

# Memo



**Date:** March 29, 2010  
**File:** 0550-01  
**To:** City Manager  
**From:** City Clerk  
**Subject:** Council Policy Review 2009-2010  
  
Report Prepared by: Legislative Coordinator

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## **Recommendation:**

THAT Council Policies 04, 06, 09, 58, 75, 76, 81, 101, 117, 173, 174, 203, 218, 222, 223, 227, 240, 245, 251, 253, 258, 261, 262, 266, 272, 277, 281, 298, 312, 316, 318, 326, 327, 331, 339, 341 be revised as attached to the report dated March 29, 2010 from the City Clerk;

AND THAT Council Policies 33, 88, 99, 104, 120, 124, 209, 244, and 308 be rescinded;

AND FURTHER THAT all Council Policies be revised to reflect the new titles and departments consistent with the corporate reorganization.

## **Background:**

Upon completion of the staff review of the Council Policies conducted in the fall of 2009, the Legislative Coordinator and the City Clerk reviewed and approved the recommended changes for the above listed policies.

All of the policies required updating this year as they have all been updated to the City's new Council Policy format and the majority of the policies required some updates to reflect the re-organization. Some job titles/departments/divisions have been affected with the re-organization and have been renamed throughout all the policies.

The policies addressed in this report are those that require revisions or are recommended to be rescinded. If Council has any concerns about any of the recommended changes, we ask that those changes that can be supported be accepted and the other deferred for a future report back from the relevant staff.

This report outlines all the specific changes that are required to be made to the existing policies. All the current policies are available on line for viewing if necessary.

## **Council Policies that require changes:**

### **City Electrical Service Wires on Private Property Policy- No. 04**

- Under PROCEDURE FOR IMPLEMENTATION, delete the current wording that reads: "The Communications Manager reminds the public of this policy in the Citizen Information section of the local newspapers in the fall of each year." and replace with "Is addressed as part of the Co-operative Safety Program advertising campaign."

### **All Candidates Forum - Civic Election Policy - No. 06**

- delete PROCEDURE FOR IMPLEMENTATION and replace with and new PROCEDURE FOR IMPLEMENTATION as follows:

"PROCEDURE FOR IMPLEMENTATION: Facility booking to be confirmed through Recreation and Cultural Services by the Office of the City Clerk who will then advance a recommendation to Council.



#### **Banking & Cheque Signing Policy - No. 09**

- Currently the policy states that all cheques in excess of \$25,000 be counter-signed on behalf of the City of Kelowna by the Mayor or Acting-Mayor or a Member of Council and the Systems and Reporting Manager, Financial Planning Manager or the Director of Financial Services. Council passed a resolution (ST1176/05/12/05) that the amount was to be increased to \$50,000. Therefore, the policy needs to reflect Council's direction.

#### **Grant-in-Aid Funding Requests Policy - No. 58**

- The first two paragraphs are to be deleted;
- Delete the line that reads "All requests for grants for the current calendar year must be submitted to the City of Kelowna by February 28" under the GENERAL section;
- Under PARTICIPATION IN PROVINCIAL OR NATIONAL CHAMPIONSHIPS delete "See Athletic Excellence Grant Policy No. 333 and replace with the following:

#### **"F. OTHER SUPPORTING GRANTS**

THAT grants for social program requests be determined by the "Community Social Development Grant Policy No. 218".

THAT grants to local arts organizations be determined through the by the "Arts & Culture Policy No. 274".

THAT event hosting grants to local sport organizations be determined by the "Sport Event Development Grant Policy No. 298".

THAT hosting grants to aid in athletic travel to high level competitions be administered through the "Athletic Excellence Grant Policy No. 333". and;

- Delete the PROCEDURE FOR IMPLEMENTATION and replace with a new one as follows:  
PROCEDURE FOR IMPLEMENTATION  
Applications for grants-in-aid received will be forwarded to the Director of Recreation and Cultural Services. Requests will be initially reviewed to ensure the requests meet the criteria, and if eligible, further review with the Director of Finance (and other appropriate departments as needed) prior to it being forwarded to the City Council for approval.

#### **Land Acquisition/Long Range Development Plan Policy- No. 75**

- Under paragraph 4, change the wording from "THAT the Municipal Council authorize the Director of Civic Properties to proceed with negotiations within a specified price range after considering the Director of Civic Properties' recommendation as to a fair price." to "THAT the Municipal Council authorize the Director of Real Estate & Building Services to proceed with strategic or identified property negotiations subject to final approval of the Municipal Council."; and
- Under "REASON FOR POLICY" change the wording from "To identify that the City will only purchase property when a definite purpose has been identified for its immediate or long term use." to read "To identify that the City will only purchase property when a definite purpose has been identified for its immediate use or to accommodate long-term strategic interests of the Municipality."

#### **Disposal of City Property Policy- No. 76**

- Under paragraph 1, change from "THAT property of the City of Kelowna be sold when it appears that there is no present or future use contemplated." to "THAT property of the City of Kelowna be sold when it appears that there is no present or future use contemplated or where there is no strategic benefit to the City."; and
- Under paragraph 2, change from "THAT the Director of Civic Properties continually keep the property inventory of the City under review and submit recommendations to the Municipal Council for disposal of any property considered not to have present or reasonable future use to the City." to "THAT the Manager, Real Estate Services continually keep the property inventory of the City under review and submit recommendations to the Municipal Council for disposal of any property considered not to have present or reasonable future use or where holding of the property has no strategic benefit to the City."

