
City of Kelowna

MEMORANDUM

DATE: July 2, 2003
File: 2380-20-8037

TO: City Manager

FROM: City Clerk

RE: Shell Canada Products – Land sub-lease at Kelowna International Airport
Counter Petition Requirements

RECOMMENDATION

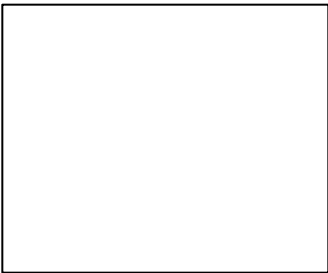
THAT 4:00 p.m., Wednesday, August 27, 2003 be set as the deadline for receipt of Counter Petitions, in the form attached to the July 16, 2003 report of the City Clerk as Schedule "A", by the City Clerk in relation to a sub-lease of land at the Kelowna International Airport to Shell Canada Products;

Background and Comments

Staff has recommended, in the July 10, 2003 report of the Assistant Airport General Manager, entitled "Shell Canada Products – Land Sub-lease – Kelowna International Airport" that a land sub-lease be entered into between the City of Kelowna and Shell Canada Products for the continued operation of a bulk storage facility for a further term of 10 years.

The *Local Government Act* requires that the City provide a counter petition opportunity to all qualified electors in the municipality in relation to agreements with a term longer than 5 years. The estimated number of electors is 96,235 based upon the most recent available census data for Kelowna (2001). Advertisements for the counter petition opportunity will run in the Kelowna Daily Courier on July 23rd and 24th, 2003 and will be posted on the City's website.

A.M. Flack
City Clerk



**Shell Canada Products
Land sub-lease at Kelowna International Airport**

Counter Petition

I am **OPPOSED** to the City of Kelowna sub-leasing land at the Kelowna International Airport to Shell Canada Products for a term of 10 years, for the continued operations of a bulk storage facility.

I, the undersigned, hereby certify that:

- I am eighteen years of age or older; and
- I am a Canadian citizen; and
- I have resided in British Columbia for at least six months; and
- I have resided in, OR have been the registered owner of real property in, the City of Kelowna for at least thirty days; and
- I am not disqualified by the *Local Government Act* or any other enactment or otherwise disqualified by law from voting in local elections; and
- I am entitled to sign this counter petition and have not previously signed a counter petition for the proposed sub-lease.

(see instructions on reverse)

<u>ELECTOR'S FULL NAME</u> (Print)	<u>RESIDENTIAL ADDRESS</u> (AND mailing address if different from residential)	<u>SIGNATURE OF ELECTOR</u>

You **MUST** reside or own property within the municipal boundaries of the City of Kelowna in order to sign this counter petition form.

Pursuant to sections 334.1 of the *Local Government Act*, the Council of the City of Kelowna is proposing to seek the assent of the electors of the City of Kelowna by counter petition. The question before the electors is whether they are **opposed** to the sub-lease of land at the Kelowna International Airport to Shell Canada Products for a term of 10 years, for the continued operations of a bulk storage facility. The sub-lease and related records are available for inspection at the Kelowna International Airport, Administration Offices, #1 – 5533 Airport Way, Kelowna, B.C. V1V 1S1.

INSTRUCTIONS

- If you are opposed to the sub-lease, and you qualify as an elector of the City of Kelowna, you may sign a counter petition
- If you are not opposed to the sub-lease, you need do nothing
- Counter petition forms are available at the Office of the City Clerk, 3^d Floor, City Hall, 1435 Water Street, Kelowna, B.C. V1Y 1J4, from 8:00 a.m. to 4:00 p.m. business days, starting on July 23, 2003
- Accurate copies of the counter petition forms may be made and each counter petition form, or accurate copy, may be signed by one or more electors (A person who presents a counter petition form to another person for signing must not knowingly make any false or misleading statements to the other person about the matter to which the counter petition applies)
- To sign a counter petition form you **MUST** meet the following criteria for either a Resident Elector OR a Non-resident (Property) Elector:

Resident Electors:

- Must be eighteen years of age or older; and
- Must be a Canadian citizen; and
- Must have been a resident of British Columbia for at least six months; and
- Must have been a resident of the City of Kelowna for at least thirty days; and
- Must not be disqualified by the *Local Government Act* or any other enactment from voting in an election or be otherwise disqualified by law.

Non-resident (Property) Electors:

- Must NOT qualify as a Resident Elector of the City of Kelowna; and
- Must be eighteen years of age or older; and
- Must be a Canadian citizen; and
- Must have been a resident of British Columbia for at least six months; and
- Must have been the registered owner of real property in the City of Kelowna for at least thirty days; and
- Must not be disqualified by the *Local Government Act* or any other enactment from voting in an election or be otherwise disqualified by law; and
- May only sign a counter petition once, no matter how many parcels the person might own within the City of Kelowna.

NOTE: A person must not sign any counter petition more than once and may not withdraw his or her name from a counter petition after the deadline for submission of the petitions has passed.

All counter petitions must be received by the City Clerk, 3^d Floor, City Hall, 1435 Water Street, Kelowna, B.C. V1Y 1J4 on or before 4:00 p.m. on August 27, 2003.

The number of electors of the City of Kelowna is estimated to be 76,235. If 5% (3,812) of the estimated number of electors of the City of Kelowna sign a counter petition opposing the noted sub-lease, City Council will not be able to proceed without then receiving the assent of the electors by referendum.