

# Memo



**Date:** September 7, 2011  
**File:** 0600-30  
**To:** City Manager  
**From:** City Clerk  
**Subject:** Alternative Approval Process - Electrical System Upgrades  
Report Prepared by: Corinne Boback, Legislative Coordinator

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## **Recommendation:**

THAT Council receives for information, the Report from the City Clerk, dated September 7, 2011 regarding the Alternative Approval Process for the Electrical System Upgrades;

AND THAT an alternative approval process opportunity open to all electors within the City of Kelowna be initiated in relation to the borrowing by loan authorization bylaw as outlined in the Electrical Systems Upgrades report from the Finance Special Projects Manager presented at the Monday, August 08, 2011 Regular Council Meeting;

AND FURTHER THAT 4pm, Monday, October 24, 2011 be set as the deadline for receipt of elector responses in the form attached to the September 07, 2011 report of the City Clerk in relation to the City of Kelowna proceeding with the adoption of Bylaw No. 10582 being the Loan Authorization Bylaw for the Electrical System Upgrades authorizing the borrowing of Four Million Dollars (\$4, 000, 000.00) for the electrical systems upgrades within the City of Kelowna.

## **Purpose:**

To initiate an alternative approval process, and establish the deadline for receipt of elector responses for the borrowing from the Municipal Finance Authority of Four Million Dollars (\$4, 000, 000.00).

## **Background:**

Following first three reading of the loan authorization bylaw at the regular meeting of Council on August 08, 2011, the Loan Authorization Bylaw for the Electrical System Upgrade, Bylaw No. 10852, was forwarded for Statutory Approval from the Ministry of Community, Sport and Cultural Development. The Statutory Approval was granted on August 23, 2011 allowing the City to proceed with the Alternative Approval Process seeking approval of the electors for the borrowing of four million dollars. Approval of the electors will be obtained if the number of elector responses received by the end of the alternative approval process is less than 10% of the number of electors (11,850)

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**Internal Circulation:**  
Special Projects Manager

**Legal/Statutory Authority:**

Section 86 *Community Charter*, alternative approval process  
Section 174 *Community Charter*, establishing the limit on borrowing and other liabilities.  
Section 179 *Community Charter*, long term borrowing.

**Legal/Statutory Procedural Requirements:**

Pursuant to Section 86 of the *Community Charter*, Council is required to approve the elector response form as attached to this report for an alternative approval process and establish the deadline for receipt of elector responses, which must be at least thirty days after the second publication of the alternative approval process notice.

Notice requirements for the alternative approval process are set by Section 94 of the *Community Charter*. Notices will be posted on the public notice board at City Hall, advertised in the Kelowna Daily Courier and the Kelowna Capital News on Friday, September 16 and Friday, September 23, 2011, and posted on the City's website.

**Considerations not applicable to this report:**

**Existing Policy:**

**Financial/Budgetary Considerations:**

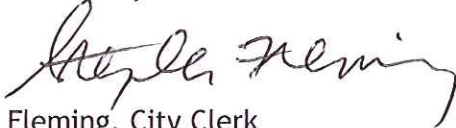
**Personnel Implications:**

**External Agency/Public Comments:**

**Communications Comments:**

**Alternate Recommendation:**

Submitted by:



S. Fleming, City Clerk

Approved for inclusion:



R. Mayne, Director Corporate Services



Office of the City Clerk  
 1435 Water Street  
 Kelowna, BC V1Y 1J4  
 250 469-8645  
 kelowna.ca

# Alternative Approval Elector Response Form

Electrical System Upgrades

I am **OPPOSED** to the City of Kelowna borrowing from the Municipal Finance Authority for the sum of Four Million Dollars (\$4,000,000.00) by proceeding with the adoption of Bylaw No. 10582 being the Loan Authorization Bylaw for the Electrical System Upgrades.

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, October 24, 2011.*

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 118,500. If 10% (11,850) 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.