#### **Processing of City Lease or Contract Documents Policy - No. 81**

- This policy is amended to mirror the Execution of Standard Land Title Office Documents Policy No. 127. See attached draft "Schedule A".

#### **Conversion of Overhead Power Lines to Underground Installation Policy - No. 101**

- Under sub-paragraph 2, delete the line at the end of the paragraph that reads, "The City would also develop various funding strategies to ensure all wires ultimately be buried."



**Public Input - Proposed Public Infrastructure Policy- No. 117**

- The entire policy, being that it is a small policy was revamped to include changes with the re-organization, as well as broadening the scope beyond “facilities” to “infrastructure” in order to coincide with the objectives of the City.

**Existing Policy:**

WHEREAS the City constructs facilities from time to time to meet the needs of the residents;

AND WHEREAS it is deemed desirable to involve those volunteer organizations who would make use of the facilities, in the planning of these facilities;

NOW THEREFORE BE IT RESOLVED THAT the City of Kelowna reaffirms its present policy of encouraging comments and suggestions from interested citizens or any voluntary groups affected by any proposed facility.

REASON FOR POLICY: To encourage volunteer organizations to provide input into the planning of proposed public facilities.

LEGISLATIVE AUTHORITY: Council Resolution.

PROCEDURE FOR IMPLEMENTATION: Relevant user groups, neighbourhood associations or other organizations are consulted regularly for input on proposed new City facilities or changes to existing facilities.

**Proposed Policy:**

WHEREAS the City constructs infrastructure from time to time to meet the needs of residents, the business community, stakeholders and specific end users;

AND WHEREAS it is deemed desirable to involve the public, the business community, other stakeholders and volunteer organizations who would be affected by or make use of the facilities, in the planning of these facilities;

NOW THEREFORE BE IT RESOLVED THAT the City of Kelowna reaffirms its present policy of encouraging comments and suggestions from interested residents or any stakeholder groups affected by any proposed facility.

**REASON FOR POLICY**

To encourage residents, the business community and volunteer organizations to provide input into the planning of proposed public facilities.

**LEGISLATIVE AUTHORITY**

Council Resolution.

**PROCEDURE FOR IMPLEMENTATION**

The Department of Infrastructure Planning will coordinate input from the public, relevant user groups, neighbourhood or business associations or other organizations regarding proposed new City infrastructure or changes to existing infrastructure. That input will be considered in the context of the City’s policies and objectives to achieve long-term benefit for the City at the least life-cycle cost.

**Water and Sewer Specified Area No. 1 Policy - No. 173**

- Under Section 2, delete the word “Domestic” in sub-section (a) and “Sanitary” in sub-section (b); and
- Under PROCEDURE FOR IMPLEMENTATION, delete the existing wording that reads: “Via development application for water or sewer through the Planning & Development Services Department.” and replace with the words “Via an application to connect, or a development application for water or sewer through various City Departments.”

**Water Specified Area No. 1 Policy - No. 174**

- Under Section 3, sub-section (a) that reads “Development charge per dwelling unit as a buy-in.” delete the word “charge” and replace with “fee”.

**Off-Airport Responses by Airport Rescue & Firefighting Services (ARFF) Policy No. 203**

- Delete all references to “foam truck” and replace with “aircraft fire fighting vehicle”; and
- Delete the word “control” in sub-paragraph 3.4 and replace it with “incident command”

**Community Social Development Grants Policy - No. 218**

- Under **Definitions in this policy:** Grant Committee: Change “Social Planning and Housing Advisory Committee” to “Women’s and Community Advisory Committee”.

**Business License Applications - Adult Video Outlets Policy - No. 227**

- Under Section 3 - add the following wording at the end of the sentence “and must be in compliance to the regulations of the Sign Bylaw No. 8235.” so it reads as follows:  
  
“3. Signage shall be limited to identification of the premises only, with no external advertising copy permitted and must be in compliance to the regulations of the Sign Bylaw No. 8235.”

**Recreation and Cultural Services - Philosophy/Fees & Charges Policy - No. 222**

- Under **STATEMENT OF PHILOSOPHY**, delete the point that reads:  
  
“□ integrate disadvantaged persons and persons with disabilities” and replace with  
“□ integrate persons of low socio-economic status and persons with disabilities”

**Liquor Licenses in Parks and Stadiums and Facilities - No. 223**

- Under the first paragraph, add “Rotary Centre for the Arts Common” after the words “Waterfront Park, City Park,”;
- Under the third paragraph, the second bullet, add “at that location” at the end of the sentence;
- Under the third paragraph, the third bullet, add “aspects” after “responsible for all financial”;
- Under sub-paragraph (a), change sub-sections ii), iii) and iv) from:  
  
“ii) proposed hours of operation of the licensed area, not to be later than 11:00 pm, and the provision for 6 foot high rigid fencing;  
iii) the maximum capacity of the licensed area;  
iv) a security plan submitted by organizers must be approved by the Kelowna Detachment of the R.C.M.P.”  
to  
  
“ii) proposed hours of operation of the licensed area will be restricted between 11:00AM and 10:00PM and the provision for perimeter fencing;  
iii) a security plan submitted by organizers must be approved by the Kelowna Detachment of the R.C.M.P.”
- Delete sub-paragraph (e) and replacing with a new sub-paragraph e) and re-naming the current sub-paragraph (e) to (f) as follows:  
  
“e) beverages must be served in plastic, paper or other disposable containers, unless authorized by the Liquor Control and Licensing Branch and City representative;  
f) the issuance or extension of the license is approved by the Outdoor Event Committee.”

