
CITY OF KELOWNA

MEMORANDUM

Date: September 10, 2008
File No.: Bylaw No. 10010
To: City Manager
From: City Clerk
Subject: Kelowna Downtown Business Improvement Area – Renewal of the BIA by Bylaw No. 10010

Report Prepared by: *Victoria Leung, Acting Legislative Coordinator*

RECOMMENDATION:

THAT Council receive the Certificate of Sufficiency dated September 10, 2008 pertaining to the proposed renewal of the Kelowna Downtown Business Improvement Area;

AND FURTHER THAT the Kelowna Downtown Business Improvement Area Bylaw No. 10010 be advanced for adoption consideration.

BACKGROUND:

At its regular Council meeting on July 21, 2008, three readings were given to the Kelowna Downtown Business Improvement Area Bylaw No. 10010 which authorizes the renewal of the business improvement area ("BIA") for downtown Kelowna. The proposed BIA includes approximately 1,000 businesses and the business improvement scheme would be implemented through the Downtown Kelowna 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, 2009 through December 31, 2013 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 August 1 and 6, 2008 and was posted on the notice board at City Hall on July 30, 2008. There were 498 notices mailed to the owners of the 404 affected parcels on August 1, 2008 giving a deadline of 4:00 p.m. September 9, 2008 for receipt of petitions against Bylaw No. 10010.

As of the deadline date the City Clerk's Office had received 6 valid petitions. As insufficient petitions against Bylaw No. 10010 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

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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:


S. Fleming, City Clerk

Approved for Inclusion: 

Cc: G. King, Revenue Manager

CITY OF KELOWNA**CLERK'S CERTIFICATE OF SUFFICIENCY**

I hereby certify that sufficient petitions **HAVE NOT** been received in relation to the Kelowna Downtown Business Improvement Area Bylaw No. 10010 as detailed below.

Dated this 10th day of September, 2008.


S. Fleming, City Clerk

Bylaw No.	Description of Proposal	No. of Parcels	No. Required to Defeat Proposed Renewal of BIA (50%)	Total No. of Valid Petitions Received	Assessed Value Required to Defeat Proposed Renewal of BIA (50% of Total)	Total Petitioners' Assessment
Kelowna Downtown Business Improvement Area Bylaw No. 10010	To renew the business improvement area for downtown Kelowna, implemented by the Downtown Kelowna Association.	404	202	6	\$213,414,850.00	\$3,825,000.00