

ARTS COMMISSION

Notice of Meeting on **Wednesday, November 25, 2020, at 4:00 p.m.**
Electronic & Room 488, 4th Floor, 625 Fisgard Street, Victoria, BC

J. Loveday (Chair)	M. Brame	S. Epp	W. Gardner	D. Lajeunesse
	G. Lemon	C. Plant	T. Ney	K. Roessingh

AGENDA

1. Territorial Acknowledgement
2. Approval of Agenda
3. Adoption of Minutes of October 28, 2020
Recommendation: That the October 28, 2020, minutes of the Arts Commission be adopted as read.
4. Chair's Remarks
5. Presentations/Delegations
6. Commission Business
 - 6.1. Arts Advisory Council Update
 - 6.1.1. Arts Advisory Council Chair's Report (Verbal)
Recommendation: That the Arts Advisory Council Chair's verbal report be received for information.
 - 6.2. Outreach Update
Recommendation: That the Arts Commission receive this report for information.
 - 6.3. Bylaw 4367: to Broaden Access to the Arts Advisory Council and Introduce a Conflict of Interest and Recusal Mechanism
Recommendation:
The Arts Commission recommends to Capital Regional District Board:
 1. That Bylaw No. 4367, "CRD Arts Advisory Council Bylaw, 2002, Amendment Bylaw No. 3, 2020" be introduced and read a first, second, and third time; and
 2. That Bylaw No. 4367 be adopted.
7. New Business
8. Adjournment

Next Meeting: January 27, 2021 (to be confirmed)



Making a difference...together

Minutes of a Meeting of the ARTS COMMISSION

Held Wednesday, October 28, 2020, in Room 488, 625 Fisgard St., Victoria, BC

EP = Electronic Participation

Present: **Members:** J. Loveday (Chair), M. Brame (EP), W. Gardner (EP), D. Lajeunesse (EP), G. Lemon (EP), T. Ney (EP), K. Roessingh (EP)

Staff: James Lam, Manager, Arts Development; N. More, Senior Administrative Secretary (recorder)

Also Present: **Arts Advisory Council:** C. Heiman, Chair (EP); M. Heinz, Funding Chair (EP)

Absent: S. Epp, C. Plant

The meeting was called to order at 4:04 p.m.

1 Territorial Acknowledgement

Chair Loveday gave the territorial acknowledgment.

2 Approval of Agenda

MOVED by Member Brame, **SECONDED** by Member Roessingh,
That the agenda be approved as circulated.

CARRIED

3 Adoption of Minutes

MOVED by Member Lemon, **SECONDED** by Member Roessingh,
That the minutes of the September 23, 2020, Arts Commission meeting be adopted as previously circulated.

CARRIED

4 Chair's Remarks

The Chair remarked on the helpfulness of video electronic participation. He spoke of the continuing outreach to the non-participating municipal councils and that he and J. Lam presented to Colwood via electronic means.

5 Presentations/Delegations: There were none.

6 Commission Business

6.1 Arts Advisory Council Update

6.1.1 Arts Advisory Council Chair's Report (Verbal)

C. Heiman reported that adjudication of the Operating Grants applications is in progress. She noted that having multi-year grants has been helpful to the process; for example, by allowing more comparison of like-to-like, since some larger organizations are still within their multi-year funding granted previously.

Moved by Member Roessingh, **Seconded** by Member Brame;
That the verbal report be received for information.

CARRIED

6.1.2 Arts Advisory Council Activities by Council Summary

6.1.3 Arts Advisory Council Minutes for Information

MOVED by Member Brame, **SECONDED** by Member Roessingh,
That the Arts Advisory Council Chair's verbal report; the September 8 and October 7, 2020,
minutes, and the Sept. 8, 200, Activities by Council Summary be received for information.

