



## **Committee of the Whole Report**

### **For the Meeting of June 15, 2017**

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**To:** Committee of the Whole **Date:** May 23, 2017  
**From:** Chris Coates, City Clerk  
**Subject:** Capital Regional District Arts and Culture Support Service Establishment Amendment Bylaw

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### **RECOMMENDATION**

That Council advise the Capital Regional District that the City requests the Bylaw be amended to reduce the maximum Group 1 Participant contribution by the amount of the contributions of the Group 2 Participants.

### **EXECUTIVE SUMMARY**

Attached for Council's consideration is the CRD Bylaw No. 4127, Arts and Culture Support Service Establishment Bylaw No. 1, 2001, Amendment Bylaw No. 4, 2017. If approved, it authorizes the following amendments to the Arts and Culture Support Service; a service which provides assistance in relation to arts and culture in the community.

Up to this point, the Service has had full participants, Victoria, Saanich, Esquimalt, Oak Bay and View Royal, and partial participants Highlands, Metchosin and Sidney. The full participants paid by way of the requisition with the CRD's funding formula of a combination of assessment and population establishing the apportionment. The voluntary participants chose their level of contribution.

The proposed Bylaw amendments address:

- Defining non-Group 1 participants as "Group 2"
- Establishing the participation level for new Group 2 participants as a minimum 30% of the Group 1 level.
- Providing a means for new Group 2 participants to increase their contribution to the minimum 30% level over three years beginning at 10% in their first year and 20% in their second year.
- Providing direction for Group 2 participants currently contributing less than 20% to increase to 20% beginning in 2018.
- Updating the assessment calculation methodology for cost sharing, using current CRD formula of 50% population and 50% assessment.
- The addition of the Southern Gulf Islands as a Group 2 participant per their request.

The City is a full participant in the CRD Arts Service, The 2017 requisition is \$2,444,000 of which the City's taxpayers pay \$905,000 which is 37% of the requisition total for the Service. The maximum requisition from the Group 1 Participants is not changed from the current Bylaw. As such the maximum contributions authorized in the proposed new Bylaw would not change.

In order for the amendment to the CRD Arts and Culture Support Service Establishment Bylaw to be adopted, consent is required by 2/3rds of service participants, in accordance with section 349 (1) of the *Local Government Act*.

## OPTIONS AND IMPACTS

### Option 1 - Consent to Adoption of the Bylaw

This option would result in no change to the maximum funds able to be requisitioned from the City or any other Group 1 participant.

### Option 2 - Request a revision to the Bylaw to reduce the maximum requisition by the total of the Group 2 contributions – **(Recommended)**

This option would reduce the Group 1 contribution by the contribution amount of the Group 2 participants.

Respectfully submitted,



Chris Coates  
City Clerk



Jocelyn Jenkyns  
Deputy City Manager

Report accepted and recommended by the City Manager: \_\_\_\_\_

Date: June 9, 2017

Attachment A: Letter dated May 19, 2017 from the CRD

Attachment B: CRD Bylaw No. 4127

Attachment C: Arts Commission Report



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May 19, 2017

File 3900-03

**RE: Bylaw No. 4127, Arts and Culture Support Service Establishment Bylaw No. 1, 2001,  
Amendment Bylaw No. 4, 2017**

Attached is a copy of CRD Bylaw No. 4127 at third reading. Please place this Bylaw on your next Council agenda with a request to give consent to the adoption of the Bylaw in accordance with Section 346 of the *Local Government Act*.

The purpose of the Bylaw is to:

- Rename non-Group 1 participants as "Group 2"
- Update assessment calculation methods and changes to minimum contribution levels
- Add the Southern Gulf Islands Electoral Area to the Service (Group 2)

In order to amend the establishing bylaw of this service, consent is required from 2/3rds of participants which include the Township of Esquimalt, District of Highlands, District of Metchosin, District of Oak Bay, District of Saanich, Town of Sidney, City of Victoria, Town of View Royal and the Southern Gulf Islands Electoral Area Director.

