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**Item No 15.1.2**  
**Halifax Regional Council**  
**December 12, 2023**

**TO:** Mayor Savage and Members of Halifax Regional Council

Original Signed

**SUBMITTED BY:**

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Cathie O'Toole, Chief Administrative Officer

**DATE:** September 25, 2023

**SUBJECT:** **Proposed Amendment to Administrative Order**  
**2014-007-ADM Respecting Grants to Professional Arts Organizations**

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### **ORIGIN**

This is a staff-initiated recommendation report to amend Administrative Order 2014-007-ADM – *Respecting Grants to Professional Arts Organizations* to award multi-year operating funding for eligible client organizations.

### **LEGISLATIVE AUTHORITY**

*Halifax Regional Municipality Charter, SNS 2008, c 39*

7A The purposes of the Municipality are to

- (a) provide good government;
- (b) provide services, facilities and other things that, in the opinion of the Council, are necessary or desirable for all or part of the Municipality; and
- (c) develop and maintain safe and viable communities.

79A(1) Subject to subsections

(2) to (4) the Municipality may only spend money for municipal purposes if

(a) The expenditure is included in the Municipality's operating budget or capital budget or is otherwise authorized by the Municipality;

...

(5) In the event of ambiguity in whether or not the Municipality has the authority under this or any other Act to spend money or to take any other action, the ambiguity may be resolved so as to include, rather than exclude, powers the Municipality had on the day before this Section came into force.

*Administrative Order 2014-007-ADM Respecting Grants to Professional Arts Organizations*

### **RECOMMENDATION**

It is recommended that Halifax Regional Council adopt the amendments to Administrative Order 2014-007-

ADM, *Respecting Grants to Professional Arts Organizations*, as set out in Attachment 2 of this report.

## **BACKGROUND**

The purpose of Administrative Order (AO) 2014-007-ADM, *Respecting Grants to Professional Arts Organizations (AO 2014-007-ADM)* is:

“To provide for grants from the Municipality to professional arts organizations in the Halifax Regional Municipality to support those organizations, and thereby to support and promote the work of local artists, and to foster broad public access to, and appreciation of, the arts.”

There are two funding streams under AO 2014-007-ADM; an operating grant program and a project grant program. In accordance with AO 2014-007-ADM, staff undertake the annual grant application and peer jury review evaluation process as outlined and make recommendations to the CAO for approval.

Most Halifax Regional Municipality (HRM) municipal grant programs with an operating funding stream award operating funding on a multi-year basis. This approach is consistent with the provincial arts grant program. The recommended changes to AO 2014-007-ADM would amend the operating funding terms from the current annual review to a three-year term, aligning the program with the other municipal grant programs offering operating funding.

## **DISCUSSION**

The proposed changes are highlighted as they appear within the AO in Attachment 1. The proposed amendments to AO 2014-007-ADM are set out in Attachment 2. The amendments address the changes required to allow up to three (3) years of sustainable operating funding for Professional Arts Organizations subject to annual budgetary approval by Regional Council. This change would align this program with other HRM operating funding programs.

Staff have conducted outreach with existing clients of the Operating Assistance Program. Based on this engagement there is support from the professional arts organizations for a multi-year funding approach for operational funding. The proposed three-year funding term offers clients of the Professional Arts Grant Program sustainability and reduces the administrative burden of an annual operating application for these non-profit arts organizations. As with other HRM multi-year operating grant programs, the requirement for an annual financial report would remain. The AO allows for staff to recommend amending a funding recommendation within the three-year term, based on this annual reporting, should there be changes to the organizational ability to fulfil the agreement terms. Intake would still take place annually for new clients, subject to capacity.

The changes are proposed to provide greater funding stability and to reduce administrative burden for clients, as well as to align with all other significant organization operational funding programs within the municipality:

- Grants to Museums (Administrative Order 2018-010-ADM)
- MLSER Event Grants (Administrative Order Number 2014-020-GOV)
  - Signature Events (3 years)
  - New & Emerging Events (5 years)
- Regional Special Event Grants (Administrative Order Number 2014-021-GOV)
  - Cultural Showcases (3 years)
  - Established Community Festivals (3 years)

Therefore, it is recommended that Council adopt the proposed amendments to Administrative Order 2014-007-ADM to allow for multi-year funding in the Operating Assistance stream.

### **FINANCIAL IMPLICATIONS**

There are no financial implications, as the proposed changes are administrative and do not impact the funding envelope of this grant program.

### **RISK CONSIDERATION**

The risk associated with the proposed changes is considered low. The primary risk associated with cash grants are representational (accuracy and completeness of information), financial misappropriation or loss, and reputational risk to the Municipality.