CARRIED

6.2 Outreach Update – Verbal

J. Lam reported that recruitment for the outreach coordinator position would be completed by the end of the year.

MOVED by Member Brame, **SECONDED** by Member Lemon,
That the verbal Outreach Update be received for information.

CARRIED

6.3 Equity Grant Program Evaluation and Recommendations

J. Lam remarked that the recommendation is a significant one. Examining equity in CRD arts funding overall would be a complex discussion. He provided highlights of the report.

The Commission sought clarity on the recommendation and implications.

MOVED by Member Karel, **SECONDED** by Member Megan,

1. That the Equity Grant program be allocated \$25,000 in annual core project-based funding;
2. That staff be directed to draft terms of reference for an Equity Advisory Sub-Committee to explore grant adjudication, accessibility of information, data collection and the development of an equitable access policy for all arts funding programs.

The Commission discussion included the following points:

- The Equity Grant Program valuable but at its core shows the work that really needs to be done—an evaluation of all CRD arts granting and programs through an equity lens.
- If done well, the Equity Grant wouldn't be needed in the future, because of equity being embedded; until then, the Equity Grant program still of importance.

MOVED by Member Loveday, **SECONDED** by Member Ney,

That a new part 1 of the main motion be added in the following words: That the Arts Commission commits to an equity lens to operations and granting.

The Commission discussed that the new part 1 in effect would supply a guiding statement for the work of developing an equitable access policy for all CRD arts funding programs. The Chair called the question on the amendment.

MOVED by Member Loveday, **SECONDED** by Member Ney,
That a new part 1 of the main motion be added in the following words: That the Arts Commission commits to an equity lens to operations and granting.

CARRIED

The Chair called the question on the main motion as amended.

MOVED by Member Karel, **SECONDED** by Member Megan,

1. That the Arts Commission commits to an equity lens to operations and granting.
2. That the Equity Grant program be allocated \$25,000 in annual core project-based funding;
3. That staff be directed to draft terms of reference for an Equity Advisory Sub-Committee to explore grant adjudication, accessibility of information, data collection and the development of an equitable access policy for all arts funding programs.

Staff provided clarification that the proposed Equity Advisory Sub-Committee would be a sub-committee of the Arts Advisory Council, subsisting of some Council members as well as external appointments.

The Chair called the question.

MOVED by Member Karel, **SECONDED** by Member Megan,

1. That the Arts Commission commits to an equity lens to operations and granting.
2. That the Equity Grant program be allocated \$25,000 in annual core project-based funding;
3. That staff be directed to draft terms of reference for an Equity Advisory Sub-Committee to explore grant adjudication, accessibility of information, data collection and the development of an equitable access policy for all arts funding programs.

CARRIED

6.4 Incubator Grant Program Evaluation and Recommendations

J. Lam provided highlights of the report.

MOVED by Member Roessingh, **SECONDED** by Member Brame,

That the Incubator Grant program be allocated \$15,000 in annual core project-based funding.

CARRIED

6.5 Bylaw Amendment 4367 – Request for Further Information

J. Lam provided highlights of the report and responded to questions from the Commission.

MOVED by Member Brame, **SECONDED** by Member Roessingh,

That staff be directed to revise draft Bylaw No. 4367 with alternate language defining exclusions for appointment to the Arts Advisory Council for consideration at their next meeting.

CARRIED

7 Correspondence

MOVED by Member Gardner, **SECONDED** by Member Roessingh,

That the following correspondence be received for information.

7.1 Greater Victoria Youth Orchestra, 11 September 2020, re: Operating Grant

CARRIED

8 New Business

8.1 Change in Appointment

M. Brame, the member representing Esquimalt, informed the Commission that a new person would be appointed in her stead.

8.2 Eligibility of Museums for Funding through the Arts & Culture Service

For discussion only, Chair Loveday conveyed an enquiry on the eligibility of museums for funding through the CRD Arts & Culture Service.

