

REPORT TO COUNCIL



Date: October 25, 2011
File: 0600-30
To: City Manager
From: City Clerk
Subject: Sufficiency Report for the Electrical System Upgrades
Report Prepared by: Corinne Boback, Legislative Coordinator

Recommendation:

THAT Council receive for information the report from the City Clerk dated October 25, 2011 pertaining to the Certificate of Sufficiency regarding the City of Kelowna borrowing from the Municipal Finance Authority for the sum of Four Million Dollars (\$4, 000, 000.00);

AND THAT Bylaw No. 10582 being the Loan Authorization Bylaw for the Electrical System Upgrades be forwarded for adoption.

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 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. The deadline for receipt of elector responses in the form approved by Council was 4:00 p.m. on Monday, October 24, 2011.

As of the deadline date, the Office of the City Clerk had received 2 valid and 2 invalid signatures. The invalid signatures were submitted on a form not approved by Council.

As insufficient signatures against this Alternative Approval Process were received by the Office of the City Clerk prior to the deadline, Council may proceed with borrowing from the Municipal Finance Authority for the sum of Three Million Dollars through the adoption of Bylaw No. 10582 being the Loan Authorization Bylaw for the Electrical System Upgrades.

LEGAL/STATUTORY AUTHORITY: *Community Charter*, Sections 86, 94, 174 and 179.

LEGAL/STATUTORY PROCEDURAL REQUIREMENTS:

Under the *Community Charter*, advertisements must be placed in a local newspaper and on a public notice board. Notice of the Alternative Approval Process was advertised in the Kelowna Daily Courier and the Kelowna Capital News on Friday, September 16 and Friday, September 23, 2011 and was posted on the notice board at City Hall on Tuesday, September 3, 2011.

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

Petitions submitted against the proposed agreement must be received by the Officer responsible for Corporate Administration (the City Clerk) in the form approved by Council 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:

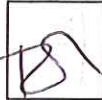
Alternate Recommendation:

Submitted by:



S. Fleming, City Clerk

Approved for inclusion:



R. Mayne, Director of Corporate Services

CC: Finance Special Projects Manager, Financial Services

CITY OF KELOWNA

OFFICE OF THE CITY CLERK

CORPORATE OFFICER CERTIFICATE OF SUFFICIENCY

I hereby certify that **insufficient** signatures were received in relation 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.

Dated this 25th day of October 2011.


S. Fleming, City Clerk

Bylaw No. 10582 being the Loan Authorization Bylaw for the Electrical System Upgrades
City of Kelowna borrowing from the Municipal Finance Authority for the sum of
Four Million Dollars (\$4, 000, 000.00)

Number of Elector Responses required to Defeat Proposal (10%of Electors City-wide)	Number of Responses Received
9, 060	2