As background, please find attached staff reports, the proposed bylaw as well as the draft consolidated bylaw.

If you require additional information prior to forwarding this request to Council, or if you wish to have CRD staff present when Bylaw No. 4127 is presented to Council, please let me know.

Yours sincerely,

Emilie Gorman  
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Legislative and Corporate Services  
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Encl. (3)  
CRD Bylaw No. 4127  
CRD Bylaw No. 2884 (Draft Consolidation)  
CRD Staff Report

**CAPITAL REGIONAL DISTRICT  
BYLAW NO. 4127**

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**A BYLAW TO AMEND BYLAW NO. 2884, BEING "ARTS AND CULTURE SUPPORT  
SERVICE ESTABLISHMENT BYLAW NO. 1, 2001"**

\*\*\*\*\*

The Board of the Capital Regional District in open meeting assembled enacts as follows:

1. Bylaw No. 2884, "Arts and Culture Support Service Establishment Bylaw No. 1, 2001," is amended as follows:

- a) By adding to end of Section 2 "and the Southern Gulf Islands Electoral Area"
- b) By deleting Section 3 in its entirety and substituting the following:

**"3. Participating Areas:**

- (1) The Township of Esquimalt, District of Highlands, District of Metchosin, District of Oak Bay, District of Saanich, Town of Sidney, City of Victoria, Town of View Royal, and the Southern Gulf Islands Electoral Area are the participating areas for this service.
- (2) In this bylaw, "**Group 1 Participating Areas**" in each year means the Township of Esquimalt, District of Oak Bay, District of Saanich, City of Victoria, and the Town of View Royal.
- (3) In this bylaw, "**Group 2 Participating Areas**" in each year means the District of Highlands, District of Metchosin, Town of Sidney and the Southern Gulf Islands Electoral Area.

- c) By deleting Sections 6 and 7 in their entirety and inserting a new section 6:

**"6. Apportionment**

- (1) The amount of annual costs recovered by requisition in accordance with Section 4 (a) of this bylaw, shall be apportioned among the Participating Areas by dividing the costs into two equal parts, one part to be apportioned on the basis of population and one part to be apportioned on the basis of assessments and applying the formulae in Section 6 (2) below.

- (2) For the purpose of this section:

**(a) Group 1 Participants:**

- (i) **Population** is the total population estimate as determined annually by the Regional Planning Services Department of the Capital Regional District, and

(ii) **Assessments** are the annual converted value of land and improvements in the Participating Areas.

(b) **Group 2 Participants** (subject to Section 6 (2)(c) below):

- (i) **Population** is 30 % of the population estimate as determined annually by the Regional Planning Services Department of the Capital Regional District, and
- (ii) **Assessments** are 30% the converted value of land and improvements in the Participating Areas, or
- (iii) A greater percentage amount if indicated in writing by a Participating Area.

(c) **Transitional provisions for New and Existing Group 2 Participants:**

- (i) New Participants are subject to 6 (2)(b) above except in the first year of participation their percentage is a minimum of 10% and in their second year of participation their percentage is a minimum of 20%
- (ii) Participants contributing at less than 20% at the date of adoption of this bylaw, must contribute at a minimum percentage of 20% for 2018."
- (iii) New Participants may withdraw from the Service within two years of joining provided that written notice that the Participant intends to withdraw is delivered to the CRD Corporate Officer on or before July 1<sup>st</sup> of the first or second year of membership to be effective as of January 1<sup>st</sup> the following year.
- (iv) Participants described in section 6 (2) (c)(ii) may withdraw from the Service within two calendar years of adoption of this bylaw provided that written notice that the Participant intends to withdraw is delivered to the CRD Corporate Officer on or before July 1<sup>st</sup> of the first or second year since adoption, to be effective as of January 1<sup>st</sup> the following year.

d) By renumbering Section 8 to Section 7, by deleting Section 9 in its entirety, and by renumbering Sections 10 and 11, to Sections 8 and 9.

