

Report to Council



Date: October 16, 2023
To: Council
From: City Manager
Subject: Sufficiency Report for the Recreation and Activity Loan Authorization Bylaw
Department: Office of the City Clerk

Recommendation:

THAT Council receives, for information, the report from the City Clerk dated October 16, 2023 pertaining to the Certificate of Sufficiency regarding the City of Kelowna borrowing from the Municipal Finance Authority for the sum of two hundred and forty one million, three hundred and twenty thousand dollars (\$241,320,000.00) for the redevelopment of the Parkinson Recreation Centre, the construction of the Glenmore Activity Centre, the construction of the Mission Activity Centre, and the redevelopment of the Rutland Sports fields;

AND THAT Bylaw No. 12540, being the Recreation and Activity Centres Loan Authorization Bylaw be forwarded for adoption consideration.

Purpose:

To receive the Sufficiency Report for the Recreation and Activity Centres Project and to advance the accompanying loan authorization bylaw for adoption consideration.

Background:

The Alternative Approval Process (AAP) pertaining to the City borrowing for the Recreation and Activity Centres Project closed at 4:00 pm on Friday, October 13, 2023.

Previous Council Resolutions

Resolution	Date
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 report from the Financial Services Division presented at the June 19, 2023 Regular Council Meeting;	July 24, 2023

<p>AND FURTHER THAT 4 pm, Friday, September 15, 2023 be set as the deadline for receipt of elector responses in the form attached to the report from the Office of the City Clerk dated July 24, 2023 in relation to the City of Kelowna proceeding with the adoption of Bylaw No. 12540 being the Recreation and Activity Centres Loan Authorization Bylaw authorizing the borrowing of two hundred and forty one million, three hundred and twenty thousand dollars (\$241,320,000.00) for the recreation and activity centres projects.</p>	
<p>AND THAT Council extend the deadline for receipt of elector responses from 4 pm Friday, September 15, 2023 to 4 pm Friday, October 13, 2023;</p> <p>AND FURTHER THAT Council establish the elector response form as either the original response form attached to the report from the Office of the City Clerk dated July 24, 2023 or the elector response in the form attached to the report from the Office of the City Clerk dated August 28, 2023 regarding Alternative Approval Process Deadline Extension.</p>	<p>August 28, 2023</p>

Approval of the electors is 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 within the City of Kelowna, or fewer than 12,160 responses.

As of the deadline date, the Office of the City Clerk received 4,153 valid elector responses (3.4% of eligible electors) and 261 invalid elector responses. Elector responses were deemed invalid due to incomplete responses (name, address and/or signature), duplicate responses, and elector ineligibility (e.g., address not in Kelowna).

As an insufficient number of valid elector responses were received by the deadline, Council may proceed with borrowing from the Municipal Finance Authority through the adoption of Bylaw No. 12540.

Considerations applicable to this report:

Legal/Statutory Authority: *Community Charter* Sections 86 (Alternative approval process) and 180 (Elector approval required for some loan authorization bylaws)

Legal/Statutory Procedural Requirements:

Notice of the Alternative Approval Process was posted on the public notice board and advertised in the Daily Courier on July 28, 2023 and August 2, 2023. Notice of the extended AAP was posted on the public notice board and advertised in the Daily Courier on September 1, 2023 and September 6, 2023.

Elector response forms submitted against the proposed bylaw must be received by 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:

Existing Policy:

Financial/Budgetary Considerations:

Communications Comments:

Consultation and Engagement:

Submitted by: N Beauchamp

Approved for inclusion: Stephen Fleming, City Clerk

Attachments:

Certificate of Sufficiency

cc:

D. Edstrom, Divisional Director, Partnership & Investments

J. Gabriel, Divisional Director, Active Living & Culture

M. Logan, General Manager, Infrastructure

C. Weaden, Divisional Director, Corporate Strategic Services