
CITY OF KELOWNA

MEMORANDUM

Date: January 7, 2009
File No.: 0155-30
To: City Manager
From: City Clerk
Subject: Lagoons System Operating Agreement

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

RECOMMENDATION:

THAT Council receive the Certificate of Sufficiency dated January 7, 2009 pertaining to the Lagoons System Operating Agreement;

AND THAT Council direct the Mayor and City Clerk to execute the operating agreement.

BACKGROUND:

On November 10, 2008, Council approved the Lagoons System Operating Agreement as attached to the report from the Property Manager, Civic Properties Department, dated October 28, 2008.

An alternative approval process opportunity was open to all electors within the City of Kelowna to petition against Council proceeding with the Agreement. The deadline for receipt of elector responses in the form attached to the October 28, 2008 report from the Property Manager was 4:00 p.m. on January 6, 2009.

Under the provisions of the *Community Charter*, notice of the Lagoons System Operating Agreement Alternative Approval Process was advertised in the Kelowna Daily Courier and the Kelowna Capital News on November 19 and 26, 2008 and was posted on the notice board at City Hall on November 12, 2008.

As of the deadline date the Office of the City Clerk had not received any petitions. As insufficient petitions against the Agreement were received by the Office of the City Clerk prior to the petition deadline, Council may now proceed with the execution of the agreement.

LEGAL/STATUTORY AUTHORITY: *Community Charter*, Sections 86, 94 and 175

LEGAL/STATUTORY PROCEDURAL REQUIREMENTS: Under the *Community Charter*, advertisements must be placed in a local newspaper and 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 to the requirements of the legislation.



Considerations that were not applicable to this report:

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

Submitted by:


Stephen Fleming, City Clerk

Approved for Inclusion:



Cc: Director, Financial Services
Director, Real Estate and Building Services
Manager, Property Management

CITY OF KELOWNA

CLERK'S CERTIFICATE OF SUFFICIENCY

I hereby certify that sufficient petitions **HAVE NOT** been received in relation to the Lagoons System Operating Agreement.

Dated this 7th day of January, 2009.


Stephanie Fleming, City Clerk

Description of Proposal	Number of Elector Responses required to Defeat Proposal (10% of Electors City-wide)	Number of Responses Received
The City of Kelowna wishes to proceed with the Lagoons System Operating Agreement.	8,550	0