

# Memo



**Date:** April 28, 2010  
**File:** 0711-20  
**To:** City Manager  
**From:** City Clerk  
**Subject:** 2010 Kelowna Family Y Capital Program Agreement Amendments

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**Recommendation:**

THAT Council approve the *amended* elector response form attached to the report of the City Clerk dated April 28, 2010 in relation to the City of Kelowna proceeding with the amendment to the Capital Development and Management and Lease Agreement with the Kelowna Family Y for the 10 year extension, and to act as guarantor of an additional \$700,000 through amendment of the Tripartite Agreement between the City of Kelowna, the YMCA-YWCA of the Central Okanagan and the Toronto Dominion Bank.

**Purpose:**

To amend the Elector Response form for the Council approved Alternative Approval Process related to the Capital Development and Management and Lease Agreement with the Kelowna Family Y from 11, 600 to 9,280 required eligible elector responses.

**Background:**

Pursuant to Section 86 of the *Community Charter*, Council is required to approve the elector response form for an Alternative Approval Process (AAP). On Monday, April 26, 2010, Council approved the elector response forms for the Alternative Approval Process for the amendments to the 2001 Capital Development and Management and Lease Agreement between the YMCA-YWCA of the Central Okanagan and the City of Kelowna.

The number of responses calculated for the response form was based on the total population of Kelowna, and did not represent the number of residents over the age of 18. As the number of eligible electors is calculated at 80% of the total population, staff has therefore amended this number on the Elector Response form to reflect 92,800 eligible electors.

**Considerations not applicable to this report:**

Internal Circulation

Existing Policy:

Financial/Budgetary Considerations:

External Agency/Public Comments:

Personnel Implications

Technical Requirements


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Alternate Recommendation  
Communications Considerations  
Legal/Statutory Authority:  
Legal/Statutory Procedural Requirements:

Submitted by:

  
\_\_\_\_\_  
S. Fleming, City Clerk

Approved for inclusion:



R. Mayne, Director, Corporate Services

CC: Director, Recreation and Cultural Services.



Office of the City Clerk  
 1435 Water Street  
 Kelowna, BC V1Y 1J4  
 250 469-8645  
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# Alternative Approval Elector Response Form

YMCA - YWCA Capital Development and Lease Agreement

*I am OPPOSED* to the City of Kelowna proceeding with the amendment to the Capital Development and Management and Lease Agreement for a 10 year extension to the 2001 Capital Development and Management and Lease Agreement from 2030 to 2040 between the YMCA-YWCA of the Central Okanagan and the City of Kelowna, and an additional \$700,000 loan guarantee through a Tripartite Agreement between the City of Kelowna, the YMCA-YWCA of the Central Okanagan and the Toronto Dominion Bank.

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, BC, V1Y 1J4 on or before 4 pm on Monday, June 7<sup>th</sup>, 2010.

Elector's Full name: <i>(Print - NO initials)</i>	Residential Address: <i>(or address of real property in Kelowna owned by elector if not resident)</i>	Signature of Elector:

*You must meet the requirements above in order to sign this form.*

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.

The number of electors of the City of Kelowna is estimated to be 92,800. If 10% (9,280) 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.

Personal information gathered on this form is collected under the authority of the *Community Charter* and *Freedom of Information and Protection of Privacy Act* and will be used only by Legislative Services Branch staff to verify the validity of the petition.