TO: Chair and Members  
   Economic Development and Planning Committee  
WARD(S) AFFECTED: Wards 1, 2, 3, 4, 6, 7, 9, 12, 13, 15  
COMMITTEE DATE: September 7, 2010  
SUBJECT/REPORT NO:  
Proposed Policy for Sharing of Parking Revenue (PED06003(a)) (Wards 1, 2, 3, 4, 6, 7, 9, 12, 13, 15)  
SUBMITTED BY:  
  Tim McCabe  
  Planning & Economic Development Department  
PREPARED BY:  
  Marty Hazell 905-546-2424 Ext. 4588  
  Hazel Milsome 905-546-2424 Ext 2755  
SIGNATURE:  
RECOMMENDATION:  
a) That, as part of the 2011 Budget process, consideration be given to allocating 10% of the Hamilton Municipal Parking System’s net operating surplus to Business Improvement Areas regulated by paid parking to a maximum of $250,000;  
b) That the Policy and Procedure for Revenue Sharing of Hamilton Municipal Parking System’s Net Annual Operating Surplus with Hamilton’s Business Improvement Areas attached as Appendix “A” to Report PED06003(a) be adopted;  
c) That Business Improvement Areas which chose not to participate in the Sharing of Parking Revenue Program continue to receive a contribution to their annual operating budget through the Downtown and Community Renewal Division’s
Account 56905-815015 in accordance with the existing formula previously approved by HABIA;

d) That the Downtown and Community Renewal Division retain the sum of $82,720 in its annual operating budget under Account Number 56905-815015 for the purpose of a guaranteed minimum to share with the BIAs should the Hamilton Municipal Parking System’s net operating surplus be deficient and for the use of BIAs that elect not to participate in the Sharing of Parking Revenue Program and, upon the determination of funds required under Account Number 56905-815015, the use of the surplus funds be subject to the discretion of the General Manager of Finance and Corporate Services;

e) That a BIA Sharing of Parking Revenue Reserve be established for the purpose of placing unspent funding for future use by the BIAs in accordance with the Policy and Procedure identified in (a) above; and,


**EXECUTIVE SUMMARY**

Since 2003, the concept of sharing a portion of parking revenues generated by the City of Hamilton through the Hamilton Municipal Parking System (HMPS) has been discussed with the Hamilton Association of Business Improvement Areas (HABIA). On January 11, 2010, City Council approved increasing parking meter rates across the City to $1.00 per hour and installing paid parking in all commercial areas. As part of that decision Council also endorsed the concept of sharing a portion of parking revenues with BIAs and directed staff again to consult with HABIA to define further the eligible items for expenditure under the Revenue Sharing Program and to report back for final approval prior to implementation in 2011.

Staff has consulted with HABIA and continues to recommend sharing a portion of the HMPS’ net operating surplus with BIAs in accordance with the Policy and Procedure attached as Appendix “A” to this Report. During consultation with BIAs, staff encountered a situation wherein a BIA elected not to participate in the Sharing of Parking Revenue Program wishing instead to continue to avail itself of the existing contribution to BIA operating budgets funded through the Downtown and Community Renewal Division. This request is supported by staff and HABIA and forms part of the recommendations of Report PED06003(a). Should the BIA in question change its position in the future and participate in the Sharing of Parking Revenue Program, its request will be accommodated.
The recommended program does have an effect on the levy since less money will be returned to the general levy to help off-set tax increases; instead, those revenues will be shared with BIAs. The maximum annual effect on the levy as per the Policy and Procedure attached as Appendix “A” to Report PED06003(a) is $250,000.

Alternatives for Consideration – See Page 6

**FINANCIAL / STAFFING / LEGAL IMPLICATIONS** (for Recommendation(s) only)

**Financial:** The HMPS is a self-sustaining business unit which receives no tax support and is funded totally by its users through parking fees, fines and miscellaneous revenues. All capital projects are also “self-financed”. The recommended 2010 HMPS Budget provides for a net operating surplus of $1,670,000.

