

# Meghan Wylie

**From:** Anja Nurvo  
**Sent:** October-24-17 12:08  
**To:** Meghan Wylie  
**Subject:** FW: Request for Municipal Consent: CRD Bylaw No. 4127  
**Attachments:** Staff Report October 2017 - Bylaw No 4127.pdf; Appendix A - Staff Report April 26 2017.pdf; Appendix C - Bylaw 4127 with amendments underlined.pdf; Appendix D - Bylaw 2884.pdf; Appendix B - Correspondence from LG's.pdf; 4127RequestforMunicipalConsentRound2Esquimalt.docx.pdf

For mail log please.

**Anja Nurvo, BA, LLB**  
 Director of Corporate Services  
 Tel: 1-250-414-7135

CORPORATION OF THE TOWNSHIP OF ESQUIMALT		
For Information:		
<input type="checkbox"/> CAO	<input type="checkbox"/> Mayor/Council	
<input type="checkbox"/>		
RECEIVED: OCT 25 2017		
Referred: <i>Anja</i>		
<input type="checkbox"/> For Action	<input type="checkbox"/> For Response	<input type="checkbox"/> COTW
<input type="checkbox"/> For Report	<input checked="" type="checkbox"/> Council Agenda	<input type="checkbox"/> IC

**From:** Emilie Gorman [mailto:egorman@crd.bc.ca]  
**Sent:** October-24-17 12:06 PM  
**To:** Anja Nurvo  
**Subject:** Request for Municipal Consent: CRD Bylaw No. 4127

Good afternoon,

Please find a letter and attachments relating to the CRD Board request for your Council's approval of Bylaw No. 4127. You'll likely note that this bylaw was already forwarded for consent earlier this year – the amended bylaw now contains changes as requested by the Inspector.

Regards,

**Emilie Gorman MPA** | Acting Corporate Officer & Manager, Legislative Services  
 Legislative and Corporate Services | Capital Regional District  
 625 Fisgard Street, Victoria, BC V8W 1R7  
 T: 250.360.3127 | C: 250.216.3072  
[www.crd.bc.ca](http://www.crd.bc.ca) | [Facebook](#) | [Twitter](#) | [YouTube](#)



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**REPORT TO THE CAPITAL REGIONAL DISTRICT BOARD  
MEETING OF WEDNESDAY, OCTOBER 11, 2017**

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**SUBJECT**     **BYLAW NO. 4127 – ARTS AND CULTURE BYLAW AMENDMENT**

**ISSUE**

To consider amending Bylaw No. 4127, “Arts and Culture Support Service Establishment Bylaw No. 1, 2001, Amendment Bylaw No. 4, 2017.”

**BACKGROUND**

At its meeting of May 10, 2017, the Board of the Capital Regional District (CRD) gave three readings to Bylaw No. 4127, “Arts and Culture Support Service Establishment Bylaw No. 1, 2001, Amendment Bylaw No. 4, 2017” (the “Bylaw”). The staff report that was before the Board on May 10, 2017 is attached to this report as Appendix A.

Following the May 10 meeting, the Bylaw was sent to the Inspector of Municipalities for approval and to the Councils of the participating municipalities for consent. The letters that the CRD received back from the Councils are attached as Appendix B. In order to be adopted, the Bylaw requires Inspector approval and the consent of 2/3 of the Participants.

The Bylaw has not been approved by the Inspector of Municipalities. Ministry staff cannot recommend approval of the Bylaw as it is currently drafted because the method of apportionment under the Bylaw is too uncertain. Ministry staff take the view that paragraphs 6(2)(c)(i) and (ii) are too subjective because the future participants of the service are not known and, accordingly, the apportionments for any new participant and for the existing participants is unknown. Ministry staff have recommended removing these two paragraphs from the Bylaw completely.

