

**CAPITAL REGIONAL DISTRICT
BYLAW NO. 2884**

**A BYLAW TO ESTABLISH THE GIVING OF
ARTS AND CULTURAL GRANTS AS A SERVICE**

WHEREAS under section 176(1)(c) of the *Local Government Act* the Capital Regional District may provide assistance for the purpose of benefiting the community or any aspect of the community;

AND WHEREAS there is a desire on the part of the municipalities which currently participate in the Greater Victoria Inter-Municipal Committee ("IMC") to move activities of the IMC to the Capital Regional District and establish a service to carry out these same activities;

AND WHEREAS the participating municipalities of the IMC, being the City of Victoria, the District of Saanich, the District of Oak Bay and the Township of Esquimalt have established a Greater Victoria Arts Commission to provide advice on matters involving the arts within the Greater Victoria area and there is a desire to allow for the establishment of committees to provide advice to the Capital Regional District on these same matters;

AND WHEREAS the Board of the Capital Regional District considers it desirable to establish for the regional district a service to provide for the giving of assistance for the purpose of benefiting the community or an aspect of the community to be known as the "Arts and Cultural Support Service";

AND WHEREAS the Board of the Capital Regional District wishes to proceed under section 796 of the *Local Government Act* to establish the service under Division 4.1 of Part 24 of the *Local Government Act*;

AND WHEREAS the Board of the Capital Regional District has obtained the consent of the Councils of the municipalities of Victoria, Saanich, Oak Bay, Esquimalt, Highlands and Metchosin;

AND WHEREAS under section 804(2)(g) of the *Local Government Act* with respect to a service established to provide assistance under section 176(1)(c) the cost of providing the service may be apportioned among the municipalities or electoral areas benefiting from the assistance, with the service area deemed to be all those areas and the Board of the Capital Regional District wishes to establish a service for the purpose of providing assistance with the cost of the service being apportioned among the municipalities or electoral areas benefiting from the assistance;

NOW THEREFORE, the Board of the Capital Regional District in open meeting assembled enacts as follows:

1. **Service**

The service hereby established is the provision of assistance in relation to the arts and culture for the purpose of benefiting the community or an aspect of the community to be known as the “Arts and Culture Support Service”.

2. **Boundaries**

The boundaries of the service area shall be the boundaries of the municipalities of Victoria, Saanich, Oak Bay, Esquimalt, Highlands and Metchosin.

3. **Participating Areas**

- (1) The municipalities of Victoria, Saanich, Oak Bay, Esquimalt, Highlands and Metchosin are the participating areas for this service.
- (2) In this bylaw, “**Group 1 Participating Areas**” in each year means the municipalities of Victoria, Saanich, Oak Bay, Esquimalt and any other participating area that indicates in writing to the Regional District prior to October 31st in the prior year that it wishes to fully participate in annual grant funding costs subject to cost sharing under section 7(3)(c) for the service established by this bylaw.

4. **Cost Recovery**

The annual cost of providing the service shall be recovered by one or more of the following:

- (a) property value taxes imposed in accordance with Division 4.3 of Part 24 of the *Local Government Act*;
- (b) fees and charges that may be imposed under section 797.2 of the *Local Government Act*;
- (c) revenues raised by other means authorized by the *Local Government Act* or another act;
- (d) revenue received by way of agreement, enterprise, gift, grant or otherwise.

5. **Maximum Requisition**

The maximum amount that may be requisitioned under sections 805 and 805.1 of the *Local Government Act* for the annual cost of the service shall be the greater of:

- (a) \$1,980,000; or
- (b) an amount equal to the amount that could be raised by a property value tax of \$0.102 per \$1,000 which, when applied to the net taxable value of land and improvements of the initial Group 1 Participating Areas (Victoria, Saanich, Oak Bay and Esquimalt) within the service area, would yield a maximum amount that may be requisitioned under sections 805 and 805.1(a) for the service.

6. **Minimum**

Each participant that gives notice under section 7(3) shall contribute a minimum of \$500 annually.

