Annual Assessment, Taxable Assessment and Levy Amounts will be accepted once a year. The information provided in response to this request will be



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provided without identifier information. Identified Annual Assessment and Taxable Assessment Amount information may be provided on a case-by-case basis.

- 2.05 Membership data can not be distributed by the BRZ Boards or Executive Directors to third parties for any purpose. The BRZ Board of Directors is responsible and accountable for the appropriate destruction of Membership Data, either by secure shredding/destructive methods, electronic data destruction/hard drive wiping, or both.
- 2.06 To obtain BRZ membership data, a Request for Information Form must be submitted to the Planning and Development Department (see attached).

Access to BRZ Information Request Form
Request for Disclosure under Section 2.06 of City Procedure

Date: _____

In accordance with Section 2.06 of City Procedure, "Access to Information for Business Revitalization Zones," in City Policy C462B, the

Name of Business Revitalization Zone

requests access to BRZ membership data for:

Name of Business or entire BRZ

which may be generally described as:

- | | |
|----------------------------------------------------------|----------------------------------------------------------------|
| <input type="checkbox"/> Annual Assessment Amount | <input type="checkbox"/> Owner Name |
| <input type="checkbox"/> Taxable Assessment Amount | <input type="checkbox"/> Premise Address |
| <input type="checkbox"/> BRZ Levy Amount | <input type="checkbox"/> North American Industry Code (NAIC) |
| <input type="checkbox"/> Tax Roll Account Identification | <input type="checkbox"/> Other (please specify in space below) |

General Description of Information Requested

This information is required by the Business Revitalization Zone for:

Description of use

I acknowledge and agree that membership data cannot be distributed by the BRZ Boards or Executive Directors to third parties for any purpose.

Requesting BRZ Official

Name/Title (print)

Signature

Contact Number

Authorized Disclosing Official (City of Edmonton)

I, _____
Name/Title of Disclosing Official
of BRZ membership data.

consent to refuse this disclosure

Signature

Date