**ALTERNATIVES**

1. That third reading of Bylaw No. 4127, “Arts and Culture Support Service Establishment Bylaw No. 1, 2001, Amendment Bylaw No. 4, 2017” be rescinded;
2. That Bylaw No. 4127, “Arts and Culture Support Service Establishment Bylaw No. 1, 2001, Amendment Bylaw No. 4, 2017” be amended as shown in Appendix C.
3. That Bylaw No. 4127, “Arts and Culture Support Service Establishment Bylaw No. 1, 2001, Amendment Bylaw No. 4, 2017” be given third reading as amended.

**IMPLICATIONS**

The Bylaw must receive approval of the Inspector of Municipalities in order to be adopted and it will not be adopted in its current form. There are no direct financial implications associated with the proposed amendments. The amendments are being recommended at the request of Ministry staff and remove uncertainty with respect to future apportionments.

**CONCLUSION**

The Ministry is unable to recommend that the Inspector approve Bylaw No. 4127 in its current form and has requested that it be amended as set out in Appendix C.

**RECOMMENDATION**

1. That third reading of Bylaw No. 4127, “Arts and Culture Support Service Establishment Bylaw

- No. 1, 2001, Amendment Bylaw No. 4, 2017” be rescinded;
2. That Bylaw No. 4127, “Arts and Culture Support Service Establishment Bylaw No. 1, 2001, Amendment Bylaw No. 4, 2017” be amended as shown in Appendix C.
  3. That Bylaw No. 4127, “Arts and Culture Support Service Establishment Bylaw No. 1, 2001, Amendment Bylaw No. 4, 2017” be given third reading as amended.

Submitted by:	Brent Reems, MA, LLB, Senior Manager Legislative & Corporate Services
Concurrence:	Nelson Chan, MBA, CPA, CMA, Chief Financial Officer
Concurrence:	Robert Lapham, MCIP, RPP, Chief Administrative Officer

BR

- Attachments Appendix A: Staff Report, April 26, 2017  
Appendix B: Correspondence from Municipal Councils  
Appendix C: Bylaw 4127, with amendments underlined  
Appendix D: Bylaw 2884



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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 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)**

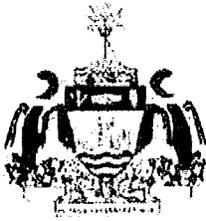
That the CRD Arts Commission recommend to the Capital Regional District Board:

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



# TOWN OF SIDNEY

2440 Sidney Avenue, Sidney, British Columbia V8L 1Y7  
Phone: 250-656-1184 Fax: 250-655-4508  
Email: [admin@sidney.ca](mailto:admin@sidney.ca) Website: [www.sidney.ca](http://www.sidney.ca)

June 27, 2017

VIA EMAIL: [egorman@crd.bc.ca](mailto:egorman@crd.bc.ca)

Emilie Gorman  
Deputy Corporate Officer  
Capital Regional District  
P.O. Box 1000  
Victoria, BC V8W 2S6

Dear Ms. Gorman:

**Subject: CRD Bylaw No. 4127 – Arts & Culture Support Service Establishment Bylaw 1, 2001, Amendment Bylaw No. 4, 2017**

Further to your letter dated May 19, 2017, this is to advise you that Sidney Council, at a meeting held on June 26, 2017, considered the above subject bylaw respecting the Arts Development Services program and resolved as follows:

*"That Council NOT give consent to the adoption of Bylaw No. 4127, Arts and Culture Support Service Establishment Bylaw No.1, 2001, Amendment Bylaw No. 4, 2017 and, if the bylaw is carried, the Town initiate the process to withdraw from the service at the beginning of next year."*

If you have any questions regarding the above, please do not hesitate to contact the undersigned.

Yours truly,

A handwritten signature in black ink, appearing to read "Sandi Nelson".