**Overhead Street Banner Installations Policy No. 240**

- This policy has been re-vamped because the policy was too long and confusing and has been simplified;
- Clarification was made to the purpose of the policy so that the banner program is not intended for messages of a “religious, ethical or political” nature; and
- the fees have increased from \$150 to \$200 so that costs can be recovered more effectively.

*The current policy reads as:*

1. All banners shall advertise according to the following criteria:

Tier 1 The banner shall advertise occasions or events. These occasions or events shall be specific happenings within the community that the majority of the population will participate in or be of general interest due to the nature of the event. These events will not be commercially oriented but will provide information and/or recreation to the community as a whole. These occasions or events will specifically be put on by “non-profit” organizations. (i.e. Canadian Cancer Society, Canadian Red Cross Society, B.C Lung Association etc.) It is acknowledged that the non-profit group may seek corporate sponsorship. Recognition of the sponsorship cannot cover more than 20% of the covered space and shall not overshadow the “Non-profit” group’s message.



("Non-Profit" means: must be Registered under the Society Act, representing the Neighbourhood Associations, Health Institutes and Community agencies but not umbrella societies for business groups; and be in good standing with the City of Kelowna)

- Tier 2 The banner shall advertise occasions or events. These occasions or events shall be specific happenings within the community that the majority of the population will participate in or be of general interest due to the nature of the event. These events can be commercially oriented but should be specific to an entire sector group within Kelowna or the Okanagan Valley. (i.e. Okanagan Wine Festival, Budweiser Thunderfest, Festival of Arts, Kelowna Home and Sport Show etc.) Recognizing they can still be commercially oriented, it is the desire by Council that the focus should be on the occasion or event and not the sponsorship. The banner sponsor or multi-sponsors name can not cover any more than 20% of the entire advertised area.
2. A banner shall not advertise a political or religious point of view.
  3. All banners must be designed as follows:
    - canvas or vinyl material only;
    - 13 mm (1/2") grommets placed every 914mm (3') installed in a fold at the top and bottom;
    - 205 x 255 mm (8 x 10") wind slits cut in a horseshoe shape every 914 (3').
  4. The City of Kelowna will be responsible to erect and remove all banners.
  5. The maximum time for which space can be reserved is fourteen (14) consecutive days for a specific event, not more than once in a four (4) calendar month period.
  6. Space can be reserved on a first come, first served basis, up to 12 months in advance of the event.
  7. Persons or organizations wishing to reserve space are required to submit a written request to the City of Kelowna Parks Division, 1359 KLO Road, at least four (4) weeks prior to the installation date. The request shall include the following information:
    - desired date (s);
    - diagram of the proposed banner showing size, material, and wording;
    - the purpose of the event to be advertised.
    - Tier 1 (non-profit) must provide copy of their registration certificate or registration number under the Society Act
  8. City of Kelowna, after review of the request, will confirm in writing, either approval or rejection of the request.
  9. Following approval of the banner, the administration fee, (along with a copy of the approval letter) must be paid at the Parks Office at least one week in advance of the installation date. The applicant is then required to bring the banner to the Parks Office. The applicant must also arrange to pick up the banner within one week of the removal date.
  10. The Parks Department will endeavor to put the banners up and take them down on Monday's but emergencies will take precedence. If the banner is not installed, the administration fee will be refunded.
  11. Banners will only be permitted at the following three locations:
    - On Ellis Street between Lawrence and Bernard Avenues
    - On Pandosy Street between Lawrence and Bernard Avenues
    - On Water Street between Lawrence and Bernard Avenues
  12. The City of Kelowna reserves the right to reject any application and/or banner that does not comply with this policy.
  13. Administration Fees:
    - Tier 1- \$150.00 per/install
    - Tier 2 - \$300.00 per/install

REASON FOR POLICY: To cover cost of installation and administration time. Council supported that cost must come from the users or applied-for Council assistance.

LEGISLATIVE AUTHORITY: N/A

PROCEDURE FOR IMPLEMENTATION: Banner installation requests are to be submitted, in writing, to the City Parks Dept. at least 4 weeks prior to the installation date. The procedure to be followed is outlined in the attached policy for installation of banners. If an organization is unable to pay the fee, they can approach Council for assistance, in which case the Parks Dept. prepares a report to Council with a recommendation for or against the request for funding assistance. If approved by Council, funds would be appropriated from Council Contingency.

*The proposed Policy will read as follows:*

1. All banners strung across a city street shall follow these criteria:
  - a) The intention of the banner program is to help promote community occasions or events of a cultural or recreational nature, or display public service announcements.
  - b) Occasions, events or announcements shall be specific happenings within the community that the majority of the population will participate in or be of general interest due to the nature of the event.
  - c) These events will not be commercially oriented but will provide information and/or recreation to the community as a whole.
  - d) Recognition of any sponsorship cannot cover more than 20% of the banner surface area on each side.
  - e) A banner shall not promote a point of view or organization of a political, ethical or religious nature.
2. All banners must be designed as follows:
  - a) canvas or vinyl material only;
  - b) 13 mm (1/2") grommets placed every 914mm (3') installed in a fold at the top and bottom;
  - c) 205 x 255 mm (8 x 10") wind slits cut in a horseshoe shape every 914 (3');
  - d) Maximum banner height of 914mm (3');
  - e) Maximum banner length of 7, 925mm (26');
  - f) Minimum banner length of 6,096mm (20'), and banners shorter than 7,925mm (26') must also be supplied with rope to hang them properly.
3. The City of Kelowna will be responsible to erect and remove all banners.
4. The maximum time for which space can be reserved is fourteen (14) consecutive days for a specific event, not more than once in a four (4) calendar month period, unless approved by the Park Services Manager or designate.
5. Space can be reserved on a first come, first served basis, up to 12 months in advance of the event. All bookings are tentative until final approval of the banner design is received.
6. Persons or organizations wishing to reserve space are required to submit a written request to the City of Kelowna Park Services Branch, 1359 KLO Road, at least four (4) weeks prior to the installation date. The request shall include the following information:
  - a) desired date (s);
  - b) diagram of the proposed banner showing size, material, and wording;
  - c) the purpose of the event to be advertised.
7. City of Kelowna, after review of the request, will confirm in writing, either approval or rejection of the request.
8. Following approval of the banner, the administration fee, (along with a copy of the approval letter) must be paid at the Parks Office at least one week in advance of the installation date. The applicant is then required to bring the banner to the Parks Office. The applicant must also arrange to pick up the banner within one week of the removal date. The City is not responsible for lost, damaged, vandalized or stolen banners.
9. The Parks Services Branch will endeavor to put the banners up and take them down on Mondays but emergencies will take precedence. If the banner is not installed, the administration fee will be refunded.