2. This bylaw may be cited for all purposes as the "Arts and Culture Support Service Establishment Bylaw No. 1, 2001, Amendment Bylaw No. 4, 2017".

**CONSENTED TO BY AT LEAST TWO THIRDS** of the Councils of the Township of Esquimalt, District of Highlands, District of Metchosin, District of Oak Bay, District of Saanich, Town of Sidney, City of Victoria, Town of View Royal and the Southern Gulf Islands Electoral Area Director.

READ A FIRST TIME this 10<sup>th</sup> day of May 2017.

READ A SECOND TIME this 10<sup>th</sup> day of May 2017.

READ A THIRD TIME this 10<sup>th</sup> day of May 2017.

APPROVED BY THE INSPECTOR OF MUNICIPALITIES this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

ADOPTED this \_\_\_\_\_<sup>th</sup> day of \_\_\_\_\_ 2017.

\_\_\_\_\_  
CHAIR

\_\_\_\_\_  
CORPORATE OFFICER



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**REPORT TO CRD ARTS COMMISSION  
MEETING OF WEDNESDAY, APRIL 26, 2017**

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**SUBJECT**     **Bylaw 4127: A Bylaw to Amend Bylaw Number 2884, Being "Arts and Culture Support Service Establishment Bylaw No. 1, 2001"**

**ISSUE**

An additional amendment to Bylaw 4127 requires review and approval by the Arts Commission.

**BACKGROUND**

At their meeting of February 22, 2017, the Arts Commission recommended approval by the Capital Regional District (CRD) Board of Bylaw 4127, to amend Bylaw 2884, the Arts and Culture Support Service Establishment Bylaw, with the following amendments:

- Rename non-Group 1 participants as "Group 2".
- Establish the participation level for new Group 2 participants as a minimum 30% of their Group 1 level.
- Provide a means for new Group 2 participants to increase to the minimum 30% level over three years beginning at 10% in their first year and 20% in their second year.
- Provide direction for Group 2 participants currently contributing less than 20% to increase to 20% beginning in 2018.
- Update the assessment calculation methodology for cost sharing, using current CRD standards.
- Add the Southern Gulf Islands as a Group 2 participant per their request.

Prior to the recommendation moving forward to the CRD Board, at their meeting of March 29, 2017, the Arts Commission requested an additional amendment to Bylaw 4127 providing a two-year trial for new Group 2 participants only. The additional amendment has been added as 6 (2)(c)(iii).

**ALTERNATIVES**

*Alternative 1*

That the CRD Arts Commission recommend to the Capital Regional District Board:  
That Bylaw No. 4127, "Arts and Culture Support Service Establishment Bylaw No. 1, 2001, Amendment Bylaw No. 4, 2017" be introduced and read a first time, a second time and a third time.

*Alternative 2*

That the staff report and bylaw be referred back to staff for further information.

**IMPLICATIONS**

The additional amendment to Bylaw 4127 provides a two-year period whereby a new Group 2 participants may withdraw from the service in the first or second year of membership.

**CONCLUSION**

The additional amendment 6 (2)(c)(iii) adds a two year withdrawal provision for new Group 2 participants.

**RECOMMENDATION(S)**

That the CRD Arts Commission recommend to the Capital Regional District Board:

That Bylaw No. 4127, "Arts and Culture Support Service Establishment Bylaw No. 1, 2001, Amendment Bylaw No. 4, 2017" be introduced and read a first time, a second time and a third time.

Submitted by:	James Lam, Manager, Arts Development Service
Concurrence:	Nelson Chan, MBA, CPA, CMA, Chief Financial Officer
Concurrence:	Robert Lapham, MCIP, RPP, Chief Administrative Officer

JL:hh:ngm

Attachment: Appendix A Bylaw 4127





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**REPORT TO CRD ARTS COMMISSION  
MEETING OF WEDNESDAY, FEBRUARY 22, 2017**

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**SUBJECT**     **Bylaw 4127: A Bylaw to Amend Bylaw Number 2884, Being "Arts and Culture Support Service Establishment Bylaw No. 1, 2001"**

**ISSUE**

Amendments effecting changes to non-group 1 participation in the Arts Development Service and adding Southern Gulf islands as a participant.