Sandi Nelson  
Corporate Officer



## DISTRICT OF METCHOSIN

File No. 0360-20-08

May 30, 2017

Emilie Gorman  
Deputy Corporate Officer  
Legislative and Information Services  
Capital Regional District  
625 Fisgard Street, PO Box 1000  
Victoria, BC V8W 2S6

Dear Ms Gorman,

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

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Please be advised that at its meeting of May 29, 2017, the District of Metchosin Council made the following resolution:

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

*Moved and Seconded by Councillors Kahakauwila and MacKinnon that Council give consent to the CRD Bylaw No. 4127, Arts and Culture Support Service Establishment Bylaw No. 1, 2001, Amendment Bylaw No. 4, 2017.*

Please contact me should you require anything further.

Yours truly,

Tammie Van Swieten  
Deputy Corporate Officer



Legislative and  
Regulatory  
Services  
Department

Legislative Services

#1 Centennial Square

Victoria

British Columbia

V8W 1P6

Tel (250) 361-0571

Fax (250) 361-0348

[www.victoria.ca](http://www.victoria.ca)

July 28, 2017

Capital Regional District  
Attn: Brent Reems, Senior Manager  
625 Fisgard Street  
Victoria, BC V8W 1R7

Dear Mr. Reems:

**Re: Capital Regional District Arts and Culture Support Service  
Establishment Amendment Bylaw**

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I am writing to advise you that Victoria City Council passed the following resolution at the July 27, 2017 Council meeting:

*That Council consent to the adoption of the Capital Regional District Bylaw No. 4127, Arts and Culture Support Services Establishment Bylaw.*

If you require further information concerning this matter, please contact the undersigned at 250.361.0346.

Yours truly,

Christine Havelka  
Deputy City Clerk  
CH/pjm

District of Saanich  
Legislative Services  
770 Vernon Ave.  
Victoria BC V8X 2W7

t. 250-475-1775  
f. 250-475-5440  
saanich.ca



File: 1310-40

**CRD EXECUTIVE OFFICE**  
*Received*

**JUL 14 2017**

July 7, 2017

Chair Barbara Desjardins and Directors  
Capital Regional District  
PO Box 1000  
625 Fisgard Street  
Victoria BC V8W 2S6

Dear Chair Desjardins and Directors:

**Re: Capital Regional District Bylaw No. 4127, Arts and Culture Support Service Establishment Bylaw No. 1, 2001, Amendment Bylaw No. 4, 2017**

This letter confirms that at their meeting held June 26, 2017, Council considered Bylaw No. 4127, "Arts and Culture Support Service Establishment Bylaw No. 1, 2001, Amendment Bylaw No. 4, 2017" and resolved as follows:

*"That Council request that the Capital Regional District consider an amendment to the Arts and Culture Support Service Establishment Bylaw No. 1, 2001, that the maximum requisition be capped on a formula predicated on a 5 year average increase of 1.5% that is over the five year fixed term. The motion is to be shared with the other participants."*

If you require further clarification, please contact me at 250-475-5494, Ext. 3507.

Sincerely,

A handwritten signature in black ink that reads "S. Froud".

Sharon Froud,  
Deputy Legislative Manager

dh

cc: Mayor and Council  
Paul Thorkelsson, CAO  
Brent Reems, Senior Manager, Legislative and Information Services



File: 0470.35

June 22, 2017

Brent Reems,  
Corporate Officer  
Capital Regional District  
PO Box 1000, 625 Fisgard Street  
Victoria BC V8W 2S6

Dear Mr. Reems:

**Re: CRD Bylaw No. 4147, Arts and Culture Support Service  
Establishment Bylaw No. 1, 2001, Amendment Bylaw No. 4, 2017**

Thank you for your correspondence dated May 19, 2017 requesting Council give consent to the adoption of Bylaw No. 4127 which is intended to: rename non-group 1 participants as "Group 2"; update assessment calculation methods and changes to minimum contribution levels; and add the Southern Gulf Islands Electoral Area to the Service Group 2.