10. Banners will only be permitted at the following three locations:  
  
On Ellis Street between Lawrence and Bernard Avenues  
On Pandosy Street between Lawrence and Bernard Avenues  
On Water Street between Lawrence and Bernard Avenues
11. The City of Kelowna reserves the right to reject any application and/or banner that does not comply with this policy.
12. Administration Fees:  
  
\$200.00 per/install plus applicable taxes.

REASON FOR POLICY: To cover cost of installation and administration time. Council supported that cost must come from the users or applied-for Council assistance.

LEGISLATIVE AUTHORITY: N/A

PROCEDURE FOR IMPLEMENTATION: Banner installation requests are to be submitted, in writing, to the City Parks Service Branch at least 4 weeks prior to the installation date. The procedure to be followed is outlined in the attached policy for installation of banners. If an organization is unable to pay the fee, they can approach Council for assistance, in which case the Parks Dept. prepares a report to Council with a recommendation for or against the request for funding assistance. If approved by Council, funds would be appropriated from Council Contingency.

**No Exemption Policy - Garbage Collection Tax Levy Policy - No. 245**

- Under the first paragraph, delete "Solid Waste Management Regulation Bylaw No. 9570" and replace it with "Solid Waste Management Bylaw No. 10106" as Bylaw No. 9570 is repealed and has been replaced with a new Solid Waste Management Bylaw No. 10106.
- Under **Section 6 - Resident prefers to go to the landfill directly**, delete the sentence "At \$27.61 per annum, a weekly collection service is less expensive than 5 trips to the landfill, without even factoring in private vehicle operating costs and the value of the driver's time." And replace it with "At \$87.40 per annum, for 26 collections, a weekly collection service is less expensive than 15 trips to the landfill, without even factoring in private vehicle operating costs and the value of the driver's time."
- Under **Section 8 - Resident is on a fixed or low income**, delete the figure "\$27.61" and replace with "87.40"
- Delete the following: "REVISION OF THIS POLICY IS SUBJECT TO CONSIDERATION BY THE KELOWNA CITY COUNCIL. ALL FINAL DECISIONS REST WITH THE BOARD OF DIRECTORS FOR THE REGIONAL DISTRICT OF CENTRAL OKANAGAN."
- Delete the REASON FOR POLICY and replace with "To provide equitable service levels to each household."

**Park Naming Policy - No. 251**

- Change Parks Committee to Infrastructure Planning as the committee no longer exists; and
- Change the second paragraph under Naming Criteria to read from:

"Where the adjacent street has already been used to name a Park, then a name will be chosen to describe the name of the neighbourhood for neighbourhood parks or the name of a community, sector or unique geographical feature for community, district, linear or City level parks." to

"Where the adjacent street has already been used to name a Park or if the park is higher profile in nature, then a name will be chosen to describe the neighbourhood for neighbourhood parks or the name of a community, sector or unique geographical feature for community, recreation, linear natural area or city wide parks."

**Use of City-Owned Passenger Vehicles/Personal Vehicles Required for City Business/Casual Personal Vehicle Use for City Business Policy - No. 253**

- Under Personal Vehicles Required for City Business, delete the words "Senior Management" from the second paragraph and replace with "Leadership".

**Financial Plan Transfer Policy - No. 261**

- Delete all references to "budget" throughout the whole policy; and
- Under FINANCIAL PLAN TRANSFER PROCEDURES, under Section 3, add the word "resolution" after "Council approval".

**Financial Plan Transfer Policy - No. 262**

- Delete all references to “budget” throughout the whole policy.

**Subdivision, Development & Servicing - Approved Products List Policy - No. 266**

- Delete the paragraph that reads:  
“The City, subject to recommendation by the City Engineer, may approve products that satisfy the requirements of the respective Works & Utilities Divisions. For “Water” products, the Kelowna Joint Water Committee establishes the requirements. The respective Works & Utilities Managers will review Water, Wastewater, Drainage, Electrical, Parks, and Road and Transportation Products. Requests for product inclusion may be made to the respective Works & Utilities Manager.” and replace with:  
“The City, subject to recommendation by the Director of Design & Construction, may approve products that satisfy the requirements of the City. For “Water” products, the Kelowna Joint Water Committee establishes the requirements. The respective Civic Operations Managers will review Water, Wastewater, Drainage, Electrical, Parks, and Road and Transportation Products. Requests for product inclusion may be made to the respective Director of Design & Construction.” and
- Under Section 2. Fittings & Appurtenances, sub-paragraphs titled Restraining Joints and Couplings, there are several “#@” or “#” that should all be deleted.

