
CITY OF KELOWNA

MEMORANDUM

Date: September 24, 2001
File No.: BL No. 8723, 8724 & 8725

To: City Manager

From: City Clerk

Subject: Okanagan Mission Community Hall Association Loan Authorization Bylaw No. 8723
Okanagan Mission Community Hall Association Agreements Authorization Bylaw No. 8724
Okanagan Mission Community Hall Association Lease Authorization Bylaw No. 8725

RECOMMENDATION

THAT 4:00 p.m., Monday, November 5, 2001 be set as the deadline for receipt of Counter Petitions by the City Clerk in relation to:

Okanagan Mission Community Hall Association Loan Authorization Bylaw No. 8723;
Okanagan Mission Community Hall Association Agreements Authorization Bylaw No. 8724; and
Okanagan Mission Community Hall Association Lease Authorization Bylaw No. 8725.

BACKGROUND

On August 28, 2001 Council gave the first three readings to Bylaw No. 8723 which guarantees the borrowing of \$350,000.00 by the Okanagan Mission Community Hall Association (OMCHA), for financing the capital costs of a fixed structure to cover the existing three tennis courts located on the OMCHA's lands at 4409 Lakeshore Road. It should be noted the City will only be required to borrow the amount authorized by the bylaw in the event the OMCHA defaults on their loan.

On September 10, 2001 Council gave the first three readings to Bylaw Nos. 8724 and 8725. Bylaw No. 8724 authorizes a Tripartite Agreement and a Commitment Letter between Interior Savings & Credit Union, OMCHA and the City for the borrowing of the \$350,000.00 for a 15-year term. Bylaw No. 8725 authorizes a 15-year lease from the City to OMCHA for the area shown on the attached sketch. This lease will allow the OMCHA to construct three outdoor tennis courts and includes provisions for full public access to the outdoor tennis courts and a lease payment of \$1 per year.

Under the provisions of the *Local Government Act* the City must provide a counter petition opportunity for loan authorization bylaws and statutory approval from Municipal Affairs is required prior to the start of the petition period. That approval was received on September 21, 2001. The *Act* also requires the City to provide a counter petition opportunity for all agreements with a term of over five years.

Finally the deadline for receipt of counter petitions must be set by Council resolution and Staff recommends November 5th, 2001 as that date. Advertizements for the counter petition opportunity will run in the Capital News on October 3rd, 2001, Kelowna Daily Courier on October 3rd and 4th, 2001 and will be posted on the City's website.

D.L. Shipclark

c.c. Deputy Director of Finance
Director of Parks & Leisure Services