At present, all parking surpluses (i.e. $1,670,000 2010 budgeted) are returned to the City’s general levy to help off-set tax increases. Accordingly, the recommendation that 10% of the HMPS’ net operating surplus be made available for reinvestment into BIAs would reduce funds that are returned to the general levy by approximately $167,000 for 2011. For 2012 and each year thereafter, BIA parking funding (10% of the HMPS' net operating surplus) would be included as a line item in each year’s budget.

The aforementioned net operating surplus will replace the City’s contribution to the BIA operating budgets contained in Account Number 56905 815015 for BIAs that chose to participate in the Sharing of Parking Revenue Program. The amount of $82,720 will be included each year in the Downtown and Community Renewal’s operating budget for the purpose of providing a guaranteed minimum annual amount to share with the BIAs in the event that HMPS does not have a surplus and to fund any BIA that elects not to participate in the Sharing of Parking Revenue Program.

If the aforementioned $82,720 or any portion thereof, included in the budget is not needed for a contribution to BIAs, then the use of these funds will be subject to the discretion of the General Manager of Finance and Corporate Services.

The maximum annual effect on the levy is $250,000 as per the Policy and Procedure attached as Appendix “A” to Report PED06003(a).

**Staffing:** Administration of the Sharing of Parking Revenue Policy and Procedure can be accommodated with existing staff of Downtown and Community Renewal and HMPS.

**Legal:** Under sub-section 208(1) of the Municipal Act, 2001, the City is required annually to raise the amount required for the purposes of BIAs. Although Section 210 goes on to specifically authorize a special levy, other sources, such as the HMPS’ net operating surplus, may be used.
In accordance with sub-section 204(1) of the Municipal Act, all amounts raised must be used by the BIAs Board of Management to “(a) over-see the improvement beautification and maintenance of municipally-owned land, buildings and structures in the area beyond that provided at the expense of the municipality generally; and, (b) promote the area as a business or shopping area.” This is ensured through the BIAs’ submission of a financial statement, yearly, under section 207 of the Act.

**HISTORICAL BACKGROUND** (Chronology of events)

In Report PED06003 considered by the Committee of the Whole at its meeting held February 16, 2006, staff reported on discussions with representatives of the HABIA which resulted in a mutually agreed upon proposal whereby 10% of the annual net operating surplus of the HMPS would be made available for reinvestment into programs/projects of special interest to HABIA and its members. However, the program was deemed to be unaffordable during the 2006 budget deliberations, and was not approved by Committee of the Whole on February 16, 2006.

On January 11, 2010, City Council approved increasing parking meter rates across the City to $1.00 per hour and installing paid parking in all commercial areas. As part of that decision, Council also directed:

“(d) That the revenue sharing concept as outlined in 2006 Report PED06003, attached as Appendix “A” to Report PED08059(c), be endorsed, and that staff be directed to again consult with the Hamilton Association of Business Improvement Areas (HABIA) to further define the eligible items for expenditure under the revenue sharing program and report back for final approval prior to implementation in 2011.”

This Report addresses the aforementioned direction.

**POLICY IMPLICATIONS**

Not applicable.

**RELEVANT CONSULTATION**

Finance and Legal Services were consulted in the preparation of this Report.

Staff gathered input into a draft policy and procedure for sharing of parking revenue with the BIAs at a special meeting of HABIA held on June 17, 2010. At that meeting all active BIAs were in attendance with the exception of the Stoney Creek BIA. Members in attendance unanimously approved the policy and procedure attached as Appendix “A” to Report PED06003(a).
The BIA Boards of Management that have chosen to participate in the Sharing of Parking Revenue Program have endorsed the Policy and Procedure. Copies of the endorsements received to date are attached to Report PED06003(a) as Appendix “B”.

On July 29, 2010 staff from the Downtown and Community Renewal Division met with the executive of the Stoney Creek BIA. The Executive confirmed that the Stoney Creek BIA would not participate in the Sharing of Parking Revenue Program and wished to continue utilizing funding from the Downtown and Community Renewal Division’s Account Number 56905-815015.