**Handling of Petitions Received From the Public Policy - No. 272**

- The paragraphs that are in this policy require some editing and re-formatting, therefore, delete the existing paragraphs that read:

“Departments receiving petitions are to summarize the petitioners’ request in a memo addressed to the Mayor and Council and provide a brief outline of how the petition is being handled. When the necessary action takes a prolonged length of time, follow-up memos will also be provided to ensure Council is up-to-date as to the status of the petition.

Petitions concerning subdivision and development applications or that are required by statute (i.e. alternative approvals under Section 86 of the Community Charter local service area petitions under Sections 212 to 214 of the Community Charter) are exempt from this policy.”

*And replace with:*

“Departments receiving petitions are to forward them to the Office of the City Clerk, who will summarize the petitioners’ request in a memo addressed to the Mayor and Council and provide a brief outline of how the petition is being handled.

When the necessary action takes a prolonged length of time, follow-up memos will also be provided to ensure Council is up-to-date as to the status of the petition.

Petitions concerning subdivisions are to be received by the Subdivision Approving Officer.

Petitions concerning development applications are to be received by the Land Use Management Department, unless they are part of a statutory notice in which case the petitions are forwarded to the Office of the City Clerk.

Statutory Petitions that are required by statute (i.e. alternative approvals under Section 86 of the Community Charter local area service petitions under Sections 212 to 214 of the Community Charter) are exempt from this policy.”

**Dog Walking and Dog Off-Leash Parks Policy - No. 258**

- Under the TEMPORARY dog off-leash parks, the Kelowna Secondary School site should be changed to read:  
“Kelowna Secondary School site (April 15/09 - Feb 10/10)”

**Grants to Address Sexual Exploitation of Youth - No. 277**

- Under **Definitions in this policy:** **Grant Committee:** Change “Social Planning and Housing Advisory Committee” to “Women’s and Community Advisory Committee”.



#### City of Kelowna Corporate Logo Policy - No. 281

- Changed title to “City of Kelowna Corporate Logo, Coat of Arms or Sails” as well mentioning Corporate Logo, Coat of Arms or Sails throughout the policy;
- And deleted the words “or where council has provided endorsement or approval. The logo may also be used on reports prepared for the City by consultants engaged by the City.” At the end of the paragraph; and
- Delete the current LEGISLATIVE AUTHORITY that reads “Council Resolution” and replace it with the following: “Official mark registration of corporate logo.”

#### Sports Event Development Grant Policy- No. 298

The two areas that have been changed are as follows:

- 1) Reduced the maximum funding levels for Competitions. The number of applications has continued to increase since the program’s inception in 2003. The City has reached (and exceeded) our maximum funding level the last two years. Reducing the maximum funding levels in all categories will provide greater opportunity to ensure the City is able to approve the volume of grant requests throughout the calendar year.
  - 2) Added the funding category that supports Annual General Meetings and Training Camps. This is an important addition to the policy (and sport development) as it brings key decision makers (coaches, officials and technical reps) into our community to see the City’s facilities as well as connect with our local sport delivery system.
- Under FUNDING LEVELS delete:
    - “1. Invitational/Regional Events at \$5/participant up to \$1,500
    2. Provincial Championships at \$10/participant up to \$2,000
    3. Western Canadian Championships at \$15/participant up to \$3,000
    4. National Championships at \$20/participant up to \$4,000
    5. World Championships will be evaluated on its own merit (up to \$5,000)” and replace with;

“Competitions:

1. Invitational/Regional Events at \$5/participant up to \$750
2. Provincial Championships at \$10/participant up to \$1,500
3. Western Canadian Championships at \$15/participant up to \$2,000
4. National Championships at \$20/participant up to \$3,000
5. World Championships will be evaluated on its own merit (up to \$4,000)

Annual General Meetings and Training Camps;

1. Provincial Sport Organizations at \$10/participant up to \$300
2. National Sport Organizations at \$20/participant up to \$600
3. International Sport Federation at \$25/participant up to \$750”

#### Emergency Grant Requests Funded from Social Development Grant Reserve - Process for Handling Policy - No. 312

- Under Definitions in this policy: Grant Committee: Change “Social Planning and Housing Advisory Committee” to “Women’s and Community Advisory Committee”.

#### Investment of City of Kelowna Surplus Funds Policy - No. 316

- Delete under Investment Performance Objectives, the bullet that reads:
  - The secondary performance objective for the entire Fund is to achieve performance of 1.5% over the return of the Scotia Capital 91 Day TBill over three year moving periods, as listed in Mercer’s quarterly survey of Canadian Institutional Pooled Funds and found on [www.mercerhr.ca/](http://www.mercerhr.ca/) and replace with:
  - The secondary performance objective for the entire Fund is to achieve performance of 1.5% over the return of the DEX91 Day TBill over three year moving periods, as listed in Mercer’s quarterly survey of Canadian Institutional Pooled Funds and found on [www.mercerhr.ca/](http://www.mercerhr.ca/)

#### Heritage Building Tax Incentive Program Policy - No. 318

- Amendments have been made to reflect the current legislation. These changes are outlined in Schedule “B” of this report.

#### Sports Field Reserve Fund Policy - No. 326

- Delete the REASON FOR POLICY that reads:
 

“To establish an account dedicated towards development of new sports fields.” and replace with “To establish a reserve account dedicated towards development of new sports fields.”