At its meeting held June 19, 2017, Council for the District of Highlands adopted the following motion:

*"That Council consent to the adoption of CRD Bylaw No. 4127."*

If you require anything further, please do not hesitate to contact the undersigned.

Yours truly,

Tina Neurauter  
Corporate Officer



**THE CORPORATION OF THE DISTRICT OF OAK BAY**  
MUNICIPAL HALL – 2167 OAK BAY AVENUE – VICTORIA, B.C. V8R 1G2  
PHONE 250-598-3311 FAX 250-598-9108 WEBSITE: [www.oakbay.ca](http://www.oakbay.ca)

June 21, 2017

Emilie Gorman  
Deputy Corporate Officer  
Legislative & Corporate Services  
Capital Regional District  
625 Fisgard Street, PO Box 1000:  
Victoria BC V8W 2S6

Dear Ms. Gorman:

**Capital Regional District Bylaw No. 4127  
Arts and Culture Support Service Establishment Bylaw No. 1, 2001  
Amendment Bylaw No. 4, 2017**

Your correspondence dated May 19, 2017 on the above noted subject was considered by Oak Bay Municipal Council at its meeting held June 12, 2017. At that time the correspondence was received and Oak Bay Municipal Council gave consent to the amendment bylaw as received.

Yours truly,

Warren Jones  
Director of Corporate Services

WJ/jp



CLIMATE ACTION  
COMMUNITY



## CORPORATION OF THE TOWNSHIP OF ESQUIMALT

Municipal Hall, 1229 Esquimalt Road, Esquimalt, B.C. V9A 3P1  
Website: [www.esquimalt.ca](http://www.esquimalt.ca) Email: [info@esquimalt.ca](mailto:info@esquimalt.ca)

Voice: (250) 414-7100  
Fax: (250) 414-7111

Via email to [egorman@crd.bc.ca](mailto:egorman@crd.bc.ca)

June 13th, 2017

Emilie Gorman  
Deputy Corporate Officer, Legislative and Corporate Services  
Capital Regional District  
625 Fisgard Street, PO Box 1000  
Victoria, BC V8W 2S6

Dear Ms. Gorman:

**Re: Bylaw No. 4127, Arts and Culture Support Service Establishment Bylaw No. 4, 2017**

At its Regular Meeting of June 12<sup>th</sup>, 2017, the Council of the Corporation of the Township of Esquimalt approved the following resolution:

*"That Council receive the Letter from Emilie Gorman, Capital Regional District, dated May 19, 2017, Re: Bylaw No. 4127, Arts and Culture Support Service Establishment Bylaw No. 1, 2001, Amendment Bylaw No. 4, 2017 and 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, a second time and a third time."*

Should you require further information, please contact me on 250-414-7157 or by email [Rachel.dumas@esquimalt.ca](mailto:Rachel.dumas@esquimalt.ca).

Yours truly,

Rachel Dumas  
Deputy Corporate Officer



## TOWN OF VIEW ROYAL

45 View Royal Avenue, Victoria, BC, Canada V9B 1A6  
Ph. 250-479-6800 • Fx. 250-727-9551 • E. info@viewroyal.ca • www.viewroyal.ca

June 7, 2017

Capital Regional District  
625 Fisgard Street  
PO Box 1000  
Victoria, BC  
V8W 2S6

**Attention: Emilie Gorman, Deputy Corporate Officer**

Dear Ms. Gorman:

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

Thank you for your letter dated May 19, 2017 regarding CRD Bylaw No. 4127, Arts and Culture Support Service Establishment Bylaw No. 1, 2001, Amendment Bylaw No. 4, 2017. This letter is to inform you that your correspondence was received at the June 6, 2017 Council meeting and the following resolution was passed:

*"THAT consent be given to the adoption of the Capital Regional District's Bylaw No. 4127, Arts and Culture Support Service Establishment Bylaw No. 1, 2001, Amendment Bylaw No. 4, 2017."*

If you have any questions regarding the above matter, please do not hesitate to contact this office.

