

# Memo



**Date:** June 7, 2010  
**File:** 0155-01  
**To:** City Manager  
**From:** City Clerk  
**Subject:** 2010 Kelowna Family Y Capital Program Agreement Amendments

Report Prepared by: Corinne Boback, Legislative Coordinator

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## **Recommendation:**

THAT Council receive the Certificate of Sufficiency dated June 7, 2010 pertaining amendment 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 for 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.

## **Purpose:**

Under Section 86(8) of the Community Charter, the Corporate Officer is to determine and certify whether elector approval has been obtained. The decision of the Corporate Officer is final and conclusive.

## **Background:**

An alternative approval process (AAP) opportunity was open to all electors within the City of Kelowna pertaining to amend the 2001 Capital Development and Management and Lease Agreement for and additional 10 years from 2030 to 2040 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. At a regular City Council Meeting of Monday, April 26, 2010, the AAP process was initiated by a report from the Director, Recreation and Cultural Services.

The deadline for receipt of elector responses in the form attached to the April 19, 2010 report of the Recreation & Cultural Services Director in relation to the agreement between the City of Kelowna, the YMCA-YWCA of the Central Okanagan and the Toronto Dominion Bank for the agreement amendments was 4:00 p.m. on Monday, June 7, 2010.

Under the provisions of the *Community Charter*, notice of the Alternative Approval Process was advertised in the Kelowna Daily Courier and the Kelowna Capital News on Friday, April 30 and Friday, May 7, 2010 and was posted on the notice board at City Hall on Tuesday, April 27, 2010.

As of the deadline date the Office of the City Clerk had received 1 valid petition.

As insufficient petitions against this Alternative Approval Process were received by the Office of the City Clerk prior to the petition deadline, Council may proceed with the extension of the Agreement and co-signing the \$700,000 loan guarantee.

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**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 agreement 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 not applicable to this report:

Internal Circulation:

Existing Policy:

Financial/Budgetary Considerations:

Personnel Implications:

External Agency/Public Comments:

Community & Media Relations Comments:

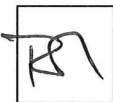
Alternate Recommendation:

Submitted by:



S. Fleming, City Clerk

Approved for inclusion:



R. Mayne, Director of Corporate Services

CC: Director, Recreation and Cultural Services