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**CITY OF KELOWNA**  
**MEMORANDUM**

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**Date:** December 20, 2004  
**File No.:** 0910-20-156-002/0550-01  
**To:** City Manager  
**From:** Acting City Clerk  
**Subject:** ALTERNATIVE APPROVAL PROCESS – Property Agreement & Lease Joint Bio-solids Composting Facility with the City of Kelowna and the City of Vernon  
**Report by:** Corinne Boback, Legislative Coordinator

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**RECOMMENDATION:**

THAT Council receive the Certificate of Sufficiency dated December 20<sup>th</sup>, 2004 declaring that no elector responses were received in response to the alternative approval process pertaining to the City of Kelowna's intention, along with the City of Vernon, to enter into a joint bio-solids composting facility.

**BACKGROUND:**

At its September 27, 2004 In-Camera meeting Council resolved to enter into a Leasing Agreement, Option to Purchase and a Right of Refusal agreements with the City of Vernon for the Bio-solids Composting Facility. Council set a deadline for receipt of elector responses against the Agreement of 4:00 p.m. Friday, December 17<sup>th</sup>, 2004 at its October 18, 2004 regular meeting.

Notice of the Alternate Approval Process in relation to the Agreements was advertised in the Kelowna Daily Courier on November 10<sup>th</sup> and November 17<sup>th</sup>, 2004. As of the deadline the City Clerk received 0 elector responses.

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S.Fleming, Acting City Clerk

cc: Manager of Community Development & Real Estate

**CITY OF KELOWNA**

**CERTIFICATE OF SUFFICIENCY**

I HEREBY CERTIFY that sufficient elector responses **HAVE NOT** been received against the The City of Kelowna intends, along with the City of Vernon, to jointly enter into a lease agreement for *a portion of* Lot 1, Plan 23286 with an option to Purchase and a Right of First Refusal on the same leased property. The option is open for 12 years and the Right of First Refusal is open for 20 years. There is a Right of First Refusal over *all* of Lot 1, Plan 23286 (open for 30 years) and an option to purchase a portion of Lot 2, Plan 24201 jointly with the City of Vernon. The lease term is for 12 years with a 10 year option to renew. The City of Kelowna will be responsible for 2/3 of the cost sharing and the City of Vernon will be responsible for the remaining 1/3.

Dated this 20<sup>th</sup> day of December, 2004.

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S.Fleming, Acting City Clerk

| Description<br>Of<br>Proposal  | Number of Electors Responses<br>required Defeat Proposal (10%<br>of Electors City-wide) | Number of<br>Responses<br>Received |
|--|---|------------------------------------|
| <p>The City of Kelowna intends, along with the City of Vernon, to jointly enter into a lease agreement for a <i>portion of</i> Lot 1, Plan 23286 with an option to Purchase and a Right of First Refusal on the same leased property. The option is open for 12 years and the Right of First Refusal is open for 20 years. There is a Right of First Refusal over <i>all</i> of Lot 1, Plan 23286 (open for 30 years) and an option to purchase a portion of Lot 2, Plan 24201 jointly with the City of Vernon. The lease term is for 12 years with a 10 year option to renew. The City of Kelowna will be responsible for 2/3 of the cost sharing and the City of Vernon will be responsible for the remaining 1/3.</p> | 7,624   | 0                                  |