

**CAPITAL REGIONAL DISTRICT
BYLAW NO. 4704**

A BYLAW TO ESTABLISH A PERFORMING ARTS FACILITIES SERVICE

WHEREAS:

- A. Under Bylaw No. 2587, "Royal Theatre Local Service Area Establishment Bylaw No. 1, 1998", the Board established a service to purchase, fund, operate, equip, sell, and maintain the Royal Theatre on behalf of the City of Victoria, District of Oak Bay, and District of Saanich;
- B. Under Bylaw No. 2685, "McPherson Playhouse Local Service Area Establishment Bylaw No. 1, 1999", the Board established a service to fund, operate, purchase, equip, and maintain the McPherson Playhouse on behalf of the City of Victoria;
- C. The Board of the Capital Regional District wishes to establish a service for the purpose of operating and funding the planning, development, operating costs, capital improvements, and theatre rental subsidies of performing arts facilities with regional impact;
- D. Participating area approval is required and elector approval has been obtained for the entire service area by alternative approval process, pursuant to s. 342 and 345 of the *Local Government Act*; and
- E. The approval of the Inspector of Municipalities has been obtained under section 342(1)(a) of the *Local Government Act*;

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

Definitions

- 1. The following definitions are used in this bylaw, both in plural and singular:
 - (a) A "performing arts facility with regional impact" and "regional performing arts facility" means a public venue that:
 - i. is located within the boundaries of the Service Area;
 - ii. is designed for the primary purpose and function of performing arts presentations;
 - iii. attracts audiences from beyond its local area;
 - iv. functions as a roadhouse-style presentation venue that is available for bookings from a wide range of commercial and community user groups on a year-round basis;
 - v. is not embedded within an educational, religious, or for-profit organization; and
 - vi. is owned or operated by a public authority, non-profit, registered charity, or local government, or a combination thereof.

- (b) “roadhouse-style presentation venue” means a venue available for rental or use by travelling and local productions, and not possessed or controlled by a single performing arts producing company or organized group of such companies.

Service

2. The service being established and to be operated is a performing arts facilities funding service (the “**Performing Arts Facilities Service**”) for the purpose of operating and funding regional performing arts facilities including, without limiting the foregoing:
 - (a) planning, development, operating costs, capital improvements, and theatre rental subsidies of performing arts facilities with regional impact;
 - (b) supporting regional performing arts facilities:
 - i. directly through operation, ownership, lease, and asset management; and
 - ii. indirectly through grant contributions to regional performing arts facilities owned, operated, and maintained by other non-profit organizations or local governments.
 - (c) funding, operating, maintaining, equipping, purchasing, and selling the Royal Theatre and McPherson Playhouse where capital funds may be used for, but are not limited to, the asset management, renovation, reconstruction, or rebuilding of the respective theatre facilities, machinery, equipment, reserve fund transfers or annual debt servicing, and where annual operating amounts may also include capital expenditures of the same nature if necessary or desirable;
 - (d) operating grant programs benefitting performing arts facilities with regional impact, including:
 - i. regional performing arts facility planning projects;
 - ii. capital improvements and asset management related to regional performing arts facilities, including payment of debt;
 - iii. offsetting costs associated with rental of regional performing arts facilities by local community groups and schools; and
 - iv. operations of such regional performing arts facilities.
 - (e) assisting regional performing arts facilities by applying for planning, capital, operating, and other grants associated with, or operated by external organizations.

Boundaries

3. The boundaries of the service area are the boundaries of the municipalities making up the Capital Regional District, and the Southern Gulf Islands Electoral Area (the “Service Area”).

Participating Area

4. The participating areas for the service are all those municipalities making up the Capital Regional District, and the Southern Gulf Islands Electoral Area.

Cost Recovery

5. As provided in Section 378 of the *Local Government Act*, the annual costs of providing the Service, net of grants and revenue, shall be recovered by one or more of the following:
 - (a) property value taxes imposed in accordance with Division 3 of Part 11 of the *Local Government Act*;
 - (b) fees and charges imposed under Section 397 of the *Local Government Act*;
 - (c) revenues raised by other means authorized by the *Local Government Act* or another Act;
 - (d) revenues received by way of agreement, enterprise, gift, grant, or otherwise.

Cost Apportionment

6. The annual costs for the service, net of grants and other revenues, shall be apportioned among the participating areas by dividing the costs into two equal parts: One part apportioned on the basis of population, where population is the total population estimate of the Service Area per participating area as determined annually by the Regional District, and one part apportioned on the basis of assessments, where assessments are the annual converted value of land and improvements in the participating areas.

Maximum Requisition

7. In accordance with Section 339(1)(e) of the *Local Government Act*, the maximum amount that may be requisitioned annually for the cost of the Service is the greater of:
 - (a) Three Million dollars (\$3,000,000); or
 - (b) An amount equal to the amount that could be raised by a property value tax rate of \$0.0171 per ONE THOUSAND DOLLARS (\$1,000.00) that, when applied to the net taxable value of land and improvements in the Service Area, will yield the maximum amount that may be requisitioned for the Service.

Transition of Services

8. Despite section 7, if the services established by Bylaw No. 2587, "Royal Theatre Local Service Area Establishment Bylaw No. 1, 1998", and Bylaw No. 2685, "McPherson Playhouse Local Service Area Establishment Bylaw No. 1, 1999" are still operating and are used to requisition funds, the requisition for this service shall be reduced in proportion by the amounts requisitioned under the respective services under Bylaw No. 2587 and Bylaw No. 2685. For clarity, should services under Bylaw No. 2587 or 2685 continue to be operated and no requisition of funds occurs under the respective service, the maximum requisition for this service shall not be reduced.

Agreement

9. The Capital Regional District may enter into agreements with one or more organizations to

operate performing arts facilities with regional impact held or operated by the service.

Citation

10. This Bylaw may be cited as the “Performing Arts Facilities Service Establishing Bylaw No. 1, 2025”.

READ A FIRST TIME THIS _____th _____ day of _____ 20__

READ A SECOND TIME THIS _____th _____ day of _____ 20__

READ A THIRD TIME THIS _____th _____ day of _____ 20____

APPROVED BY THE INSPECTOR
OF MUNICIPALITIES THIS th day of 20__

APPROVED BY PARTICIPANTS BY
ALTERNATIVE APPROVAL PROCESS th day of 20

ADOPTED THIS _____th day of _____ 20__

CHAIR

CORPORATE OFFICER