**BACKGROUND**

At their May 11, 2016 meeting, the Arts Commission (then Committee), requested staff to provide wording and bylaw amendments that would set the point of entry for non-group 1 participation at a minimum of 10% of a participant's group 1 level and require an increase to 30% within five years. Community engagement around the #BuildingOurArtsFuture arts implementation plan, and a pending request from Southern Gulf Islands to join the Service, has put off the amendment until now.

Bylaw 4127 proposes the following amendments:

- Creates a naming convention for non-group 1 participants as "Group 2".
- Establishes the participation level for new Group 2 participants as a minimum 30% of their Group 1 level.
- Provides a means for new Group 2 participants to increase to the minimum 30% level over three years beginning at 10% in their first year and 20% in their second year.
- Provides direction for Group 2 participants currently contributing less than 20% to increase to 20% beginning in 2018.
- Updates the assessment calculation methodology for cost sharing, using current CRD standards.
- Adds the Southern Gulf Islands as a Group 2 participant per their request.

**ALTERNATIVES**

That the CRD Arts Commission recommend:

1. To the CRD Board that Bylaw No. 4127, "Arts and Culture Support Service Establishment Bylaw No. 1, 2001, Amendment Bylaw No. 4, 2017" be introduced and read a first time, a second time and a third time.
2. That the staff report and bylaw be referred back to staff for further information.

**IMPLICATIONS**

Amendments to Group 2 participation levels will change the minimum contribution required to participate in the service from a voluntary amount to a standard amount based on a formula. The changes establish a minimum of 30% as the required contribution for Group 2 membership with allowances for new and/or current Group 2 participants to reach the 30% level in increments.

**CONCLUSION**

The main purpose of the Bylaw 4127 is to revise the contribution level required for Group 2 participation in the Arts Development Service. The proposed amendments set the Group 2 contribution level at 30% of the Group 1 amount, with options to reach 30% over time.

Updating the assessment cost sharing methodology using the standard Regional District converted assessments will streamline the workflow related to the calculation of municipal contributions, as well as bring it into better alignment with the Local Government Act.

The proposed amendments will also establish "Group 2" as the naming convention for non-group 1 participants.

**RECOMMENDATION(S)**

That the CRD Arts Commission recommend to the CRD Board that Bylaw No. 4127, "Arts and Culture Support Service Establishment Bylaw No. 1, 2001, Amendment Bylaw No. 4, 2017" be introduced and read a first time, a second time and a third time.

Submitted by:	James Lam, Manager, Arts Development Service
Concurrence:	Diana Lokken, CPA, CMA, General Manager, Technology and Initiatives
Concurrence:	Robert Lapham, MCIP, RPP, Chief Administrative Officer

Appendix A: Bylaw No. 4127

Appendix B: Draft Consolidated Bylaw No. 2884

## Arts Commission's Report

Victoria, BC April 26, 2017

To the Chair and Directors of the Capital Regional District Board:

The Arts Commission reports and recommends as follows:

1. **17-165 Bylaw 4127: A Bylaw to Amend Bylaw Number 2884, Being "Arts and Culture Support Service Establishment Bylaw No. 1, 2001"**

That Bylaw No. 4127, "Arts and Culture Support Service Establishment Bylaw No. 1, 2001, Amendment Bylaw No. 4, 2017" be introduced and read a first time, a second time and a third time.

*(Background information can be found in the attached staff reports from February 22, 2017, and April 26, 2017. Note that at the April 26 meeting, and as reflected in the amended Appendix A, the Commission added a further clause to Bylaw 4127; namely, section 6(2)(c)(iv), to provide a time-limited withdrawal provision for designated, existing Group 2 participants similar to that provided for new participants in section 6(2)(c)(iii).)*