J. Lam clarified that eligibility for museums have been excluded from the funding programs because the applicant organizations must have as part of their mandate arts presentations. Most museums have a different mandate. The one exception would be the IDEA Grant program, which allows for a non-profit using the arts as part of their mandate in some way. The Commission discussed that an example would be a small museum commissioning artists or performers to present history topics.

The Commission also discussed the regional nature of museums.

9 Adjournment

MOVED by Member Brame, **SECONDED** by Member Lemon,

That the meeting be adjourned at 5:13 p.m.

CARRIED

CHAIR

RECORDER

**REPORT TO THE ARTS COMMISSION
MEETING OF WEDNESDAY, NOVEMBER 25, 2020**

SUBJECT **Bylaw No. 4367: to Broaden Access to the Arts Advisory Council and Introduce a Conflict of Interest and Recusal Mechanism**

ISSUE SUMMARY

At the request of the Arts Commission, changes to amending Bylaw No. 4367 amending CRD Arts Advisory Council Bylaw, 2002 (Bylaw No. 2973) have been provided with additional language on exclusions to service on the Arts Advisory Council. The purpose of the amendment, including the introduction of conflict of interest and recusal processes, will increase accountability in the grant assessment process and broaden the pool of potential candidates with desirable skills and experience.

BACKGROUND

Bylaw No. 2973, established in 2001, established the Arts Advisory Council (AAC) to provide advice to the Arts Commission on the needs of the arts sector and to act as an adjudicative body for funding programs.

Bylaw No. 2973 disqualifies any individual who:

2(h)(iii) has, directly or indirectly, by himself or through any other person, any interest in a contract with or for an organization applying for funding.

The restrictiveness of 2(h)(iii) has over time narrowed the pool of candidates and excluded individuals whose experience could be a valuable addition to the AAC.

At their meeting of November 17, 2019, the Arts Commission directed staff to draft an amendment to the bylaw that would provide access to AAC membership to a broader pool of individuals from the community, provide a conflict of interest mechanism and provide for an appropriate recusal process in the event that a conflict of interest occurs.

The Arts Commission provided feedback on an initial amendment and on a subsequent request for alternative language at their meetings of September 23 and October 28, 2020. It was agreed that the existing clause:

2

- (g) A person is disqualified from being appointed to, and serving on, the Council who:
- (i) is a member of the board of directors of any organization applying for funding through the Arts Commission; or
 - (ii) is a paid or unpaid staff member of any organization applying for funding through the Arts Commission.

would be replaced with:

- (g) A person is disqualified from being appointed to, and serving on, the Council who is a member of the board of directors or has a fiduciary duty to an organization applying for funding through the Arts Commission.

ALTERNATIVES

Alternative 1

The Arts Commission recommends to Capital Regional District Board:

1. That Bylaw No. 4367, "CRD Arts Advisory Council Bylaw, 2002, Amendment Bylaw No. 3, 2020" be introduced and read a first, second, and third time; and
2. That Bylaw No. 4367 be adopted.

Alternative 2

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

IMPLICATIONS

Amending Bylaw No. 4367 will broaden the cohort of individuals eligible to serve on the Arts Advisory Council (AAC) and introduce generally accepted practices for dealing with conflict of interest and recusal. This initiative is in alignment with the CRD Initiative 12b-1 "Improve community engagement activities and tools to ensure alignment of programs and community needs" as well as the Corporate Priority to enhance systems and policies to respond to evolving best practices and adhere to legislative requirements.

CONCLUSION

The current eligibility criteria are atypically exclusionary and limits the pool of candidates. Common legislative language that allows for the identification of conflicts of interest, the materiality of conflicts, and a recusal process are absent in the current bylaw.

Bylaw No. 4367 establishes conflict of interest rules for the AAC in line with CRD standards and widens the pool of expertise available to the AAC that will enable it to more effectively fulfil its mandate of grant assessment and providing advice on issues facing the arts sector.