### **COMMUNITY ENGAGEMENT**

Staff engaged current Operating Assistance clients on the proposed amendments.

### **ENVIRONMENTAL IMPLICATIONS**

No environmental implications were identified.

### **ALTERNATIVES**

Regional Council could choose to:

1. Refuse to adopt the amendments to Administrative Order 2014-007-ADM. This would result in the current Administrative Order remaining in effect.
2. Adopt the amendments to Administrative Order 2014-007-ADM subject to modifications. This may require a supplemental staff report.

### **ATTACHMENTS**

1. Attachment 1 – Showing Proposed Changes to Administrative Order 2014-007-ADM
2. Attachment 2 – Amendments to Administrative Order 2014-007-ADM

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A copy of this report can be obtained online at [halifax.ca](http://halifax.ca) or by contacting the Office of the Municipal Clerk at 902.490.4210.

Report Prepared by: Lindsay Cory, Community Developer, Culture & Events, 902.456.8384

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**ADMINISTRATIVE ORDER NUMBER 2014-007-ADM  
Respecting Grants to Professional Arts Organizations**

**WHEREAS** the Council of the Halifax Regional Municipality values the contributions of the cultural community to the Halifax Regional Municipality;

**AND WHEREAS** the Council of the Halifax Regional Municipality wishes to support cultural organizations within the Halifax Regional Municipality through operating and project grants;

**BE IT RESOLVED AS AN ADMINISTRATIVE ORDER** of the Council of the Halifax Regional Municipality under the authority of the *Halifax Regional Municipality Charter*, as follows:

**Short Title**

1. This Administrative Order may be known as the *Administrative Order on Grants to Professional Arts Organizations*.

**Interpretation**

2. In this Administrative Order,

- (a) "Anchor Organization" means a professional arts organization that has an annual budget of a minimum of \$3 million, is registered as a non-profit, has operated continuously for a minimum of three years, and demonstrates strong public impact in terms of number of events, attendance and employment figures;
  - (b) "Applicant" means a Professional Arts Organization applying for funding under this AO;
  - (bb) "CAO" means the Chief Administrative Officer of the Municipality, or delegate;
  - (c) "Council" means the Council of the Halifax Regional Municipality;
  - (d) "Municipality" means the Halifax Regional Municipality;
  - (e) "Non-profit Organization" means a professional arts organization that is registered as a non-profit, and has operated continuously for a minimum of three years with strong administrative management and a track record of success and artistic merit;
  - (ea) "Peer" means an individual who self-identifies as a professional artist, arts administrator, cultural worker, or individual actively involved in related communities of interest, and may include an individual who self-identifies as an emerging artist and demonstrates a commitment to pursuing a professional arts career through training, practice or mentorship;
  - (f) "Presenting Organization" means a Professional Arts Organization that presents professional or established artists to the public by way of performances, exhibits, demonstrations or lectures;
  - (g) "Producer" means a Professional Arts Organization that produces and presents the arts to generally accepted artistic standards; and
  - (h) "Professional Arts Organization" means a registered, non-profit professional arts and culture organization that supports, presents, or produces work by professional or established artists, and employs qualified paid staff to administer on-going arts and culture programs and services.
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### **Purpose**

3. The purpose of this Administrative Order is to provide for grants from the Municipality to professional arts organizations in the Halifax Regional Municipality to support those organizations, and thereby to support and promote the work of local artists and to foster broad public access to, and appreciation of, the arts.

### **Grants Available**

4. There are hereby established two funding streams:

(a) Operating Grant Program for Professional Arts Organizations: Supports the general and on-going operational capacity of professional arts organizations in the Halifax Regional Municipality

(i) Available to Professional Arts Organizations that have operated continuously for a minimum of three years with strong administrative management and a track record of success and artistic merit.

(ii) Anchor organizations may receive a maximum of \$100,000.00 per fiscal year.

(iii) Non-profit organizations may receive a maximum of \$50,000.00 per fiscal year or 15% of the applicant's budget, whichever is less.

(iv) The Municipality will contribute no more than 60% of revenues required to cover annual administrative and core program costs. Council may consider variations on these criteria in extenuating circumstances.

(v) Combined municipal, provincial and federal funding will not exceed 90% of total revenues for annual administrative and core program costs.

(vi) Operating Grants may provide up to a three (3) year funding commitment, or the balance remaining in any stated term of the program, subject to annual budgetary approval by Regional Council.

(vii) Council may, by resolution, extend the term of the grant for additional fiscal years.

(b) Project Grant Program for Professional Arts Organizations: Supports public access to professional arts activities on a project-specific basis.

(i) Available to Professional Arts Organizations that have operated continuously for a minimum of three years with strong administrative management and a track record of success and artistic merit.