**Permissive Tax Exemption Policy - No.327**

- Under PROCESS, delete the chart that reads:

| Application Period | Number of Years Exempt | Application Due Date |
|--------------------|------------------------|----------------------|
| 2006 - 2010        | 5 Years                | August 15, 2005      |
| 2007 - 2010        | 4 Years                | July 15, 2006        |
| 2008 - 2010        | 3 Years                | July 15, 2007        |
| 2009 - 2010        | 2 Years                | July 15, 2008        |
| 2010               | 1 Year                 | July 15, 2009        |

And replace it with the following:

| Application Period | Number of Years Exempt | Application Due Date |
|--------------------|------------------------|----------------------|
| 2011 - 2015        | 5 Years                | July 15, 2010        |
| 2012 - 2015        | 4 Years                | July 15, 2011        |
| 2013 - 2015        | 3 Years                | July 15, 2012        |
| 2014 - 2015        | 2 Years                | July 15, 2013        |
| 2015               | 1 Year                 | July 15, 2014        |

To reflect the new year's figures.

**Downtown Commercial Building Encroachment Policy - No. 329**

- Under Section 7, delete the first paragraph that reads:  
"The owner of the subject property must enter into a License of Occupation Agreement with the City of Kelowna to formally recognize the encroachment. In the license of occupation agreement the owner of the property with the encroachment shall." and replace with "The owner of the subject property must enter into a License of Occupation Agreement, Easement over Road or other form of appropriate land tenure with the City of Kelowna to formally recognize the encroachment. In the license of occupation tenure agreement the owner of the property with the encroachment shall."

**Sidewalk/Walkway Maintenance and Inspection Policy - No. 331**

- Under the INTRODUCTION, change the 300 kilometers "The City of Kelowna has over 300 kilometers of public sidewalks and walkways throughout the City and Parks." to 400 kilometers.

**Mission Recreation Park Softball Facility Reserve Fund Policy - No. 339**

- Delete the REASON FOR POLICY that reads:  
"To establish a financial reserve account" and replace it with "To establish a reserve account dedicated to the improvement and development of softball facilities at the Mission Recreation Park."

**Accessibility Measures for Hotels and Motels Policy - No. 341**

- Under REASON FOR POLICY change from "Council appointed an Advisory Committee for People with Disabilities in 2006. The Committee undertook work in 2007 to devise guidelines for hotels and motels to better accommodate people with disabilities." to "Council appointed an Advisory Committee for People with Disabilities in 2006, which is now called the Accessibility Advisory Committee. The Accessibility Advisory Committee undertook work in 2007 to devise guidelines for hotels and motels to better accommodate people with disabilities."



## **Council Policies to be rescinded:**

### **City Vehicle Fleet - Colours/Logo - No. 33**

This policy is no longer required as the information in the policy is outlined the City's Visual Standards Guide.

### **Council Packages Distributions Policy - No. 88**

This policy is no longer required, as it has become a performance measurement for the Office of the City Clerk ensuring that agendas are posted to the City's website by 4pm the Thursday prior to the Council Meeting and that all Council Agenda packages are distributed and available by noon, the Friday prior to the Council Meeting.

### **Nuclear Free Zone Designation Policy - No. 99**

This policy is no longer current because the City is unable to regulate the production, testing, storage, transportation, processing, disposal or use of nuclear weapons or their components. (As outlined in the policy.)

### **Parking of Recreational Vehicles at City-Owned Facilities Policy - No. 104**

This policy is no longer current as changes have been made through updates to the Recreation & Cultural Services Conditions of Use & Allocation Policies Manual for Recreation Facilities, Theatre, Sportsfields and Rutland Sportsfields as part of the centre booking during sport competitions.

### **Special Lifetime Swim Passes - City of Kelowna Swimming Pools Policy- No. 120**

This policy was originally set up with the objective to help seniors be and remain active however over the years it has became more common for them to be active. Staff found that the number of passes being given out were far exceeding expectations, and as a result, the program was being phased out in 2001 and the City no longer provides these passes.

### **Deputy Chief Election Officer and Presiding Election Official Positions Policy - No. 124**

This policy is no longer required as this decision is a Council decision.

### **Temporary Use or Closure of City Streets Policy No.209**

This policy is no longer required because the information in this policy is covered in the Outdoor Events Bylaw No. 8358.

### **Processing of Soil Removal/Landfill Applications Policy No. 244**

This policy is no longer required as the process and regulations are covered in the Soil Removal and Deposit Regulation Bylaw No. 9612.

### **Repeat Applications Policy No. 308**

This policy is no longer required as this process is covered in the Council Procedure Bylaw No. 9200 and the *Community Charter*.

#### **Internal Circulation:**

Various City Staff

#### **Considerations not applicable to this report:**

Legal/Statutory Authority:

Legal/statutory Procedural Requirements:

Existing Policy:

Financial/Budgetary Considerations:

Personnel Implications:

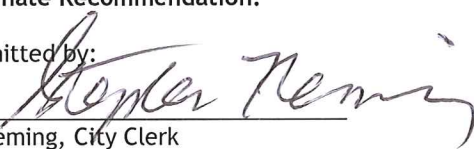
Technical Requirements:

External Agency/Public Comments:

Communications Considerations:

Alternate Recommendation:

Submitted by:

  
S. Fleming, City Clerk

Approved for inclusion:



(R. Mayne)



# CITY OF KELOWNA

POLICY: 81  
PAGE: 1 of 1

## COUNCIL POLICY MANUAL

APPROVAL DATE: 2000/12/18  
RESOLUTION #: R1000/00/12/18  
REPLACING #: R892/1999/11/01; R-1976/05/11 and Council Policy #79  
DATE OF LAST REVIEW: November 2008