RECOMMENDATION

The Arts Commission recommends to Capital Regional District Board:

1. That Bylaw No. 4367, "CRD Arts Advisory Council Bylaw, 2002, Amendment Bylaw No. 3, 2020" be introduced and read a first, second, and third time; and
2. That Bylaw No. 4367 be adopted.

Submitted by:	James Lam, Manager, Arts & Culture Support Service
Concurrence:	Nelson Chan, MBA, CPA, CMA, Chief Financial Officer
Concurrence:	Kristen Morley, J.D., General Manager, Corporate Services & Corporate Officer
Concurrence:	Robert Lapham, MCIP, RPP, Chief Administrative Officer

ATTACHMENT: Appendix A: Bylaw No. 4367, "CRD Arts Advisory Council Bylaw, 2002, Amendment Bylaw No. 3, 2020"

**CAPITAL REGIONAL DISTRICT
BYLAW NO. 4367**

A BYLAW TO AMEND BYLAW 2973, BEING CRD ARTS ADVISORY COUNCIL BYLAW, 2002

WHEREAS:

- A. Under Bylaw No. 2973, CRD Arts Advisory Council Bylaw, 2002, the Regional Board established the Arts and Cultural Support Service for the purpose of benefiting the arts community; and
- B. The Board wishes to amend Bylaw No. 2973, to ensure broad participation, and clarify conflict of interest language for members serving on the Arts Advisory Council to avoid disqualifications within the Arts and Cultural Support Service.

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

- 1. Bylaw No. 2973, "CRD Arts Advisory Council Bylaw, 2002", is hereby amended by:
 - (a) replacing all references to "Arts Committee" or "CRD Arts Committee" with "Arts Commission".
 - (b) replacing section 2 in its entirety with:
 - 2. The Council is hereby established as an advisory body to the CRD Arts Commission and shall consist initially of those twelve (12) persons appointed as members until December 31, 2002 and thereafter shall consist of twelve (12) persons appointed by the CRD Arts Commission.
 - (a) The Chair of the Arts Commission, the Chair of the Council and the Manager of the Arts and Cultural Support Service will together review and make recommendations to the Arts Commission for appointments to the Arts Council.
 - (b) Terms of appointment shall be to a maximum of eight (8) years with
 - (i) The first term to be for one (1) year;
 - (ii) The second term to be for three (3) years; and
 - (iii) Subsequent terms to be for two (2) years
 - (c) All vacancies arising from an expiration of a term must be advertised or posted publicly for at least thirty (30) days.
 - (d) Before the 1st of January every year, the Arts Commission shall appoint or reappoint members to the Council to fill the terms of office of the members whose term expire as of the 31st of December each year.
 - (e) A vacancy arising from any cause other than the expiration of the term for which the member was appointed, shall be filled for the unexpired portion of the term only, by an appointment of the member municipalities on recommendation of the Arts Commission. Such recommendation shall not be binding on the Board, but shall be considered.

(f) A member who fails to attend three successive meetings of the Council, except because of illness or with leave of the Council, shall be deemed to have vacated membership, and the Chair of the Council shall forthwith inform the Arts Commission of the vacancy.

(g) A person is disqualified from being appointed to, and serving on, the Council who is a member of the board of directors or has a fiduciary duty to an organization applying for funding through the Arts Commission.

(h) A member who has, directly or indirectly, individually or through any other person, any material interest in a contract with or for an organization applying for funding, shall not adjudicate, influence the vote on a matter, or otherwise lobby for such applications, and must disclose such conflicts and recuse themselves in accordance with the Capital Regional District Board Procedures Bylaw No. 3828, 2012.

(i) Members of the Council shall serve without remuneration.

2. This bylaw may be cited for all purposes as "CRD Arts Advisory Council Bylaw, 2002, Amendment Bylaw No. 3, 2020".

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__
ADOPTED THIS	th	day of	20__

CHAIR

CORPORATE OFFICER