

## Appendix B: Amended Bylaw 4445

### CAPITAL REGIONAL DISTRICT BYLAW NO. 4445

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#### A BYLAW TO ESTABLISH A REGIONAL PERFORMING ARTS FACILITIES OPERATION, FUNDING, AND GRANTING SERVICE

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#### WHEREAS:

- A. Under Bylaw No. 2587, Royal Theatre Local Service Area Establishment Bylaw No. 1, the Regional Board on behalf of the municipalities of Victoria, Oak Bay, and Saanich established a service to fund, operate, and maintain the Royal Theatre;
- B. Under Bylaw No. 2685, McPherson Playhouse Local Service Area Establishment Bylaw No. 1, 1999, the Regional Board established a local service on behalf of the City of Victoria to fund, operate, and maintain the McPherson Playhouse;
- C. By assent of the electors under section 336, 342, and 344 of the *Local Government Act*, the region's electors have approved the creation of a regional performing arts facilities funding service to encompass both the services set out in Bylaws No. 2587 and 2685, as well as the operation and funding of other performing arts facilities with regional impact;
- D. The Board wishes to establish a service to operate and fund the planning, development, capital, and operation of performing arts facilities with regional impact;

**NOW THEREFORE**, the Capital Regional District Board 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, that is, the Capital Regional District;
    - ii. is designed for the primary purpose and function of performing arts presentations;
    - iii. attracts audiences from beyond its local area (e.g. regional or multi-regional draw);
    - 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 Capital Regional District hereby establishes a service for the purpose of recreation, leisure, and community use in relation to operation and funding of performing arts facilities with regional impact, including the operation and funding of the planning, development, capital and operating costs of performing arts facilities with regional impact.

3. The scope of the service includes, without limiting the foregoing:
- (a) Annual capital and operating funding for the Royal Theatre and McPherson Playhouse to established minimum levels, being:
    - i. \$400,000 in capital and \$350,000 in operating for the McPherson Playhouse; and
    - ii. \$480,000 in capital and \$100,000 in operating for the Royal Theatre,where capital amounts may be used for but are not limited to the 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;
  - (b) Operation of grant programs benefitting performing arts facilities with regional impact, including:
    - i. for regional facility planning projects;
    - ii. for major and minor capital improvements to regional performing arts facilities, including payment of debt; and
    - iii. for operations of such regional performing arts facilities;
  - (c) Establishment of a capital reserve fund to benefit performing arts facilities with regional impact, including the construction of new facilities, renovation of existing facilities, and payment of debt for capital projects; and
  - (d) Operation of a grants assistance program, to apply for grants on behalf of the CRD for regional performing arts facilities associated with or operated by the service and to assist regional performing arts facilities in applying for planning, capital, operating, and other grants.

#### **Boundaries**

4. The boundaries of the Service Area are the boundaries of the Capital Regional District, including all municipalities and electoral areas.

#### **Participating Area**

5. The participating areas for the service are the electoral areas and municipalities making up the Capital Regional District: the Electoral Areas of Salt Spring Island, Southern Gulf Islands, and the Juan de Fuca; and the Municipalities of Victoria, Oak Bay, Esquimalt, Saanich, Central Saanich, North Saanich, Sidney, View Royal, Highlands, Colwood, Langford, Sooke, and Metchosin.

#### **Cost Recovery**

6. 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 [*Requisition and Tax Collection*], 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 under the *Local Government Act* or another Act;
  - (d) revenues received by agreement, enterprise, gift, grant or otherwise.

#### **Cost Apportionment**

7. The annual costs recovered by requisition in accordance with this bylaw shall be apportioned among the participants by dividing the costs into two equal parts, one part apportioned on the basis of population, where population is the total population estimate 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**

8. 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 and Sixty Thousand dollars (\$3,060,000); or
  - (b) An amount equal to the amount that could be raised by a property value tax rate of \$0.023 per One Thousand Dollars (\$1,000) 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**

9. Despite section 8, if the services established by Bylaw No. 2587, Royal Theatre Local Service Area Establishment Bylaw No. 1, 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 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**

10. The Capital Regional District may enter into agreements with one or more organizations to operate regional performing arts facilities held or operated by the service.

**Citation**

11. This Bylaw may be cited as the "Performing Arts Facilities Service Establishing Bylaw No. 1, 2021".

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
RECEIVED THE ASSENT OF THE ELECTORS UNDER SECTION 336 OF THE <i>LOCAL GOVERNMENT ACT</i> THIS	th	day of	20
ADOPTED THIS	th	day of	20

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CHAIR

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CORPORATE OFFICER