**ANALYSIS / RATIONALE FOR RECOMMENDATION**

(include Performance Measurement/Benchmarking Data, if applicable)

Staff and HABIA have agreed that only BIAs contributing to parking revenues through the operation of parking meters or other user pay devices that regulate parking (such as “pay-and-display” machines) within their boundaries should benefit from the proposed strategy, if they chose to participate, and that the portion of the 10% of net operating surplus to which a given BIA is entitled would be based on a blend of fifty-percent (50%) from each of the following two formulas:

a) The percent that the individual BIA levy/individual BIA assessment is of the total of all the BIA levies/assessments.

b) The percent that the individual BIA generates through parking meters is of the total parking revenue generated from parking meters within all of the BIAs.

Upon confirmation of the net annual operating surplus, HMPS will allocate 10% of the surplus to the Downtown and Community Renewal Division for implementation of the Sharing of Parking Revenue Program. Under the proposed strategy, each eligible BIA would identify which programs or projects they believe would be of the greatest benefit to their member businesses and through HABIA request that funds be allocated to those projects/programs. Subject to confirmation that the programs/projects are in accordance with eligible expenditures identified in the Policy and Procedure attached as Appendix “A” to Report PED06003(a), the Downtown and Community Renewal Division will process payment to the BIA. The maximum amount to be shared with BIAs from the net operating surplus is $250,000. Monies not spent within a calendar year will be transferred to a Downtown and Community Renewal Reserve Account for future use by the BIAs.

The proposed revenue sharing program will not affect existing “free” parking programs at this time; however, the dedicated revenue surplus may be applied to offset the costs associated with the creation of new free parking programs or the expansion of existing free parking programs. It is important to note that HABIA, at its meeting held June 17, 2010, agreed that during its strategy session planned in 2011 they would review the
existing free parking programs to determine if the Sharing of Parking Revenue Program should include the cost of the existing “free” parking programs.

Collectively BIAs contribute over $1 million dollars annually through BIA levies to the local economy through the implementation of various initiatives all geared towards improving the vitality of their respective business districts. In recognition of the annual BIA contribution to the economy, and the fact of the City’s oversight of BIAs under the Municipal Act, 2001, staff do not recommend expanding the revenue sharing to merchant/business associations. HABIA concurs with this position. Business merchants are a group of individuals who have agreed to co-operate and there is no mechanism for the City to oversee their operation or to ensure the monies would be spent accordingly. Such merchant’s associations are able to become Business Improvement Areas, at which time they could be eligible to access the Sharing of Parking Revenue Program.

**ALTERNATIVES FOR CONSIDERATION:** (include Financial, Staffing, Legal and Policy Implications and pros and cons for each alternative)

An alternative is for the City to share less than 10% of the net operating surplus of the HMPS with BIAs that have paid parking in their areas. This would not align with Council’s direction on this matter.

**CORPORATE STRATEGIC PLAN (Linkage to Desired End Results)**


**Growing Our Economy**

- Competitive business environment
- An improved customer service
- A visitor and convention destination

**APPENDICES / SCHEDULES**

Appendix “A” to Report PED06003(a) is a copy of the Revenue Sharing Policy and Procedure

Appendix “B” to Report PED06003(a) is a copy of the BIA Boards of Management endorsements of the Policy and Procedure

HM:vk
REVENUE SHARING OF
HAMILTON MUNICIPAL PARKING SYSTEM’S
NET ANNUAL OPERATING SURPLUS WITH
HAMILTON’S BUSINESS IMPROVEMENT AREAS

POLICY AND PROCEDURE

POLICY STATEMENT AND PURPOSE:

The City of Hamilton shares 10% of Hamilton Municipal Parking System’s net operating surplus with Hamilton’s Business Improvement Areas on an annual basis. This investment provides an opportunity for Business Improvement Areas to implement and maintain beautification programs and to undertake promotional initiatives within their designated boundaries. The intent of the revenue sharing is to supplement Business Improvement Area annual budgets; it is not intended to replace or reduce their annual budgets.

