

**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of Bylaw No. 4127, “Arts and Culture Support Service Establishment Bylaw No. 1, 2001, Amendment Bylaw No. 4, 2017” be rescinded;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

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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