

**REPORT TO CAPITAL REGIONAL DISTRICT BOARD  
MEETING OF WEDNESDAY, OCTOBER 13, 2021**

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**SUBJECT**      **Outcomes from Board Meeting (September 8, 2021) on a New Regional Performing Arts Facilities Service**

**ISSUE SUMMARY**

On September 8, 2021, the Board of the Capital Regional District (CRD) considered four recommended motions from the Performing Arts Facilities Select Committee to establish a new Regional Performing Arts Facilities Service with full regional participation through a region-wide Alternative Approval Process (AAP). Three out of four motions passed, resulting in a mixed outcome with no clear path forward.

**BACKGROUND**

On September 8, 2021, the Performing Arts Facilities Select Committee reviewed a staff report to establish a new Regional Performing Arts Facilities Service that would plan, develop, and fund performing arts facilities with regional impact. This new service would also consolidate and expand funding for the existing sub regional services for the Royal Theatre and McPherson Playhouse. The Performing Arts Facilities Select Committee approved a set of recommendations to be sent to the CRD Board, namely:

1. That Bylaw No. 4445, "Regional Performing Arts Facilities Service Establishing Bylaw No. 1, 2021", be read a first, second, and third time;
2. That staff canvas participants of the Royal Theatre and McPherson Playhouse services to gauge interest in participation in the regional service to be established by Bylaw No. 4445;
3. That if service participants of the Royal Theatre and McPherson Playhouse services informally consent to creation of the service to be established by Bylaw No. 4445, staff are directed to forward Bylaw No. 4445 to the Inspector of Municipalities for review and approval; and
4. That staff be directed to initiate a region-wide Alternate Approval Process (AAP) in accordance with Sections 342(4) and 345 of the *Local Government Act* to meet the legislated requirement for elector approval of Bylaw No. 4445.

On September 8, 2021, the Board considered these recommended motions. The results were that the three motions regarding the new establishing bylaw carried, but the motion regarding the region-wide AAP was defeated (see Table 1).

**Table 1. CRD Board Voting Results on Regional Performing Arts Facilities Service**

<b>Motion</b>	<b>Threshold</b>	<b>Result</b>
#1 Three readings of Bylaw 4445	Majority	Carried
#2 Canvas existing participants	Majority	Carried
#3 Forward to Inspector of Municipalities	Majority	Carried
#4 Proceed with region-wide AAP	2/3rds Majority	Defeated

Because these motions are connected and dependent on one another, staff are providing a report with an analysis of feasibility and implications of next steps.

## **ALTERNATIVES**

### *Alternative 1*

1. That staff take no further action related to Bylaw No. 4445 nor to its proposed approval process as outlined in the recommendations brought to Board on September 8, 2021.
2. That the CRD Board Chair send a letter to all CRD jurisdictions, outlining the benefits of joining the Royal Theatre Service and McPherson Playhouse Service, along with associated costs, and encouraging non-participating jurisdictions to join these existing services voluntarily.

### *Alternative 2*

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

## **IMPLICATIONS**

### *Service Delivery Implications*

The Royal Theatre Service and the McPherson Playhouse Service support two key performing arts facilities with regional impact. The economic, social, and cultural benefits of such performing arts facilities was well-documented in *Stage One: A Public Conversation about Performing Arts Facilities in the CRD*, which notes “[g]rowing and strengthening the performing arts eco-system further will bring a wide range of benefits and impacts on the social, and economic health of the region and its people”. Growing these existing services would be another way to leverage the regional benefits that accrue from active and accessible performing arts facilities.

### *Alignment with Board & Corporate Priorities*

Board Initiative 12a-1 in the 2019-2022 Corporate Plan indicates there is a priority to:

“Facilitate a discussion of the region’s art facility needs & explore partnerships to support 100% participation in the CRD arts functions.”

In 2019, the CRD tasked the Regional Arts Facilities Select Committee with holding discussions on the region’s arts facilities needs and engaging a consultant to design and facilitate a process for public and stakeholder input. The Regional Arts Facilities Select Committee convened five times between November 2019 and March 2021 to hold discussions and advance this work. In 2020, consultations were conducted, leading to a report, *Stage One: A Public Conversation about Performing Arts Facilities in the CRD*, as well as an online resource that documents an inventory of arts facilities in the region, including their capacity, location, and functions.