The purpose of this policy and accompanying procedure are to ensure that the Business Improvement Areas:

- Expend the money on eligible initiatives
- Seek and receive the appropriate authorization for each expenditure
- Seek and receive the appropriate authorization when placing or carrying out business on the City’s road allowance as a consequence of the expenditures

MINIMUM/MAXIMUM AMOUNTS:

The net operating surplus will replace the City’s contribution to the Business Improvement Area operating budgets contained in Account Number 815015-56905 for those Business Improvement Areas that choose to participate in this revenue sharing program. However, the amount of $82,720 will be included each year in the Downtown and Community Renewal’s operating budget for the purpose of providing a guaranteed minimum annual amount to share with the BIA’s in the event that Hamilton Municipal Parking Services does not have a surplus and to act as a funding source for any BIA choosing not to participate in the funding program of the Hamilton Municipal Parking System.

If the $82,720 or any portion thereof, included in the budget, is not needed for a contribution to BIA’s, then the use of these funds will be subject to the discretion of the General Manager of Corporate Services.

The maximum amount to be shared annually with the Business Improvement Areas from the net operating surplus is $250,000.

June 18, 2010
SCOPE:

This policy and accompanying procedure apply to all designated Business Improvement Areas that are active within the City of Hamilton and have on-street parking meters within their boundaries and who wish to participate in the program.

FORMULA FOR DISTRIBUTING REVENUES:

The funding formula is a blend of fifty-percent (50%) from each of the following two formulas:

a) The percent that the individual BIA levy/individual BIA assessment is of the total of all the BIA levies/assessments.

b) The percent that the individual BIA generates through parking meters is of the total parking revenue generated from parking meters within all of the BIAs.

Appendix ‘A’ provides an example of the formula.

ELIGIBLE EXPENDITURES:

Public Realm Improvements and Promotional Initiatives of Business Improvement Areas.

Eligible Expenditures

- Purchase and maintenance of street furniture on the public road allowance (benches, planters, banners, way-finding and parking signage; litter containers etc.)
- Costs for cleaning and maintaining the public road allowance including hiring of individuals
- Purchase and maintenance of hanging flower baskets
- Christmas decorations and their maintenance including storage costs
- Promotion of the Business Improvement Areas and their events
- Art projects in the public realm
- Beautification initiatives on streets/parks/pedestrian nodes
- Free parking initiatives
- Purchase of graffiti products

June 18, 2010
Appendix “A” to Report PED06003(a)
Page 3 of 7

- Improvements in municipal parking lots not necessarily within BIA boundaries (machines/meters, signage, lighting, planters etc.)
- Maintenance of gateways on public road allowance not necessarily within BIA boundaries
- Maintenance of municipal parking lots not necessarily within BIA boundaries
- Special event costs not including the hiring of an events co-ordinator

Ineligible Expenditures:

- Improvements to individual members’ properties or promotion of individual members
- Insurance
- Rent
- Office expenses including salaries
- Murals on private property
- Hiring consultants

PUBLIC REALM IMPROVEMENTS/INITIATIVES:

Prior to a Business Improvement Area implementing beautification initiatives, holding an event or purchasing/installing/ maintaining street furniture, hanging flower baskets or Christmas decorations on the public realm, permission from the appropriate City Department is required. If in doubt the BIA is to contact the City’s Co-ordinator of Business Improvement Areas.

AUDITING:

Expenditures utilizing the net operating surplus will be audited as part of the annual audit of each Business Improvement Area undertaken by the City of Hamilton’s auditor and legislated by the Municipal Act Section 207 (1) and (2).

Payment of invoices for eligible initiatives incurred by a Business Improvement Area with funding under this Policy will not be subject to the City’s Purchasing Policy as the said cost is incurred by the Business Improvement Area, not the City of Hamilton.

MONITORING COMPLIANCE:

The Downtown and Community Renewal Division will monitor compliance with this policy and procedure e.g. a Business Improvement Area voluntarily reducing its budget or not having received the City’s permission for their...
initiatives held/placed on the public realm. Staff will advise the Hamilton Association of Business Improvement Areas of any concerns with respect to non-compliance.

**PENALTY:**

The intent of the revenue sharing is to supplement Business Improvement Area annual budgets; it is not intended to replace or reduce their annual budgets.

In keeping with this philosophy, when a Business Improvement Area voluntarily reduces its annual budget, the percentage of the budget reduction will be applied as a deduction to the BIA’s annual surplus parking revenue allocation. Staff will notify the Hamilton Business Improvement Area Association of all reductions in BIA levies in order that HABIA can determine whether the deduction is considered voluntary for the purposes of this policy.

