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REPORT TO REGIONAL ARTS FACILITIES SELECT COMMITTEE MEETING OF WEDNESDAY, MARCH 03, 2021

SUBJECT **Implementation and Implications of the Consultant's Recommendations from Stage One: A Public Conversation about Performing Arts Facilities in the CRD**

ISSUE SUMMARY

Following the consultant's presentation of the Stage One report at their meeting of January 13, 2021, the Regional Arts Facilities Select Committee (RAFSC) requested that staff provide further information on the implications of implementing the four recommendations. The report from Stage One is included in Appendix A.

BACKGROUND

Noting the need for a regional framework for the planning, development, and capital and operating support of regional arts facilities, the report's key recommendation is to establish a new Capital Regional District (CRD) service with that mandate.

The Stage One report describes the proposed service in general terms; however, it will be necessary for the Board to provide direction on mandate and scope before an establishing bylaw can be drafted for consideration.

The four recommendations in the report *Stage One: A Public Conversation about Performing Arts Facilities in the CRD* are summarized below;

Recommendation 1: *Establish CRD Performing Arts Facilities Service*

- Create a new, regional service to provide a funding mechanism and strategic planning and development for performing arts facilities that have regional impact.
- Implementation requires a new establishing bylaw to be adopted by all CRD jurisdictions.

Recommendation 2: *CRD Assigns Place within CRD for Regional Arts Facilities Development*

- Recommendation 2 would establish interim resources for work described in Recommendations 3 and 4.
- Enables the identified work of the proposed Performing Arts Facilities Service to begin in the period preceding the adoption of its establishing bylaw.
- Presumes support for the establishment of the Performing Arts Facilities Service in Recommendation 1.

Recommendations 3 and 4 outline information gathering and convening activities for the proposed service through either adoption of recommendation 1 or, in the interim, by adoption of recommendation 2.

Recommendation 3: *Regional Planning Group*

- Establishes a regional planning group for the proposed Performing Arts Facilities Service with sub groups focused on areas of sector and community concerns that include feasibility, accessibility, equity, and identifying the functional needs of creators.

Recommendation 4: *Explore Models of CRD Involvement in Arts*

- Convenes an ad hoc “Governance and Management Task Force” that would explore models for CRD involvement in facilities developed or subsumed under the regional service proposed in Recommendation 1.

The actions for Recommendation 1 suggest meeting with all 16 CRD jurisdictions to explore how their support of current or future arts facilities can be integrated or acknowledged within the new service. The actions also suggest there be “...a full regional as well as a back-up sub-regional funding formula for this service”; however, a “sub-regional funding formula” by definition would not reflect a fully regional service and staff attributes this comment to a misunderstanding by the consultant of how CRD services are structured and funded.

ALTERNATIVES

Alternative 1

The Regional Arts Facilities Select Committee recommends to the Capital Regional District Board:

1. That staff be directed to include \$150,000 in the 2021 final budget; and
2. That staff be directed to begin the process of establishing a regional service for the purposes of planning, developing and funding of performing arts facilities that have regional impact, per Recommendation 1 of the CRD Regional Arts Facilities Select Committee report *Stage One: A Public Conversation about Performing Arts Facilities in the CRD*.

Alternative 2

The Regional Arts Facilities Select Committee recommends to the Capital Regional District Board:

1. That staff be directed to include \$75,000 in the 2021 final budget; and
2. That staff be directed to report back on options to expand participation in existing sub-regional performing arts services.

Alternative 3

That this report be received for information.

IMPLICATIONS

Legislative Implications

To create a regional service a new establishing bylaw would be necessary, requiring elector and ministerial approval. If the service required borrowing e.g. for construction or start-up costs this also would require approval as part of the same elector and ministerial approval process. New services reliant on requisition must be established before April 10 of each year, the statutory requisition date.

For a regional service of this nature, approval can be obtained in two ways: by region-wide alternative approval process (AAP) also known as counter-petition; or, region-wide referendum.

In the past, the Inspector of Municipalities has requested regional services elector approval to proceed by way of AAP, followed by a referendum if the AAP is not successful. The consent process (AAP in the electoral areas combined with consent on behalf of each municipal participant) is also an option; however, when establishing a new service this process must be unanimous and would not be recommended nor likely endorsed by the Inspector.

Another option would be to amend an existing sub-regional service by including additional participants to result in a regional service. This would need an elector approval process for the new service participant(s) whether a municipality or electoral area, and two-thirds consent of current participants in favour of extending the existing service to add the new participants. Inspector approval of the change, as well as any change to the mandate of the existing service is required.

It is possible that the Inspector would not permit a sub-regional service’s mandate to be changed beyond what was reasonable at the point the service was created; e.g., an existing arts service’s mandate being broadened beyond what other participants agreed to on inception. As such, establishing a new service, rather than expanding an existing one, would generally be considered the prudent way to proceed.

Financial Implications

To continue development and execution of this work plan, staff require funding from all Municipalities and Electoral Areas. The ability to raise funds is impacted by statutory deadlines, and the service and financial planning processes. A high level estimated budget of up to \$150,000 is required to cover the impacts in the Arts & Culture, Financial Services, and Legislative Services departments, including costs of an alternate approval process and related contracted services.

CONCLUSION

The report commissioned by CRD Regional Arts Facilities Select Committee, *Stage One: A Public Conversation about Performing Arts Facilities in the CRD*, proposes a unified decision making framework for the planning, development and funding of regional arts facilities through the establishment of a CRD Performing Arts Facilities Service.

RECOMMENDATION

The Regional Arts Facilities Select Committee recommends to the Capital Regional District Board:

1. That staff be directed to include \$150,000 in the 2021 final budget; and
2. That staff be directed to begin the process of establishing a regional service for the purposes of planning, developing and funding of performing arts facilities that have regional impact, per Recommendation 1 of the CRD Regional Arts Facilities Select Committee report *Stage One: A Public Conversation about Performing Arts Facilities in the CRD*.

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ATTACHMENT

Appendix A: Stage One: A Public Conversation about Performing Arts Facilities in the CRD