(ii) Professional Arts Organizations may receive a maximum of \$25,000.00 per year for a specific arts project.

5. Professional Arts Organizations may make application to, and receive funding from, both programs in the same fiscal year.

5A. Notwithstanding section 5, a Professional Arts Organization awarded twenty-five thousand dollars (\$25,000.00) or more under the Operating Grant Program shall not be eligible for funding from the Project Grant Program.

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### **Application Requirements**

6. There is one intake period per fiscal year. The intake period and application deadline will be established by staff and advertised on the HRM website.

7. All applications must be received by email, mail or in person. Faxed applications will not be accepted. Applications may be submitted:

(a) in person to:  
HRM Culture & Events  
Re: Grants to Professional Arts Organizations  
88 Alderney Drive  
Dartmouth Ferry Terminal Building, 3<sup>rd</sup> floor

(b) by mail to:  
HRM Culture and Events  
Re: Grants to Professional Arts Organizations  
P.O. Box 1749  
Halifax, NS  
B3J 3A5

(c) by email to: [artgrants@halifax.ca](mailto:artgrants@halifax.ca)

8. Late or incomplete applications will not be reviewed or considered.

9. All applications shall include:

(a) a description of the applicant, including history of the programming and role in the community;

(b) details on any other funding received from the Municipality within the current and two previous fiscal years, including tax relief; and

(c) a statement of other funding sources sought by the applicant, including current status of applications.

10. Applications for the Operating Grant Program shall include:

(a) the applicant's detailed budget outlining projected revenues, operating and capital costs; and

(b) detailed financial statements for the previous 3 years of operation;

11. Applications for the Project Grant Program shall include:

(a) a detailed project description; and

(b) a detailed project budget.

### **Eligibility**

12. To be eligible for funding, an applicant shall be a registered not-for-profit society or not-for-profit cooperative in good standing with the Provincial Registrar of Joint Stock Companies or federally registered under the Corporations Act as a not-for-profit society or cooperative based and operating in Nova Scotia and meet the following criteria:

(a) has been operating for at least three years prior to the date of application;

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- (b) does not receive operating assistance, excepting tax relief, from any other municipal government, or department of the Municipality;
- (c) maintains an active membership or shows a form of community support that includes residents of the Halifax Regional Municipality and persons other than those who serve on the board of directors;
- (d) operates programs year round, except for presenting organizations which may have seasonal programs;
- (e) has no outstanding reports due to the Municipality; and
- (f) secures additional sources of revenue such as corporate contributions, donations, sales, and membership fees and must pursue other sources of public or private funding.

### **Application Evaluations**

13. The following criteria will be used to evaluate applications for Council's consideration:

- (a) For Operating Grants:
  - (i) Program planning and evaluation;
  - (ii) Community relationships;
  - (iii) Board Governance; and
  - (iv) Financial stewardship as demonstrated through financial statements and projected budgets.
- (b) For Project Grants:
  - (i) Project planning and expertise of project participants;
  - (ii) Project merit;
  - (iii) Public access and engagement through the project; and
  - (iv) Financial stewardship as demonstrated through financial statements and proposed project budget.

### **Peer Jury Selection Process**

13A. Each year following the close of the intake period for applications, the CAO shall establish a peer jury to review applications for each of the funding streams.

13B. The CAO shall develop operating procedures to support the creation and work of peer juries, and the procedures may be amended by the CAO.

13C. Every two years, the CAO shall solicit a roster of jurors from which a peer jury may be chosen, using a method of procurement as determined with the procurement section.

13D. The solicitation shall include the requirements that peer jurors:

- (a) meet the definition of "peer" as set out in this Administrative Order; and
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(b) reside in the Halifax Regional Municipality.

13E. Following the close of the intake period for applications annually, Parks & Recreation staff shall recommend to the CAO a list of 3-5 candidates each from the roster of jurors to be the peer juries for the Operating Grants and Project Grants for that intake period.

13F. When establishing a peer jury, consideration shall be given to the following:

(a) achieving a balance of:

(i) artistic discipline or area of professional expertise;

(ii) regional perspective;

(iii) age; and

(iv) cultural and gender diversity; and

(b) potential conflicts of interest.

13G. An individual who has served on a peer jury may be selected to serve on a subsequent peer jury, but not in the same funding stream in consecutive years.

#### **Application Review Process**

14. Applications will be administered by Parks & Recreation.

15. Applicants will be notified promptly if their application is ineligible.

16. The peer juries will review the applications and make recommendations to Parks & Recreation staff. Parks & Recreation staff will prepare a report for consideration by the CAO.

16A. (1) Council hereby delegates to the CAO the authority to approve grants under this Administrative Order, and to determine the amount of such grants.