On March 3, 2021, the Regional Arts Facilities Select Committee recommended to the CRD Board that the top recommendation of the report should be implemented through establishing a new regional performing arts facilities service. On April 14, 2021, the CRD Board approved a recommendation from the Governance Committee to create a Performing Arts Facilities Select Committee whose purpose would be “to define the scope and functions of a regional service that will lead to the drafting of an establishing bylaw for the Performing Arts Facilities Service”. The Performing Arts Facilities Select Committee convened three times between May and September 2021. On September 8, 2021, the Performing Arts Facilities Select Committee reviewed an

establishing bylaw, accompanying service plan and financial simulation for a regional performing arts facilities service, and made recommendations to the CRD Board (see Background section above for details and results of these recommendations).

Through these two select committees, consultations with stakeholders and the general public, the resultant publically-available report and online inventory of arts facilities in the region, the CRD Board has facilitated discussion of the region's art facility needs and has fulfilled the scope of work outlined in this board initiative.

### *Legislative Implications*

The establishing bylaw for a new Regional Performing Arts Facilities Service (Bylaw No. 4445) has passed three readings at the CRD Board; however, the bylaw includes specific language related to the electoral approval process as AAP. This electoral approval process has been eliminated as an option for this initiative by the Board vote on September 8, 2021. To proceed, the Board needs to specify the new form of electoral approval process it wishes to pursue before the draft bylaw can be advanced to the Inspector of Municipalities. The Board will also need to rescind third reading of the Bylaw to amend those sections that specify AAP as the electoral approval process and instead insert the new electoral approval process that the Board has chosen.

If, as indicated through letter (Langford) and through motions (Salt Spring Island), certain jurisdictions are not interested in joining a Regional Performing Arts Facilities Service through consent at this time, then there are two electoral approval processes that could lead to a region-wide service: region-wide AAP (which was rejected by the CRD Board on September 8, 2021) and region-wide referendum. A region-wide referendum would take four to six months and would likely cost more than \$500,000. Even if deferred, running a referendum in conjunction with the 2022 local government elections is not likely to result in significant savings, as the CRD cannot require municipalities to participate nor can the CRD be assured that the question provided on the ballot would be the same throughout the region. Staff have no capacity to execute a region-wide referendum as a stand-alone process in the same year as a general election. Also, a motion to pursue a region-wide referendum would require a two-thirds majority vote at the CRD Board in order to pass. Thus, a region-wide referendum is not a feasible approach to approve a new Regional Performing Arts Facilities Service at this time.

### **CONCLUSION**

The CRD Board considered the outcomes from the vote on September 8, 2021, on a set of interconnected motions for a new Regional Performing Arts Facilities Service. The Board passed motions to begin the process for an establishing bylaw, but defeated an accompanying and interconnected motion on the electoral approval process necessary to gain the participant approval required prior to adoption of that bylaw. This report reviews the implications of the outcomes of this Board vote and provides a recommended path forward that focuses on expanding existing services through providing information on the value of the service to non-participating jurisdictions and encouraging them to join.

**RECOMMENDATION**

1. That staff take no further action related to Bylaw No. 4445 nor to its proposed approval process as outlined in the recommendations brought to Board on September 8, 2021.
2. That the CRD Board Chair send a letter to all CRD jurisdictions, outlining the benefits of joining the Royal Theatre Service and McPherson Playhouse Service, along with associated costs, and encouraging non-participating jurisdictions to join these existing services voluntarily.

Submitted by:	Chris Gilpin, MPA, Manager, Arts & Culture Support Service
Concurrence:	Nelson Chan, MBA, FCPA, FCMA, Chief Financial Officer
Concurrence:	Kristen Morley, J.D., General Manager, Corporate Services & Corporate Officer
Concurrence:	Robert Lapham, MCIP, RPP, Chief Administrative Officer