Yours truly,  
**TOWN OF VIEW ROYAL**

Elena Bolster  
Deputy Corporate Officer





Making a difference...together

Capital Regional District  
625 Fisgard Street, PO Box 1000  
Victoria, BC, Canada V8W 2S6

T: 250.360.3000  
F: 250.360.3234  
www.crd.bc.ca

October 24, 2017

File 3900-03

Ms. Anja Nurvo  
Manager of Corporate Services  
Township of Esquimalt  
1229 Esquimalt Road  
Victoria, BC V9A 3P1

Dear Ms. Nurvo:

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

In May of this year, the CRD Board sent Bylaw 4127 to your Council for municipal consent. Having received 2/3<sup>rd</sup> consent from the participant local governments, the bylaw was forwarded to the Inspector of Municipalities for approval, who requested instead that changes be made to the proposed amendment bylaw.

On October 11, 2017, the CRD Board gave third reading to a revised amending bylaw, still number 4127. Please place this revised Bylaw No. 4127, Arts and Culture Support Service Establishment Bylaw No. 1, 2001, Amendment Bylaw No. 4, 2017, attached, 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*.

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 revised) 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 considered once again by Council, please let me know.

Yours sincerely,

Emilie Gorman  
Acting Corporate Officer  
Legislative and Corporate Services  
Capital Regional District  
625 Fisgard Street, Victoria, BC., V8W 1R7  
250.360.3127  
[egorman@crd.bc.ca](mailto:egorman@crd.bc.ca)

Encl. (5)  
CRD Staff Reports (2)  
Correspondence from Participants  
Revised CRD Bylaw 4127  
Parent Bylaw, CRD Bylaw No. 2884

APPENDIX C  
CAPITAL REGIONAL DISTRICT  
BYLAW NO. 4127

\*\*\*\*\*  
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:**

(ii) ~~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%~~

~~(iii) Participants contributing at less than 20% at the date of adoption of this bylaw, must contribute at a minimum percentage of 20% for 2018."~~

~~(iv)(i) 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.~~

~~(v) 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".

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**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.

THIRD READING RESCINDED AND REREAD this day of 2017.

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

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

\_\_\_\_\_  
CHAIR

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

**CAPITAL REGIONAL DISTRICT  
BYLAW NO. 2884**

\*\*\*\*\*

**A BYLAW TO ESTABLISH THE GIVING OF  
ARTS AND CULTURAL GRANTS AS A SERVICE**

\*\*\*\*\*

**(as amended by Bylaws 3481 and 3616)**

**WHEREAS** under section 176(1)(c) of the *Local Government Act* the Capital Regional District may provide assistance for the purpose of benefiting the community or any aspect of the community;

**AND WHEREAS** there is a desire on the part of the municipalities which currently participate in the Greater Victoria Inter-Municipal Committee (“IMC”) to move activities of the IMC to the Capital Regional District and establish a service to carry out these same activities;

**AND WHEREAS** the participating municipalities of the IMC, being the City of Victoria, the District of Saanich, the District of Oak Bay and the Township of Esquimalt have established a Greater Victoria Arts Commission to provide advice on matters involving the arts within the Greater Victoria area and there is a desire to allow for the establishment of committees to provide advice to the Capital Regional District on these same matters;

**AND WHEREAS** the Board of the Capital Regional District considers it desirable to establish for the regional district a service to provide for the giving of assistance for the purpose of benefiting the community or an aspect of the community to be known as the “Arts and Cultural Support Service”;

**AND WHEREAS** the Board of the Capital Regional District wishes to proceed under section 796 of the *Local Government Act* to establish the service under Division 4.1 of Part 24 of the *Local Government Act*;

**AND WHEREAS** the Board of the Capital Regional District has obtained the consent of the Councils of the municipalities of Victoria, Saanich, Oak Bay, Esquimalt, Highlands, Metchosin, View Royal and Sidney;