**ADVANCE OF MONIES:**

Monies will not be forwarded until the Downtown and Community Renewal Division has evidence that the appropriate City approval has been granted for BIA initiatives that are held/placed on the public realm.

**ADMINISTRATION:**

This policy is administered by the Downtown and Community Renewal Division, Planning and Economic Development Department.

**COUNCIL REFERENCE:**

Approved by City Council on ___________2010, in Report No.

**CONTACT**

For more information contact the Downtown and Community Renewal Division, Planning and Economic Development Department at (905) 546-2632.

**PROCEDURE FOR BIAS ELECTING NOT TO PARTICIPATE IN THE PROGRAM OF SHARING ANNUAL SURPLUS PARKING REVENUES:**

BIAs that elect not to participate in the program will receive a contribution to its annual operating budget from the Downtown and Community Renewal Division’s Account Number 56905-815015 in accordance with the following formula:

- The percent that the individual BIA levy/individual BIA assessment is of the total of all the BIA levies/assessments.

June 18, 2010
PROCEDURE FOR BIAS PARTICIPATING IN THE PROGRAM OF SHARING ANNUAL SURPLUS PARKING REVENUES:

ANNUAL ALLOCATION:

1. Hamilton Municipal Parking System will confirm each year’s net operating surplus. 10% of the surplus will be allocated the following year for use by the Business Improvement Areas. The first year of the revenue sharing initiative will commence in 2011 based on the 2010 surplus.

2. Hamilton Municipal Parking System will transfer annual allocations to the Downtown and Community Renewal Division.

3. Downtown and Community Renewal Division will annually apply the formula for distributing the revenue to the allocation in order to determine the contribution to each Business Improvement Area and report same each year to the May meeting of the Hamilton Association of Business Improvement Areas.

APPROVAL OF EXPENDITURES:

1. Business Improvement Areas are to seek approval from the Hamilton Association of Business Improvement Areas (HABIA) for their proposed initiatives and associated costs when utilizing the net operating surplus monies. The request is to be in writing. A resolution of HABIA approving the expenditure is required.

2. Business Improvement Areas are to provide evidence to the Downtown and Community Renewal Division of the approval they have received from the appropriate City Department for initiatives on the public realm prior to monies being advanced.

3. Upon the Downtown and Community Renewal Division being satisfied that all requirements have been met, funding will be advanced.

BUSINESS IMPROVEMENT AREA ANNUAL BUDGETS:

Business Improvement Areas are not to include the allocation from the net operating surplus in their annual budgets presented at their general membership meetings and forwarded to City Council for approval. This is due to the fact that at the time BIAs develop their annual budgets the City’s contribution for that year is unknown.

June 18, 2010
UNALLOCATED FUNDING:
Monies not spent within a calendar year will be transferred to a Downtown and Community Renewal Reserve Account for future use by the Business Improvement Areas.
## Participating and Active Business Improvement Area (B.I.A.) Formula for Parking Revenue

<table>
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<tr>
<th>B.I.A.</th>
<th>BIAs share of the $162,500.00 Using BIA levies and BIA Assessments</th>
<th>BIAs share of the $162,500.00 Using 10% of Net Revenues</th>
<th>BIA share based on weighting of 50% BIA levy/50% parking</th>
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**HMPS Net Surplus (2010) Budget**

$1,625,000.00

**BIAS Share (10%)**

$162,500.00

**Assumption:**

BIA Levy and Assessment based upon full year. No changes were made to them.

* Numbers derived from budget projections (2010 - 6 months)

**Locke Street BIA accounts for 35% of total Locke St Projected Revenues.**

8/13/2010

* Stoney Creek BIA elects to maintain funding through the Downtown and Community Renewal Division’s Account Number 56905-815015.

June 18, 2010
RESOLUTION OF THE BOARD OF DIRECTORS OF ANCASTER BIA

Whereas the City of Hamilton has proposed an amended policy and procedure for revenue sharing of the Hamilton Municipal parking system’s net annual operating surplus for B.I.A.’s as attached hereto.

And whereas it is in the Ancaster B.I.A.’s best interest to support such revenue sharing.

