
CITY OF KELOWNA

MEMORANDUM

Date: November 20, 2007
File No.: BL9878
To: City Manager
From: City Clerk
Subject: Alternative Approval Process – Wastewater Treatment Facility Expansion Loan Authorization Bylaw

Report Prepared by: *Polly Palmer, Legislative Coordinator*

RECOMMENDATION:

THAT an alternative approval process opportunity open to all electors within the City of Kelowna be initiated in relation to the borrowing by loan authorization bylaw outlined in the report from the Financial Planning Manager presented to City Council at its regular meeting on Monday, October 15th, 2007;

AND THAT 4:00 p.m. January 10th, 2008 be set as the deadline for receipt of elector responses in the form attached to the November 20, 2007 report of the City Clerk in relation to the City of Kelowna proceeding with the Wastewater Treatment Facility Expansion Loan Authorization Bylaw No. 9878, authorizing the borrowing of Forty Million Dollars (\$40,000,000.00) to construct an expansion to the Wastewater Treatment Facility on the property owned by the City of Kelowna located at 951 Raymer Avenue, Lot 1, District Lot 135, Plan 12356;

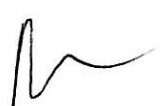
BACKGROUND:

The alternative approval process is open to all qualified electors in the City, which is estimated to be 84,360, based upon the most recently available census data for Kelowna.

Advertisement for the alternative approval process will be posted on the public notice board at City Hall, will run in the Kelowna Daily Courier on November 29, 2007 and December 4th, 2007; in the Capital News on November 28th, 2007 and December 5th, 2007; and will be posted on the City's website. Approval of the electors will be obtained if the number of elector responses received by the end of the alternative approval process is less than 10% of the number of electors (8,436).

LEGAL/STATUTORY AUTHORITY: Community Charter, sections 94, 86 and 180.


LEGAL/STATUTORY PROCEDURAL REQUIREMENTS: Section 180 of the Community Charter requires the approval of the electors prior to adoption of most loan authorization bylaws. Pursuant to section 86 of the Community Charter, Council is required to approve the elector response form for an alternative approval process, and must establish the deadline for receipt of elector responses, which must be at least thirty days after the second publication of the alternative approval process notice. Notice requirements are set by section 94 of the Community Charter.



Considerations that were not applicable to this report:

INTERNAL CIRCULATION TO: N/A
EXISTING POLICY: N/A
FINANCIAL/BUDGETARY CONSIDERATIONS: N/A
PERSONNEL IMPLICATIONS: N/A
TECHNICAL REQUIREMENTS: N/A
EXTERNAL AGENCY/PUBLIC COMMENTS: N/A
ALTERNATE RECOMMENDATION: N/A

Submitted by:


A. Flack, City Clerk

Approved for Inclusion:



D. Shipclark, Acting Director of Planning & Development Services

Cc: *Director of Financial Services, P. Macklem*
Financial Planning Manager, K. Grayston

Bylaw No. 9878
Wastewater Treatment Facility Expansion Loan Authorization Bylaw

ALTERNATIVE APPROVAL PROCESS ELECTOR RESPONSE FORM

I am **OPPOSED** to the City of Kelowna proceeding with the adoption of Bylaw No. 9878, being the Wastewater Treatment Facility Expansion Loan Authorization Bylaw, which authorizes the borrowing of Forty Million Dollars (\$40,000,000.00) to construct an expansion to the Wastewater Treatment Facility on the property owned by the City of Kelowna located at 951 Raymer Avenue, Lot 1, District Lot 135, Plan 12356.

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 (and have been designated as the elector in regard to that 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 alternative approval process elector response form and have not previously signed an alternative approval process elector response form for the proposed Agreement.

All alternative approval process elector response forms must be received by the City Clerk, 3rd Floor, City Hall, 1435 Water Street, Kelowna, B.C., V1Y 1J4 on or before 4:00 p.m. on January 10, 2008.

ELECTOR'S <u>FULL</u> NAME (Print – NO initials)	RESIDENTIAL ADDRESS (or address of real property in Kelowna owned by elector if not resident)	SIGNATURE OF ELECTOR

NOTE: A person must not sign any alternative approval process elector response form more than once and may not withdraw his or her name from the alternative approval process elector response form after the deadline for submission of the petitions has passed. **You must meet the requirements above in order to sign this form.**

The number of electors of the City of Kelowna is estimated to be 84,360. If 10% (8,436) of the estimated number of electors of the City of Kelowna sign an alternative approval process elector response form opposing the noted transactions, City Council will not be able to proceed without then receiving the assent of the electors by referendum.