

Report to Council



Date: August 21, 2012
File: 0600-30
To: City Manager
From: S. Fleming, City Clerk
Subject: Uptown Rutland Business Improvement Area - BL10730
Report Prepared by: Corinne Boback, Legislative Coordinator

Recommendation:

THAT Council receives for information, the Certificate of Sufficiency from the City Clerk dated August 21, 2012 pertaining to the establishment of the Uptown Rutland Business Improvement Area.

AND THAT Bylaw No. 10730 being the Uptown Rutland Business Improvement Area Bylaw be forwarded for adoption.

Purpose:

To submit the Certificate of Sufficiency for the Uptown Rutland Business Improvement Area and to advance Bylaw No. 10730 for adoption.

Background:

At the Regular Council Meeting on July 4, 2012, three readings were given to the Uptown Rutland Business Improvement Area Bylaw No. 10730, which authorizes the continuation of a Business Improvement Area ("BIA") in Central Rutland over a 5 year period (January 1, 2013 through December 31, 2017) inclusive.

Under the provisions of the *Community Charter*, notice was advertised in the Kelowna Capital News on July 13 and July 20, 2012 and was posted on the notice board at City Hall on July 12, 2012. Notices were mailed to the owners of the 125 affected parcels on July 12, 2012 giving a deadline of 4:00 p.m. Monday, August 20, 2012 for receipt of petitions against Bylaw No. 10730.

As of the deadline date, the Office of the City Clerk had received three (3) valid petitions and only one (1) invalid petition. The one (1) petition deemed to be invalid was only signed by one of the two property owners. At least sixty-three (63) valid petitions would be required to defeat the bylaw.

As insufficient number of valid petitions were received prior to the petition deadline, therefore, Council may now consider adoption of the bylaw.

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Legal/Statutory Authority:

Community Charter, Sections 94, 211, 212 and 215

Legal/Statutory Procedural Requirements: Under the *Community Charter*, notices must be mailed to affected property owners, and advertisements must be placed in a local newspaper and on a public notice board. Petitions against the proposed bylaw 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:

Existing Policy:

Financial/Budgetary Considerations:

Personnel Implications:

External Agency/Public Comments:

Communications Comments:

Alternate Recommendation:

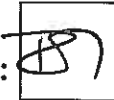
Internal Circulation:

Submitted by:



S. Fleming, City Clerk

Approved for inclusion:



(R. Mayne, Director of Corporate Services)

cc:

G. King, Revenue Manager

CITY OF KELOWNA

CLERK'S CERTIFICATE OF SUFFICIENCY

I hereby certify that sufficient petitions **HAVE NOT** been received in relation to the Uptown Rutland Business Improvement Area Bylaw No. 10730 as detailed below.

Dated this 21st day of August 2012.


S. Fleming, City Clerk

Bylaw No.	Description Of Proposal	No. of Parcels	No. Required to Defeat Proposed Establishment of BIA (50%)	Total No. of Valid Petitions Received	Assessed Value Required to Defeat Proposed Establishment of BIA (50% of Total)	Total Petitioners' Assessment
Uptown Rutland Business Improvement Area Bylaw No. 9813	To create a business improvement area for central Rutland, implemented by the Uptown Rutland Business Improvement Association.	125	63	3	\$60,609,450.00	\$3,772,000.00