*(Bylaws 3481, 3616)*

**AND WHEREAS** under section 804(2)(g) of the *Local Government Act* with respect to a service established to provide assistance under section 176(1)(c) the cost of providing the service may be apportioned among the municipalities or electoral areas benefiting from the assistance, with the service area deemed to be all those areas and the Board of the Capital Regional District wishes to establish a service for the purpose of providing assistance with the cost of the service being apportioned among the municipalities or electoral areas benefiting from the assistance;

**NOW THEREFORE**, the Board of the Capital Regional District in open meeting assembled enacts as follows:

1. **Service**

The service hereby established is the provision of assistance in relation to the arts and culture for the purpose of benefiting the community or an aspect of the community to be known as the “Arts and Culture Support Service”.

2. **Boundaries**

The boundaries of the service area shall be the boundaries of the municipalities of Victoria, Saanich, Oak Bay, Esquimalt, Highlands, Metchosin, View Royal and Sidney.

*(Bylaws 3481, 3616)*

3. **Participating Areas**

(1) The municipalities of Victoria, Saanich, Oak Bay, Esquimalt, Highlands, Metchosin, View Royal and Sidney are the participating areas for this service.

*(Bylaws 3481, 3616)*

(2) In this bylaw, “**Group 1 Participating Areas**” in each year means the municipalities of Victoria, Saanich, Oak Bay, Esquimalt, View Royal and any other participating area that indicates in writing to the Regional District prior to October 31<sup>st</sup> in the prior year that it wishes to fully participate in annual grant funding costs subject to cost sharing under section 7(3)(c) for the service established by this bylaw.

*(Bylaws 3616)*

4. **Cost Recovery**

The annual cost of providing the service shall be recovered by one or more of the following:

- (a) property value taxes imposed in accordance with Division 4.3 of Part 24 of the *Local Government Act*;
- (b) fees and charges that may be imposed under section 797.2 of the *Local Government Act*;
- (c) revenues raised by other means authorized by the *Local Government Act* or another act;
- (d) revenue received by way of agreement, enterprise, gift, grant or otherwise.

5. **Maximum Requisition**

The maximum amount that may be requisitioned under sections 805 and 805.1 of the *Local Government Act* for the annual cost of the service shall be the greater of:

- (a) \$1,980,000; or
- (b) an amount equal to the amount that could be raised by a property value tax of \$0.102 per \$1,000 which, when applied to the net taxable value of land and improvements of the initial Group 1 Participating Areas (Victoria, Saanich, Oak Bay and Esquimalt) within the service area, would yield a maximum amount that may be requisitioned under sections 805 and 805.1(a) for the service.

6. **Minimum**

Each participant that gives notice under section 7(3) shall contribute a minimum of \$500 annually.

7. **Apportionment**

(1) In this section the following words and phrases have the following meanings:

- (a) **“class of property”** means class of property as defined in the Prescribed Classes of Property Regulation, B.C. Reg. No. 438/81 or similar enactment as it exists from time to time;
- (b) **“converted assessed value”** for a municipality means the converted value, determined under paragraph 7(2) of:
  - (i) the assessed value under the *Assessment Act*, in the previous year, of lands and improvements taxed by the municipality for general municipal purposes in the previous year according to the assessment roll; and
  - (ii) the Crown value;
- (c) **“Crown land”** means land and improvements owned by the Crown or an agent of the Crown in a previous year if the municipality received or is due to receive a grant in lieu of taxes, in respect of the year before the current year;
- (d) **“Crown land value”** will be:
  - (i) in the case of Crown land other than Crown land owned by the British Columbia Hydro and Power Authority, the lesser of the