SUBJECT: PROCESSING OF CITY LEASE OR CONTRACT DOCUMENTS

1. Department Heads are to process all proposed City lease or contract documents and any relative plans or attachments to the City Clerk's office for final review and processing for Council consideration. The City's Risk Manager shall be responsible for reviewing these documents to ensure that the City's liability/insurance requirements-needs are met. The City Clerk shall be responsible for reviewing these documents to ensure that they conform and include the appropriate standard provisions as may be established from time to time.
- ~~2. A personal guarantee will be required in all leases between the City and an incorporated company.~~
2. All proposed leases and agreements, except month to month tenancies, shall be presented to the Municipal Council for their consideration prior to execution. The City Clerk shall ensure that all approved legal documents are properly executed after which the originals shall be placed in the vault in the Clerk's Department for future reference.
3. That approval of all documents necessary to complete a lease agreement and/or subsequent renewals in the City of Kelowna Standard Lease Agreement format for all existing nominal rent assigned to the City of Kelowna Property Manager.  
That the Mayor and City Clerk be authorized, on behalf of the City, to execute all necessary documents that have been approved by the City of Kelowna Property Manager.  
Any new Non-Market leases require Council approval.

REASON FOR POLICY: To establish a policy for processing lease agreements/contract documents and execution of non-market rent leases.

LEGISLATIVE AUTHORITY: Council Resolution.

PROCEDURE FOR IMPLEMENTATION: As outlined in this policy.





City of Kelowna  
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## Council Policy

### Heritage Building Tax Incentive Program Policy

APPROVED July 26, 2004

RESOLUTION: R770/09/07/27  
REPLACING: R723/04/07/26  
DATE OF LAST REVIEW: November 2009

The City of Kelowna is committed to the ongoing restoration, rehabilitation and maintenance of buildings on its "Heritage Register." It is acknowledged that the restoration, rehabilitation and structural maintenance of heritage buildings and particularly agricultural, commercial, industrial and institutional buildings can be costly and cost prohibitive for some property owners. The following incentive policy has been created by the City of Kelowna in order to encourage the restoration and rehabilitation of agricultural, commercial, industrial and institutional buildings listed on the City's Heritage Register.

#### A. PRINCIPLES

In preparing the methodology to determine heritage incentives, staff applied the following guiding principles:

- a) The methodology and assumptions used for calculating heritage incentives are designed to best approximate actual costs and values (accuracy) while, at the same time, be consistent with heritage-related policy over time and across projects.
- b) All applicants and applications will be treated in the same manner in terms of the application process and incentive calculations.
- c) The scope of the project being submitted for a heritage incentive and all relevant figures submitted by the applicant will be reviewed by City staff for accuracy, reasonableness and program applicability.

#### B. ELIGIBLE PROPERTIES

- a) Eligible properties must be listed on the City of Kelowna Heritage Register and be Designated as heritage properties/buildings under Section 967 of the Local Government Act. Alternatively, the Heritage Designation can be applied for and be made a condition of the requested tax exemption.
- b) Eligible properties must be available for occupancy after the restoration or rehabilitation and be used for any use other than single or two family residential.
- c) The property owner must not be in arrears in payment of taxes.
- d) Institutionally zoned properties currently receiving a municipal tax exemption are not eligible.

#### C. CRITERIA FOR ALLOCATION OF TAX EXEMPTIONS

In implementing this program, the following are considered when determining costs eligible for the tax incentive:

- a) Conservation and repair of significant original architectural elements, including repair of deteriorated elements such as doors, windows, roofing, or other significant features as identified in the "Statement of Significance," documented for each property on the Heritage Register.
- b) Reconstruction of significant historical features, using materials that replicate the original.
- c) Work to restore a building to structural soundness as per the "Standards and Guidelines for the Conservation of Historic Places in Canada" with reference to the BC Building Code.
- d) The conservation of interior elements will be eligible if it is necessary for a building's structural integrity.

**C. CRITERIA FOR ALLOCATION OF TAX EXEMPTIONS (CON'T)**

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- e) Some interior elements may be eligible if they are considered by staff to have significant heritage value. Such elements must be accessible to the general public. Interior services including plumbing, electrical and heating are eligible if necessary to ensure the continued use of the building.
- f) Fees for architects, consultants, professional quantity surveyors, public accounting firms, and third party estimates are eligible.
- g) The City will not consider retroactive funding for work completed prior to submission of the grant application.
- h) The applicant must complete the work in accordance with the approved permit, and must comply with the "Standards and Guidelines for the Conservation of Historic Places in Canada," design guidelines, policies, bylaws or complementary standards and provisions that apply before the City applies the incentive to the property.

**D. LIMITATIONS**

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- a) The owner of a heritage building may only make use of the tax incentive program once in any ten year period which commences following final inspection of the approved work as detailed in the application.
- b) The date established in section **4.0D. LIMITATIONS** (a) must be on or before July 15, in order to be considered for a municipal tax exemption for the subsequent taxation year.
- c) A project may be phased. However, the costs of each phase must be identified at the time of the initial application.

**E. TAX EXEMPTION STRUCTURE**

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- a) The dollar amount of the incentive shall be calculated based on 75% of the sum calculated by applying the criteria in Section 3.0.
- b) The incentive will be structured so that the property owner is exempt from a portion, or all the municipal share of taxes based on the assessed value of incremental improvements to the heritage buildings. This incentive will be applied equally over a term of 10 years in 10 equal amounts to reach the amount calculated in 5.0(a). After the term has ended, the property and improvements shall be taxed at the current market rates.