Be it resolved that the Ancaster B.I.A. accept the policy and procedure as attached.

Dated at Ancaster this ___ day of August, 2010

Robert J. Wilkins  
Chair ~ Ancaster BIA

"Pauline Maue"  "Doug Kloet"

"Jim Panoff"  "Karen Wilkins"

"Lloyd Ferguson"  "Robert Brownlie"
The Barton Village BIA supports and endorses the policy and procedure of the Revenue Sharing Program 2010.

Sincerely,

Bob Boyter

Chairman

Barton Village BIA
August 10, 2010

Attention: Hazel Milsome

The Dundas BIA at its last Board meeting fully endorsed the proposed parking policy and revenue sharing proposal.

Phyllis Kraemer
Chair of the Dundas BIA
We, the members of International Village BIA fully endorse the proposed formula for revenue sharing for parking in the City of Hamilton. The formula agreed upon is 50% of the BIA levy and 50% of parking revenues surplus generated in our area (Option C). Our projected net surplus is approx. $17,218.02 and we understand that this amount can change at any time.

Our main concern was that a minimum amount be in place. In the policy and procedure for revenue sharing it states that a minimum amount for the BIA's is no less then the $82,720 that will be included each year in the Downtown and Community Renewal’s operating budget for the purpose of providing a guaranteed minimum annual amount in the event that Hamilton Municipal Parking Services does not have a surplus.

We also understand that there are limitations on how our share may be spent and will follow these guidelines in choosing where we allot our monies.

We would like to thank the Hamilton Municipal Parking Services for this revenue sharing program with the BIA's as it will be put to good use in our communities and help to improve our area.

Sincerely,

Ruth Lewis
Chair
International Village B.I.A.
Hi hazel,

I will endorse the revenue sharing policy.

Thanks, Tony Bifano

Vice chair Ottawa St. B.I.A.

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Milsome, Hazel

From: Joel Newman [busimsys@gmail.com]
Sent: Wednesday, July 28, 2010 3:52 PM
To: Milsome, Hazel
Cc: 'Patty Despinic'; 'Tony Bifano'; 'Howard Charlton'
Subject: RE: Revenue Sharing

I endorse the new parking revenue sharing policy.

Joel Newman
Treasurer,
Ottawa Street BIA

From: Patty Despinic [mailto:info@shopottawastreet.com]
Sent: Wednesday, July 28, 2010 2:39 PM
To: Tony Bifano; Howard Charlton; Joel Newman
Cc: Hazel Milsome
Subject: Revenue Sharing
Importance: High

Good afternoon gentlemen:

In the lengthy discussions about the draft policy recommending that the BIA's share in the parking revenue I have received a request from Hazel that we need to fulfill. This is important. Please read carefully.

I have explained to Hazel that our Board does not meet in the summer time. She has agreed to accept (temporarily), a resolution from our Executive that endorses the proposed policy until our Board meets in September. At that time, we will review the policy with our Board and provide a signed confirmation of the resolution. As I am leaving on holidays, I am requesting that EACH of you, forward to Hazel, a quick note that you endorse the policy as I have previously provided to each of you. Hazel's email is in the addresses above and I have copied her on this note to you.

Hazel: Howard Charlton is our Chairman, Tony Bifano is our Vice Chairman and Joel Newman is our Treasurer.

I hope this will fulfill your requirements for now.

Patty Despinic
Executive Director
Ottawa Street BIA

905-544-5822
info@ShopOttawaStreet.com

7/28/2010
The Board of Management of the Westdale Village BIA approved a motion to participate in the New Revenue Sharing of Hamilton Municipal Parking System’s Net Annual Operation Surplus with the Hamilton Area BIA’s as presented in the Draft Policy and Procedure Documents dated June 18, 2010 with Appendix A attached.

Dated at Hamilton August 10th, 2010

[Signature]

David Simpson, Chair
Result - The Concession Street B.I.A. is in favour of accepting Option C (proposal policy).

If you need any more information please call.

Thanks again for all you help and support.

Lorne

Lorne Lozinski
Executive Director
Concession Street B.I.A.
905-745-9497
lorne@concessionstreet.com