(2) The CAO may not further delegate the authority granted to him or her under subsection (1).

17. Final approval of all applications for a grant, and the amount thereof, is a decision of the CAO in his or her sole discretion.

18. Notification of the decision of the CAO will be mailed to applicants after it is made.

19. Approval of grants is conditional on Council's approval of the annual program budget.

20. Applicants for Project Grants shall **must** re-apply for funding annually. Applicants for Operating Grants shall re-apply at the end of their funding term.

21. Due to limited funds, not all eligible applications may receive funding.

21A. Parks & Recreation staff will provide an information report annually to the Community Planning & Economic Development Standing Committee on the peer jury process and the grants approved by the CAO.

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### **Conditions of Approval & Payment of Grants**

22. Successful applicants are required to complete a final report form describing the impact of the funding received from the Municipality. Final report forms will be sent with the confirmation of the award and will be available from Parks & Recreation staff. The criteria for reporting includes:

- (a) name of organization, amount of grant, terms and conditions (as described in the letter notifying you of approval which is sent with payment);
- (b) total project costs;
- (c) a breakdown of the expenditure of the grant funds (the Municipality reserves the right to require proof of payments made);
- (d) a final description of the project, including information on the completeness of the project; and
- (e) copies of printed materials funded through the grant (poster, brochure, booklet, CD, catalogue or photograph of project, newspaper article, magazine article), as well as documentation of events and/or projects directly or indirectly supported by the Municipality through this grant process.

23. For the Operating Grant Program, final reports must be received with the applicant's submission for funding for the following year or within ninety (90) days of the Municipality's fiscal year end, and for the Project Grant Program, final reports must be received within ninety (90) days of the project's completion.

24. Grant monies for applications approved in the Project Grant Program will be dispersed eighty per cent (80%) upon approval of the application, and twenty per cent (20%) upon completion of the project and submission of the final report.

25. Grant monies for applications approved in the Operating Grant Program will be dispersed in full upon approval of the application.

26. Should the operations of the applicant cease or be diminished, or should a project, in part or in whole, not be completed as described in the application, applicants must notify Parks & Recreation staff. In some cases, an extension may be permitted and the funds carried forward to the next fiscal year. If an extension is requested, a written request to Parks & Recreation staff is required and a written response will be provided.

27. The Municipality's support must be recognized as outlined in the "Requirements for Acknowledging Funding" which will accompany the Terms and Conditions letter.

### **Scope**

28. Nothing in this Administrative Order shall be interpreted to limit or otherwise prescribe Council's general discretion to provide grants under the *Halifax Regional Municipality Charter* or otherwise.

### **Effective Date**

29. This Administrative Order shall come into effect on the date it is adopted by Council. Notwithstanding section 6, for the fiscal year 2014-15, applications will be accepted beginning September 1st and must be received in person or postmarked on or before October 31st

Done and passed in Council this 5<sup>th</sup> day of August, 2014.

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Mayor

\_\_\_\_\_  
Municipal Clerk

I, Cathy Mellett, Municipal Clerk of the Halifax Regional Municipality, hereby certify that the above noted Administrative Order was passed at a meeting of Halifax Regional Council held on August 5, 2014.

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Cathy Mellett, Municipal Clerk

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Notice of Motion: July 22, 2014  
Approval: August 5, 2014

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Amendment # 1 – establish Peer Jury review process

Notice of Motion: October 4, 2016  
Approval: November 8, 2016

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Amendment # 2 –

Notice of Motion: May 8, 2018  
Approval: May 22, 2018

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**Attachment 2  
(Amendments to Administrative Order)**

**ADMINISTRATIVE ORDER NUMBER 2014-007-ADM  
Respecting Grants to Professional Arts Organizations**

**BE IT RESOLVED** by the Council of the Halifax Regional Municipality that Administrative Order 2014-007-ADM, the *Administrative Order on Grants to Professional Arts Organizations*, is amended as follows:

1. Section 4 is amended by adding the following clauses immediately after clause 4(a)(v):
  - (vi) Operating Grants may provide up to a three (3) year funding commitment, or the balance remaining in any stated term of the program, subject to annual budgetary approval by Regional Council.
  - (vii) Council may, by resolution, extend the term of the grant for additional fiscal years.
2. Section 20 is amended by:
  - (a) striking out the word “must” after the word “Applicants” and before the word “re-apply” and replacing it with the words “for Project Grants shall”; and
  - (b) adding the sentence “Applicants for Operating Grants shall re-apply at the end of their funding term.” after the sentence ending with “annually.”

Done and passed in Council this        day of        , 2023.

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Mayor

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Municipal Clerk