- assessed value under the *Assessment Act* for the previous year and the value which would result in a property tax equal to the grant in lieu of taxes if the land and improvements were not crown land, and
- (ii) in the case of Crown land owned by the British Columbia Hydro and Power Authority, the assessed value under the *Assessment Act* for the year before the previous year, and
  - (iii) in the case of Crown Land owned by the Government of Canada or by an agent of the Government of Canada, the value, in the year before the previous year, of land and improvements which would result in a property tax equal to the grant in lieu of taxes if the land and improvements were not Crown land.
- (e) **“non-specific grant costs”** means an amount that a participating area has indicated in writing to the Regional District prior to October 31 in any preceding year that it wishes to raise to have available to provide funding to a person or organization through the service established by this bylaw.
  - (f) **“population”** means the population for each municipality most recently published by the Province of British Columbia, Ministry of Finance and Corporate Relations.
  - (g) **“specific individual grant costs”** means the amounts which a participating area has indicated in writing to the Regional District that it wishes to raise to provide funding to a specified person or organization through the service established by this bylaw.
- (2) For the purpose of this part, the assessed value of land and improvements will be converted by adding together the products obtained by multiplying the assessed value for each class of property by the percentage set out below for the class:

Class of Property	Multiple
1	10 %
2	35 %
3	40 %
4	34 %
5	34 %
6	24.5%
7	30 %
8	10 %
9	10 %

- (3) The amount of the annual costs recovered by requisition in accordance with section 4(a) of this bylaw shall be apportioned among the participating areas as follows:

- (a) Specific individual grant costs shall be apportioned to:
  - (i) Group 1 Participating Areas; and
  - (ii) any other participating area where the participant indicated in writing to the Regional District prior to October 31 in the preceding year that it wished to participate in the making of specific individual grants,

in the amount which each such participating area is deemed to benefit from the assistance.

- (b) Non-specific grant costs shall be apportioned to:
  - (i) Group 1 Participating Areas; and
  - (ii) any other participating area where the participant indicated in writing to the Regional District prior to October 31 in the preceding year that it wished to participate in the making of non-specific grants,

in the amount which each such participating area is deemed to benefit from the assistance.

- (c) Annual grant funding costs shall be apportioned to Group 1 Participating Areas:
  - (i) 50% on the basis of the converted assessed value of land and improvements; and
  - (ii) 50% on the basis of population.

- (4) For the purposes of 7(3)(a) and (b), a participating area is deemed to benefit from assistance in the amount that the participant indicated in writing to the Regional District should be requisitioned for specific individual grants or non-specific grants or both.

8. **Voting**

On a vote of the Board of the Regional District in respect of the amount to be placed in the annual budget with respect to annual grant funding, each director representing a Group 1 Participating Area is entitled to five votes and each director representing any other participating area is entitled to one vote.

9. **Grants in Lieu of Taxes**

For the purpose of sections 807(1) to (3) of the *Local Government Act*, funds paid to the Regional District in respect of the service established by this bylaw will be held to the credit of the participant making the payment.

10. **Advisory Committee and Operation**

Without limiting the powers of the Regional District under the *Local Government Act*, the Board may establish one or more committees to:

- (a) advise the Board on matters regarding the service; and
- (b) manage the administration and operation of the service.

11. **Citation**

This Bylaw may be cited as “**Arts and Culture Support Service Establishment Bylaw No. 1, 2001**”.

READ A FIRST TIME THIS	25 <sup>th</sup>	day of	April	2001.
READ A SECOND TIME THIS	25 <sup>th</sup>	day of	April	2001.
READ A THIRD TIME THIS	25 <sup>th</sup>	day of	April	2001.
APPROVED BY THE INSPECTOR OF MUNICIPALITIES THIS	12 <sup>th</sup>	day of	June	2001.
ADOPTED THIS	27 <sup>th</sup>	day of	June	2001.

Christopher Causton  
CHAIR

Carmen Thiel  
SECRETARY

FILED WITH THE INSPECTOR OF MUNICIPALITIES THIS	3 <sup>rd</sup>	day of	July	2001.
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