



Making a difference...together

BYLAW NO. 2884

CONSOLIDATED ARTS AND CULTURE SUPPORT SERVICE ESTABLISHMENT BYLAW NO. 1, 2001

**Consolidated for Public Convenience
(This bylaw is for reference purposes only)**

ORIGINALLY ADOPTED JUNE 27, 2001
(Consolidated with Amending Bylaws 3481, 3616, 4127, 4255)

For reference to original bylaws or further details, please contact the Capital Regional District,
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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, Metchosin, View Royal, and Sidney;
(Bylaws 3481, 3616)

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, Metchosin, View Royal, Sooke, and the Southern Gulf Islands Electoral Area.
(Bylaw 4255)

3. **Participating Areas**

- (1) The Township of Esquimalt, District of Highlands, District of Metchosin, District of Oak Bay, District of Saanich, District of Sooke, City of Victoria, Town of View Royal, and the Southern Gulf Islands Electoral Area are the participating areas for this service. (Bylaw 4255)
- (2) In this bylaw, "**Group 1 Participating Areas**" in each year means the Township of Esquimalt, District of Oak Bay, District of Saanich, City of Victoria, and the Town of View Royal.
- (3) In this bylaw, "**Group 2 Participating Areas**" in each year means the District of Highlands, District of Metchosin, District of Sooke, and the Southern Gulf Islands Electoral Area.
(Bylaw 4255)
(Bylaw 4127)

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. **Apportionment**

- (1) The amount of annual costs recovered by requisition in accordance with Section 4 (a) of this bylaw, shall be apportioned among the Participating Areas by dividing the costs into two equal parts, one part to be apportioned on the basis of population and one part to be apportioned on the basis of assessments and applying the formulae in Section 6 (2) below.
- (2) For the purpose of this section:
 - (a) **Group 1 Participants:**
 - (i) **Population** is the total population estimate as determined annually by the Regional Planning Services Department of the Capital Regional District, and
 - (ii) **Assessments** are the annual converted value of land and improvements in the Participating Areas.
 - (b) **Group 2 Participants:**

- (i) **Population** is 30% of the population estimate as determined annually by the Regional Planning Services Department of the Capital Regional District, and
 - (ii) **Assessments** are 30% the converted value of land and improvements in the Participating Areas, or
 - (iii) A greater percentage amount if indicated in writing by a Participating Area.
- (c) **Transitional provisions for Group 2 Participants:**
New Participants may withdraw from the Service within two years of joining provided that written notice that the Participant intends to withdraw is delivered to the CRD Corporate Officer on or before July 1st of the first or second year of membership to be effective as of January 1st the following year.

(Bylaw 4127)

7. **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.

8. **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.

9. **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.

Christopher Causton
CHAIR

Carmen Thiel
SECRETARY

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