

REPORT TO COUNCIL



Date: October 4, 2011
File: 0600-10
To: City Manager
From: City Clerk
Subject: Sufficiency Report for the Local Area Service Bernard Avenue Revitalization Project
Report Prepared by: Corinne Boback, Legislative Coordinator

Recommendation:

THAT Council receives for information, the Report from the City Clerk, dated October 4, 2011 regarding the Certificate of Sufficiency pertaining to the adoption of Bylaw Nos. 10557 and 10558 being the Establishment and Loan Authorization Bylaws for the Local Area Service for the Bernard Avenue Revitalization Project;

AND THAT Council forward Bylaw Nos. 10557 and 10558 being the Establishment and Loan Authorization Bylaws for the Local Area Service for the Bernard Avenue Revitalization Project for adoption.

Purpose:

Council is to receive the Certificate of Sufficiency as per the *Community Charter*.

Background:

On June 20, 2011, Council gave reading consideration to Bylaw Nos. 10557 and 10558 being the Establishment and Loan Authorization Bylaws for the Local Area Service for the Bernard Avenue Revitalization Project.

Under the *Community Charter*, the approval of the Inspector of Municipalities is required before the petitioning process can begin. After the Office of the City Clerk received the required approval, the owners of the affected properties within the Local Area Service had until Monday, October 3, 2011 at 4pm to submit their opposition to City Council by submitting a petition against the Establishing and Loan Authorization bylaws for the Local Area Service for the Bernard Avenue Revitalization project.

As of 4pm, Monday, October 3, 2011, the Office of the City Clerk had received 7 submitted petition forms. Out of the forms submitted, 4 were considered to be valid and 3 invalid. Those that were deemed to be invalid were because the majority of the property owners or directors of the corporation failed to sign on behalf of the subject property.

A handwritten signature in black ink, appearing to be a stylized 'L' or similar character.

As insufficient petitions against this proposed Local Area Service were received by the Office of the City Clerk prior to the petition deadline, Council may proceed with the adoption of Bylaw Nos. 10557 and 10558, being the Establishment and Loan Authorization Bylaws for the Local Area Service for the Bernard Avenue Revitalization Project.

Legal/Statutory Authority:

Community Charter - Section 86(8) - The Corporate Officer is to determine and certify whether elector approval have been obtained. The decision is final and conclusive.

Community Charter - Section 212(2) to (6) - Petitioning requirements and corporate officer sufficiency determination.

Community Charter - Section 213 - Requirements for the Council initiate Local Area Service.

Legal/Statutory Procedural Requirements:

Community Charter - Section 94 - requirements for advertising in the local newspapers.

Under the *Community Charter*, the petition closes 30 days after the second newspaper advertisement. The advertisement was placed in both of Kelowna's local newspapers, the Daily Courier and the Capital News on Friday, August 26, 2011 and Friday, September 2, 2011. The closing date to be set as Monday, October 3, 2011 at 4pm.

Considerations not applicable to this report:

Internal Circulation:

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

cc:

R. Cleveland, Director Infrastructure Planning

G. King, Manager Financial Services

CITY OF KELOWNA

OFFICE OF THE CITY CLERK

CORPORATE OFFICER CERTIFICATE OF SUFFICIENCY

I hereby certify that insufficient petitions were received in relation to the Council Initiated Local Area Service petitioning opportunity for the Bernard Avenue Revitalization Project; therefore, allowing Council to proceed with the adoption of Bylaw No. 10557 and Bylaw No. 10558 being the Establishment and Loan Authorization Bylaws for the Bernard Avenue Revitalization Project.

Dated this 4th day of October 2011.


S. Fleming, City Clerk

Bylaw No. 10557 and 10558 being the Establishment and Loan Authorization Bylaws for the Bernard Avenue Revitalization Project

Total No. Of Affected Parcels	No. of Required Valid Petitions to Defeat Proposed Revitalization Project (More than 50% of Total Parcels Affected)	Total No. of Valid Petitions Received	Total Assessed Value of Land and Improvements for the Affected Parcels	Total Assessed Value Required to Defeat Proposed Revitalization Project (More than 50% of Total)	Total Petitioners' Assessment
77	39	4	\$123,624,200.00	More than \$61,812,100.00	\$3,874,700.00