
CITY OF KELOWNA

MEMORANDUM

Date: November 14, 2001
File No.: BL8723, 8724 & 8725

To: City Manager

From: Deputy 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 Council receive the Certificate of Sufficiency dated November 14, 2001 pertaining to the following bylaws:

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;

AND THAT 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 be advanced for adoption consideration.

BACKGROUND

On August 28th, 2001 Council gave the first three readings to Bylaw No. 8723 which authorizes the City to guarantee the borrowing of \$350,000.00 by the Okanagan Mission Community Hall Association for a 15-year period to finance the capital costs of the tennis clubhouse addition and a fixed structure to cover the three existing tennis courts located on their lands at 4409 Lakeshore Road.

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 an area of land located behind 619 & 639 Dehart Road. 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 in excess of five years.

Notice of the counter petition opportunity was posted on the City's website and advertized in the Capital News on October 3^d, 2001, and Kelowna Daily Courier on October 3rd and 4th, 2001, giving a deadline of 4:00 p.m. November 13th, 2001 for receipt of petitions.

As of the deadline date 102 valid signatures on petitions were received by the City Clerk's Department. This number is short of the 2769 required to prevent the adoption of the bylaws without the assent of the electors at a referendum, therefore the bylaws may now be forwarded for adoption consideration.

The Certificate of Sufficiency is attached to this report.

Allison Flack

Attach.

c.c. Deputy Director of Finance (w/attach)
Acting-Director of Parks & Leisure Services (w/attach)

CITY OF KELOWNA

CLERK'S CERTIFICATE OF SUFFICIENCY

(Pursuant to Section 241 of the *Local Government Act*)

I hereby certify that sufficient petitions HAVE NOT been received covering proposed 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 as detailed below.

Dated this 14th day of November, 2001

Allison Flack
Deputy City Clerk

| Description | Number of Electors Required to Defeat Proposal (5% of electors City wide) | Number of Objections Received |
|--|---|-------------------------------------|
| Okanagan Mission Community Hall Association Loan Authorization Bylaw No. 8723 – authorizes the City to guarantee the borrowing of \$350,000 by Okanagan Mission Community Hall Association. | 2769 | 102 |
| Okanagan Mission Community Hall Association Agreements Authorization 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 | | |
| Okanagan Mission Community Hall Association Lease Authorization Bylaw No. 8725 - authorizes a 15-year lease from the City to OMCHA for an area of land located behind 619 & 639 Dehart Road | | |