7. **Apportionment**

- (1) In this section the following words and phrases have the following meanings:
 - (a) **“class of property”** means class of property as defined in the Prescribed Classes of Property Regulation, B.C. Reg. No. 438/81 or similar enactment as it exists from time to time;
 - (b) **“converted assessed value”** for a municipality means the converted value, determined under paragraph 7(2) of:
 - (i) the assessed value under the *Assessment Act*, in the previous year, of lands and improvements taxed by the municipality for general municipal purposes in the previous year according to the assessment roll; and
 - (ii) the Crown value;
 - (c) **“Crown land”** means land and improvements owned by the Crown or an agent of the Crown in a previous year if the municipality received or is due to receive a grant in lieu of taxes, in respect of the year before the current year;
 - (d) **“Crown land value”** will be:
 - (i) in the case of Crown land other than Crown land owned by the British Columbia Hydro and Power Authority, the lesser of the assessed value under the *Assessment Act* for the previous year and the value which would result in a property tax equal to the grant in lieu of taxes if the land and improvements were not crown land, and

- (ii) in the case of Crown land owned by the British Columbia Hydro and Power Authority, the assessed value under the *Assessment Act* for the year before the previous year, and
 - (iii) in the case of Crown Land owned by the Government of Canada or by an agent of the Government of Canada, the value, in the year before the previous year, of land and improvements which would result in a property tax equal to the grant in lieu of taxes if the land and improvements were not Crown land.
- (e) **“non-specific grant costs”** means an amount that a participating area has indicated in writing to the Regional District prior to October 31 in any preceding year that it wishes to raise to have available to provide funding to a person or organization through the service established by this bylaw.
 - (f) **“population”** means the population for each municipality most recently published by the Province of British Columbia, Ministry of Finance and Corporate Relations.
 - (g) **“specific individual grant costs”** means the amounts which a participating area has indicated in writing to the Regional District that it wishes to raise to provide funding to a specified person or organization through the service established by this bylaw.
- (2) For the purpose of this part, the assessed value of land and improvements will be converted by adding together the products obtained by multiplying the assessed value for each class of property by the percentage set out below for the class:

Class of Property	Multiple
1	10 %
2	35 %
3	40 %
4	34 %
5	34 %
6	24.5%
7	30 %
8	10 %
9	10 %

- (3) The amount of the annual costs recovered by requisition in accordance with section 4(a) of this bylaw shall be apportioned among the participating areas as follows:
- (a) Specific individual grant costs shall be apportioned to:

- (i) Group 1 Participating Areas; and
- (ii) any other participating area where the participant indicated in writing to the Regional District prior to October 31 in the preceding year that it wished to participate in the making of specific individual grants,

in the amount which each such participating area is deemed to benefit from the assistance.

- (b) Non-specific grant costs shall be apportioned to:

- (i) Group 1 Participating Areas; and
- (ii) any other participating area where the participant indicated in writing to the Regional District prior to October 31 in the preceding year that it wished to participate in the making of non-specific grants,

in the amount which each such participating area is deemed to benefit from the assistance.

- (c) Annual grant funding costs shall be apportioned to Group 1 Participating Areas:

- (i) 50% on the basis of the converted assessed value of land and improvements; and
- (ii) 50% on the basis of population.

- (4) For the purposes of 7(3)(a) and (b), a participating area is deemed to benefit from assistance in the amount that the participant indicated in writing to the Regional District should be requisitioned for specific individual grants or non-specific grants or both.

8. **Voting**

On a vote of the Board of the Regional District in respect of the amount to be placed in the annual budget with respect to annual grant funding, each director representing a Group 1 Participating Area is entitled to five votes and each director representing any other participating area is entitled to one vote.

9. **Grants in Lieu of Taxes**

For the purpose of sections 807(1) to (3) of the *Local Government Act*, funds paid to the Regional District in respect of the service established by this bylaw will be held to the credit of the participant making the payment.

10. **Advisory Committee and Operation**

Without limiting the powers of the Regional District under the *Local Government Act*, the Board may establish one or more committees to:

- (a) advise the Board on matters regarding the service; and
- (b) manage the administration and operation of the service.

11. **Citation**

This Bylaw may be cited as “**Arts and Culture Support Service Establishment Bylaw No. 1, 2001**”.

READ A FIRST TIME THIS 25th day of April 2001.

READ A SECOND TIME THIS 25th day of April 2001.

READ A THIRD TIME THIS 25th day of April 2001.

APPROVED BY THE INSPECTOR
OF MUNICIPALITIES THIS 12th day of June 2001.

ADOPTED THIS 27th day of June 2001.



CHAIR



SECRETARY

FILED WITH THE INSPECTOR
OF MUNICIPALITIES THIS 3rd day of July 2001.