

# Report to Council



**Date:** September 7, 2012  
**File:** 0060-10  
**To:** City Manager  
**From:** S. Fleming, City Clerk  
**Subject:** Alternate Approval Form for the Library and Memorial Parkades  
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, 2012 regarding the Alternative Approval Process for the borrowing of Fifteen Million Dollars for the creation of a new Memorial Parkade and the extension of the Library Parkade;

AND THAT an alternative approval process opportunity be open to all electors within the City of Kelowna be initiated in relation to the borrowing by loan authorization bylaw as outlined in the report from the Acting General Manager presented at the Monday, August 20, 2012 Regular Council Meeting;

AND FURTHER THAT 4pm, Friday, October 26, 2012 be set as the deadline for receipt of elector responses in the form attached to the September 7, 2012 report of the City Clerk in relation to the City of Kelowna proceeding with the adoption of Bylaw No. 10742 being the Extension and New Authorization Bylaw authorizing the borrowing of Fourteen Million Dollars (\$14, 000, 000.00) for the construction and creation of a new Memorial Parkade and the borrowing of One Million Dollars (\$1, 000, 000.00) for improvements for the existing Library Parkade.

## **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 Fifteen Million Dollars (\$15, 000, 000.00).

## **Background:**

Following first three readings for Bylaw No. 10742 being the Extension and New Authorization Bylaw at the Regular Meeting of Council on August 20, 2012, the bylaw was forwarded for Statutory Approval from the Ministry of Community Services, Infrastructure and Finance Division. The Statutory Approval was granted August 31, 2012 allowing the City to proceed with the Alternative Approval Process seeking approval of the electors for the borrowing of Fifteen Million Dollars.

A handwritten signature in black ink, located in the bottom right corner of the page.

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 (9, 484). Elector response forms will be available at City Hall and posted on the website.

**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 Capital News Thursday, September 20<sup>th</sup> and Tuesday, September 25, 2012, 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:**

**Internal Circulation:**

Submitted by:



S. Fleming, City Clerk

Approved for inclusion:



(R. Mayne, Director of Corporate Services)

cc:

D. Gilchrist, Acting General Manager



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

# Alternative Approval Elector Response Form

Extension and New Facility Loan Authorization Bylaw No. 10742  
 Library Parkade Extension and Creation of the Memorial Parkade

I am **OPPOSED** to the City of Kelowna proceeding with the adoption of Bylaw No. 10742, being the Extension and New Facility Loan Authorization Bylaw, authorizing the borrowing of Fourteen Million Dollars (\$14, 000, 000.00) for the construction and creation of a new Memorial Parkade and the borrowing of One Million Dollars (\$1, 000, 000.00) for improvements for the existing Library Parkade.

**INSTRUCTIONS**

- If you are opposed to the borrowing of a total of Fifteen Million Dollars for the creation and extension of parkades outlined above, and you qualify as an elector of the City of Kelowna, you may sign an alternative approval process elector response form
- **If you are not opposed to the Fifteen Million Dollars for the creation and extension of parkades outlined above, you need do nothing**
- Exact copies of the alternative approval process elector response forms may be made with each alternative approval process elector response form, or accurate copy, signed by one or more electors
- To sign an alternative approval process elector response form you **MUST** meet the following criteria for either a Resident Elector OR a Non-resident (Property) Elector:

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 the City of Kelowna for at least thirty days OR I 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 (may only sign an alternative approval process elector response form once, no matter how many parcels the person might own within the City of Kelowna); 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.

**Note: You MUST reside or own property within the municipal boundaries of the City of Kelowna in order to sign this alternative approval process elector response form.**

**You must meet the requirements above in order to sign this form.**

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:

**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 Friday, October 26, 2012.**

**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 eligible electors of the City of Kelowna is estimated to be 94, 845. If 10% (9,484) 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.