
CITY OF KELOWNA

MEMORANDUM

Date: September 5, 2007
File No.: Bylaw No. 9813
To: City Manager
From: City Clerk
Subject: Uptown Rutland Business Improvement Area – Establishing the BIA by Bylaw No. 9813

Report Prepared by: *Corinne Boback, Legislative Coordinator*

RECOMMENDATION:

THAT Council receive the Certificate of Sufficiency dated September 5, 2007 pertaining to the proposed establishment of the Uptown Rutland Business Improvement Area;

AND FURTHER THAT the Uptown Rutland Business Improvement Area Bylaw No. 9813 be advanced for adoption consideration.

BACKGROUND:

At its regular Council meeting on July 23, 2007, three readings were given to the Uptown Rutland Business Improvement Area Bylaw No. 9813 which authorizes the creation of a new business improvement area ("BIA") for central Rutland. The proposed BIA includes approximately 250 businesses and the business improvement scheme would be implemented through the Uptown Rutland Business Improvement Association, using funds raised through the levying of a tax on the lands and improvements for those affected properties over a 5 year period (January 1, 2008 through December 31, 2012 inclusive) pursuant to the provisions of the *Community Charter*.

Under the provisions of the *Community Charter*, notice of the proposed Business Improvement Area was advertised in the Kelowna Daily Courier and the Kelowna Capital News on July 27th and August 1st, 2007 and was posted on the notice board at City Hall on July 25th, 2007. There were 154 notices mailed to the owners of the 123 affected parcels on July 26th, 2007 giving a deadline of 4:00 p.m. September 4, 2007 for receipt of petitions against Bylaw No. 9813.

As of the deadline date the City Clerk's Office had received 4 valid petitions and 2 invalid petitions. Petitions were determined to be invalid, in accordance with the *Community Charter*, when they were only signed by one owner when two or more owners were listed on the certificate of title.

As insufficient petitions against Bylaw No. 9813 were received by the City Clerk's Office prior to the petition deadline, Council may now consider adoption of the bylaw.

LEGAL/STATUTORY AUTHORITY: *Community Charter*, Sections 94, 211, 212 and 215

LEGAL/STATUTORY PROCEDURAL REQUIREMENTS: Under the *Community Charter*, notices must be mailed to affected property owners, and advertisements must be placed in a local newspaper and be placed on a public notice board. Petitions against the proposed bylaw must be received by the Officer responsible for Corporate Administration (the City Clerk) by the deadline set by Council, and must be certified as sufficient or not, according the to requirements of the legislation.

Considerations that were not applicable to this report:

FINANCIAL/BUDGETARY CONSIDERATIONS:

INTERNAL CIRCULATION TO:

EXISTING POLICY:

PERSONNEL IMPLICATIONS:

TECHNICAL REQUIREMENTS:

EXTERNAL AGENCY/PUBLIC COMMENTS:

ALTERNATE RECOMMENDATION:

Submitted by:

A.Flack, City Clerk

Approved for Inclusion:



Cc: G. King, Acting Revenue Manager

CITY OF KELOWNA

CLERK'S CERTIFICATE OF SUFFICIENCY

I hereby certify that sufficient petitions **HAVE NOT** been received in relation to the Uptown Rutland Business Improvement Area Bylaw No. 9813 as detailed below.

Dated this 5th day of September, 2007.

A. Flack, City Clerk

Bylaw No.	Description Of Proposal	No. of Parcels	No. Required to Defeat Proposed Establishment of BIA (50%)	Total No. of Valid Petitions Received	Assessed Value Required to Defeat Proposed Establishment of BIA (50% of Total)	Total Petitioners' Assessment
Uptown Rutland Business Improvement Area Bylaw No. 9813	To create a business improvement area for central Rutland, implemented by the Uptown Rutland Business Improvement Association.	123	62	4	\$43,402,450.00	\$3,685,000.00