In the event that the amount of compensation in 5.0 (a) cannot be reached by applying the formula described in 5.0 (b), staff may recommend to Council that the following alternate municipal tax exemption formula be applied:

- c) The incentive will be structured to provide a municipal tax exemption based on the total assessed value of land and improvements in 10 equal amounts for a term of 10 years to cover the dollar amount calculated in 5.0(a).
- d) For further clarity, local service taxes, and fees and requisitions from other taxing authorities do not qualify for tax exemption.
- e) If the annual municipal tax exemption over 10 years is less than the total of the approved exemption, the Financial Services Department will review the assessed value of the property on an annual basis in order to adjust the tax incentive to work towards achieving the desired amount – 75% of the project's eligible cost as defined in 5.0(a). The revised annual calculation will then be: (dollar value of approved exemption – dollar value of exemption received to date)/(number of years of exemption remaining).



## F. PROCEDURE

- a) If the property is not already Designated under Section 967 of the Local Government Act, the applicant will make application with the City of Kelowna for a Heritage Designation for the subject property under said act. Heritage Designation is required for the property to be eligible for the Heritage Building Tax Incentive.
- b) A completed Heritage Application Form must be submitted to the Land Use Management Department of the City of Kelowna. The application form can be accessed on-line or from the 2<sup>nd</sup> floor front counter staff at City Hall.

If the property is not Designated, the applicant must indicate on the application form that Heritage Designation is being sought as well as a Heritage Alteration Permit. If the property is already Designated, then the applicant only need to indicate a Heritage Alteration Permit is being sought.

The application must include the following materials and documentation:

1. Completed Heritage Application Form with State of Title, Letter of Authorization, Colour Photographs, Copies of Elevations, Copies of Site plans, and Copies of Floor Plans as required in the application form.
  2. Application fee as per Development Application Fees Bylaw No. 8034.
  3. Project estimates from at least 2 qualified contractors, with explanation of how the work relates to heritage conservation of the subject property. Please refer to the "Statement of Significance" for the property in explaining the relevance of the conservation work, and any other heritage or historical documentation related to the property.
  4. Tax Certificate
- c) Staff will circulate the heritage application to various departments and Council Committees for comment. The Community Heritage Commission will be asked to provide comments on how the proposed restoration or rehabilitation project will impact the heritage value of the building under application and whether or not the proposed project will provide an overall benefit to the community.
  - d) Staff will evaluate the proposal based on the following criteria:
    - Level and quality of heritage conservation work proposed.
    - Heritage value of building, based on Heritage Register evaluation.
    - Relationship of building to groupings of heritage buildings, to neighbouring properties, and/or to neighbourhood.
    - Relationship to other heritage conservation projects being undertaken.
    - Compliance with the Official Community Plan, design guidelines, conservation standards and principles, and relevant bylaws.
    - Amount of incentive being sought as a proportion of capital investment (those projects proposing higher level of private investment will be considered more favourably).

- e) Staff with the Revenue Manager will prepare an -exemption agreement report, recommendation and Alternative Approval Process (if required) for Council based on the proposal.

\*NOTE: Not all applications will require an Alternative Approval Process. (see Section 175 of the Community Charter)

The Exemption Agreement will include:

- i) require the eligible property to be subject to to covenant under section 219 of the Land Title Act in favour of the municipality;
- ii) provide that the exemption is subject to specified conditions;
- iii) provide that, if

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**Comment [c1]:** This is taken right from the CC section 225(6) – should we add this in the policy or refer to this section?

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- a) a condition is not met;
- b) a required covenant under section 219 of the Land Title Act is discharge, or
- c) any other circumstances specified in the agreement occur, the property owner must pay to the municipality an amount determined in accordance with the agreement.

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- f) ~~The bylaw will stipulate the sum of the tax exemption to be spread over each year of the 10 year term.~~ The amount of the municipal tax exemption will be limited to the lesser of the estimated amount as approved by council in advance of the project work and the amount as certified upon project completion.

The bylaw will:

- i) stipulate the sum of the tax exemption to be spread over each year of the 10 year term.
  - ii) be adopted after notice has been given under accordance of Section 94 of the Community Charter;
  - iii) be adopted with an affirmative vote of at least 2/3 of all council members
- e) iv) and does not apply to taxation in a calendar year unless it comes into force on or before October 31 in the preceding year.

**Comment [c2]:** Taken right out of the CC, same thing, should this be this specific or just reference the Charter section?

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- f)g) Applicants should anticipate a processing time of between 8 to 10 weeks; however, the City is not responsible for delays in processing caused by incomplete applications.

#### **F. PROCEDURE (CON'T)**

- g)h) Upon completion of the approved rehabilitation work, submission of all project costs certified correct by either a public accounting firm or a professional quantity surveyor. If the final costs are less than the original estimate, the tax exemption will be reduced to reflect the lesser amount. Should the final costs exceed the original estimate; the original exemption approved by Council will apply unless the applicant wishes to return to Council to alter the amount.
- h)i) Once final costs have been established, planning staff will notify the financial services department that the tax exemption may be implemented, as per 4.0(b).

#### **REASON FOR POLICY**

To provide direction to the public and City staff in administering Heritage Building Rehabilitation Tax Incentive Program Policies and Procedures for Commercial, Industrial and Institutional Buildings on the Kelowna Heritage Register.

#### **LEGISLATIVE AUTHORITY**

~~Local Government Act Section 810 and the~~ Community Charter Sections 25, 175 & 225

#### **PROCEDURE FOR IMPLEMENTATION**

As outlined in the policy.