

**Grants Committee
February 4th, 2013**

TO: Chair and Members of HRM Grants Committee

Original Signed

SUBMITTED BY: _____
Greg Keefe, Director of Finance & ICT/CFO

DATE: January 21st, 2013

**SUBJECT: Community Grants Program Adjudication of Eligibility: Legacy
Centre for Performing Arts Society**

INFORMATION REPORT

ORIGIN

An unsolicited inquiry from a consultant retained by the Legacy Centre for Performing Arts Society, Halifax, regarding whether a forthcoming grant request would make the organizations comprising the Board, ineligible for other grants. In January, 2013, in a meeting with the Team Lead, Grants and Contributions, and the Manager of Events and Cultural Initiatives, it was mutually agreed that an eligibility of adjudication by the Grants Committee would provide clarity to the Society and the nine non-profit arts organizations who comprise its Board of Directors.

LEGISLATIVE AUTHORITY

Section 21(1) (2) of the HRM Charter (2008) authorizes the creation of standing, special and advisory committees at Council's discretion. The Grants Committee is a standing committee of Regional Council with Terms of Reference approved by Council February 19, 2008, and amended December 6th, 2011, and October 30th, 2012. In fulfilling its role in providing oversight and making recommendation to Regional Council, the committee adjudicates matters related to the interpretation or application of funding eligibility pursuant to policy and procedures approved by Council.

BACKGROUND

Incorporated in 2010, the mandate of the Legacy Centre for the Performing Arts Society is to plan, cultivate support, and develop a professional performing arts presentation and production facility in Halifax. The society's Board of Directors includes a representative from each of nine (9) "resident companies" that are local professional non-profit dance and theatre organizations:

- Mocean Dance
- Live Art Productions
- Marie Osmonde Dance/Atlantic Flamenco Festival
- Kinetic Dance
- 2b Theatre Company
- Zuppa Theatre Company
- Eastern Front Theatre
- One Light Theatre
- Neptune Theatre Foundation

Listed as potential users and/or tenants in relation to a proposed facility and relevant to this analysis are the Khyber Arts Society, Symphony Nova Scotia, and Atlantic Film Festival Association. These parties may have a potential future formal role but at this time are understood not to be members of the Board of Directors. Without exception these professional arts groups have previously applied to HRM for financial assistance.

The Society anticipates making application to the *Community Grants Program* for a grant towards a site feasibility study. The total cost of the study is estimated to be \$65,000. To date, confirmed funding includes \$20,000 from the Province of Nova Scotia and a private donation in the amount of \$5,000 leaving a balance of \$40,000. The society intends to apply to Heritage Canada for \$25,000 and to HRM for up to \$15,000.

To date, the *Community Grants Program* has received three submissions in support of a proposed Legacy Centre. Joint submissions from Kinetic Dance/Dance Nova Scotia received \$15,000 in 2008 and \$10,000 in 2009 towards professional consulting fees to assess the feasibility of a new dance facility. Proportional payments were issued to each organization. At the time the focus was exclusively on a dance facility and other partners included Live Art Production and Mocean Dance.

In 2011, Kinetic Dance/Dance Nova Scotia applied for a grant of \$8,385 towards marketing the Legacy Centre for the Performing Arts Society. The application was declined; the Society as the intended beneficiary/project was ineligible under the program's registration requirements. The focus of the proposed facility and composition of the Society's membership has since expanded to include theatre and ancillary production space, and local professional theatre groups.

Evidently, the capital and operating costs of a custom-designed facility may exceed government funding capacity and the Society's fundraising capacity. Further refinement of the approach is anticipated including private/non-profit partnerships, adaptive re-use or expansion of existing facilities, or a revised facility design.

DISCUSSION

The Grants Committee's confirmation of the eligibility of the nine (9) "resident companies" who are members of the Board of Directors of the Legacy Centre for the Performing Arts Society; some of whom might submit a separate grant submission to the *Community Grants Program*.

Issue: The nine dance and theatre groups that serve on the Board of Directors of the Legacy Centre for the Performing Arts Society are indirectly party to and potential beneficiaries of any grant to the Society. Given that the program guidelines restrict applicant's one grant to an organization in any fiscal year, are they ineligible to make separate application for either:

- (a) any aspect of the overall three-part evaluation project?
- (b) any project directly or indirectly associated with the Legacy Centre for the Performing Arts Society (as per previous decline in 2011)?
- (c) Any unrelated independent project? Could a grant to an individual organization on the Legacy Centre's board be construed as two submissions in the same fiscal year?

Eligibility Review: This review concludes that:

- Application made by any other party, whether directly or indirectly affiliated with either the Centre for the Performing Arts Society, or any project undertaken by or on behalf of the Society's aims and operations, would constitute part of the same overall process and intent and would be ineligible for consideration.
- Applications from independently registered member organizations of the Centre for the Performing Arts Society remain eligible provided the funding request is unrelated to the activities, direct or otherwise, of the Centre for the Performing Arts Society.

Precedence: On a case-by-case basis project grants over the \$5,000 funding threshold have been awarded for large-scale development projects and/or as budget capacity permits. Examples include The Mic Mac Native Friendship Centre (2007), Atlantic Film Festival Association (2009), Sac-A-Wa Canoe Club (2012), and the Canadian Naval Memorial Trust (2011).

Note: Confirmation of eligibility does not infer receipt of funding under the *Community Grants Program*. All applications are screened for organizational and project eligibility. Recommendations are merit-based and in relation to other applicants within the same funding sector, and subject to the program's annual budget capacity.

The review's findings will be provided, in writing, to the Centre for the Performing Arts Society with the request that its' member organizations be notified by the Society.

