
CITY OF KELOWNA

MEMORANDUM

Date: November 21, 2002
File No.: BL8887
To: City Manager
From: Deputy Director of Finance and City Clerk
Subject: Mission District Park Sports Facility – Certificate of Sufficiency

RECOMMENDATION

THAT Council receive the Certificate of Sufficiency dated November 21, 2002 pertaining to the Mission District Park Sports Facility Construction Loan Authorization Bylaw No. 8887;

AND THAT Council receive the Certificate of Sufficiency dated November 21, 2002 pertaining to the agreements with RG Properties Ltd. and its affiliates for the design, construction and operation of the proposed Mission District Park Sports Facility;

AND THAT Mission District Park Sports Facility Construction Loan Authorization Bylaw No. 8887 be advanced for adoption consideration;

AND THAT the 2002 Financial Plan be amended to include additional capital expenditures of \$16,577,250 funded from:

Long Term Borrowing	\$11,000,000
Developer Contribution	500,000
General Reserves	2,377,250
Statutory Reserves	700,000
Electrical Utility Surplus	1,500,000
Accumulated Surplus – General Fund	500,000

BACKGROUND

On October 7, 2002 Council gave three readings to Bylaw No. 8887 which authorizes the borrowing of a maximum of \$11,195,929.00 for a twenty-year period to fund the construction of the Mission District Park Sports Facility. In conjunction with the loan authorization bylaw, Council also considered the agreements with RG Properties Ltd. and its affiliates for the design, construction and operation of the proposed facility. The proposed facility will include 2 ice arenas with spectator seating, 2 dry floor multi-court arenas with spectator seating, a fitness center, running tracks, restaurant and concession areas, meeting rooms, and dressing rooms.

Under the provisions of the *Local Government Act* the City is required to provide a counter petition opportunity for loan authorization bylaws and agreements longer than five years. Notices of the counter petition opportunity were advertised in the Kelowna

Daily Courier on October 18 and 19, 2002 and in the Capital News on October 18 and 20, 2002 giving a deadline of 4:00 p.m. November 20, 2002 for receipt of petitions.

As of the deadline date petitions bearing 89 signatures, 86 of which were valid, were received by the City Clerk. Two signatures were rejected as invalid because the petitioner lived outside City boundaries and one signature was a duplicate. The number of valid signatures falls short of the 3805 required to force a referendum, therefore the bylaw may now be forwarded for adoption consideration.

The appropriate certificates of sufficiency are attached to this report.

Financing of the \$16.6 Million project was previously identified in the report considered by Council on October 7, 2002. It had been noted at that time that funding identified from the General Fund Accumulated Surplus would be replaced with pay-as-you-go capital budget funding in the 2003 financial plan to be considered by Council on January 7, 2003. Adjustment of the project financing will be made subsequent to Council budget deliberations.

In conjunction with this report and approval to amend the 2002 financial plan, bylaw 8939 is being presented to authorize the expenditure of \$700,000 from Statutory Reserves. This reserve amount has been accumulated from Municipal Finance Authority refunds for general fund civic facilities projects in which sinking fund earnings exceeded required earnings on retired debenture issues.

P. A. Macklem

D.L. Shipclark

Attach. (2)

c.c. Director of Parks and Leisure Services (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 **Mission District Park Sports Facility Construction Loan Authorization Bylaw No. 8887** as detailed on the schedule below.

Dated this 21st day of November 2002

D.L. Shipclark
City Clerk

Description	Number of Electors Required to Defeat Proposal (5% of electors City wide)	Number of Objections Received
Mission District Park Sports Facility Construction Loan Authorization Bylaw No. 8887 - borrowing of a maximum of \$11,195,929.00 for a twenty-year period to fund the construction of the Mission District Park Sports Facility..	3805	86

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 agreements with RG Properties Ltd. and its affiliates for the design, construction and operation of the proposed Mission District Park Sports Facility as detailed on the schedule below.

Dated this 21st day of November, 2002

D.L. Shipclark
City Clerk

Description	Number of Electors Required to Defeat Proposal (5% of electors City wide)	Number of Objections Received
RG Properties Ltd. and its affiliates - agreements - Agreements for a term of 25 years with RG Properties Ltd. and its affiliates for the design, construction, and operation of a recreation and sports facility located in Mission District Park. The three agreements include a Partnering Agreement with RG Properties Ltd.; a Design-Build Agreement with RG Construction (Mission) Ltd.; and an operation, maintenance & management Agreement with RG Facilities (Mission) Ltd.	3805	86