

**REPORT TO THE ARTS COMMISSION
MEETING OF WEDNESDAY, NOVEMBER 25, 2020**

SUBJECT **Bylaw No. 4367: to Broaden Access to the Arts Advisory Council and Introduce a Conflict of Interest and Recusal Mechanism**

ISSUE SUMMARY

At the request of the Arts Commission, changes to amending Bylaw No. 4367 amending CRD Arts Advisory Council Bylaw, 2002 (Bylaw No. 2973) have been provided with additional language on exclusions to service on the Arts Advisory Council. The purpose of the amendment, including the introduction of conflict of interest and recusal processes, will increase accountability in the grant assessment process and broaden the pool of potential candidates with desirable skills and experience.

BACKGROUND

Bylaw No. 2973, established in 2001, established the Arts Advisory Council (AAC) to provide advice to the Arts Commission on the needs of the arts sector and to act as an adjudicative body for funding programs.

Bylaw No. 2973 disqualifies any individual who:

2(h)(iii) has, directly or indirectly, by himself or through any other person, any interest in a contract with or for an organization applying for funding.

The restrictiveness of 2(h)(iii) has over time narrowed the pool of candidates and excluded individuals whose experience could be a valuable addition to the AAC.

At their meeting of November 17, 2019, the Arts Commission directed staff to draft an amendment to the bylaw that would provide access to AAC membership to a broader pool of individuals from the community, provide a conflict of interest mechanism and provide for an appropriate recusal process in the event that a conflict of interest occurs.

The Arts Commission provided feedback on an initial amendment and on a subsequent request for alternative language at their meetings of September 23 and October 28, 2020. It was agreed that the existing clause:

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- (g) A person is disqualified from being appointed to, and serving on, the Council who:
- (i) is a member of the board of directors of any organization applying for funding through the Arts Commission; or
 - (ii) is a paid or unpaid staff member of any organization applying for funding through the Arts Commission.

would be replaced with:

- (g) A person is disqualified from being appointed to, and serving on, the Council who is a member of the board of directors or has a fiduciary duty to an organization applying for funding through the Arts Commission.

ALTERNATIVES

Alternative 1

The Arts Commission recommends to Capital Regional District Board:

1. That Bylaw No. 4367, "CRD Arts Advisory Council Bylaw, 2002, Amendment Bylaw No. 3, 2020" be introduced and read a first, second, and third time; and
2. That Bylaw No. 4367 be adopted.

Alternative 2

That this report be referred back to staff for additional information.

IMPLICATIONS

Amending Bylaw No. 4367 will broaden the cohort of individuals eligible to serve on the Arts Advisory Council (AAC) and introduce generally accepted practices for dealing with conflict of interest and recusal. This initiative is in alignment with the CRD Initiative 12b-1 "Improve community engagement activities and tools to ensure alignment of programs and community needs" as well as the Corporate Priority to enhance systems and policies to respond to evolving best practices and adhere to legislative requirements.

CONCLUSION

The current eligibility criteria are atypically exclusionary and limits the pool of candidates. Common legislative language that allows for the identification of conflicts of interest, the materiality of conflicts, and a recusal process are absent in the current bylaw.

Bylaw No. 4367 establishes conflict of interest rules for the AAC in line with CRD standards and widens the pool of expertise available to the AAC that will enable it to more effectively fulfil its mandate of grant assessment and providing advice on issues facing the arts sector.

RECOMMENDATION

The Arts Commission recommends to Capital Regional District Board:

1. That Bylaw No. 4367, "CRD Arts Advisory Council Bylaw, 2002, Amendment Bylaw No. 3, 2020" be introduced and read a first, second, and third time; and
2. That Bylaw No. 4367 be adopted.

Submitted by:	James Lam, Manager, Arts & Culture Support Service
Concurrence:	Nelson Chan, MBA, CPA, CMA, Chief Financial Officer
Concurrence:	Kristen Morley, J.D., General Manager, Corporate Services & Corporate Officer
Concurrence:	Robert Lapham, MCIP, RPP, Chief Administrative Officer

ATTACHMENT: Appendix A: Bylaw No. 4367, "CRD Arts Advisory Council Bylaw, 2002, Amendment Bylaw No. 3, 2020"