



SUBJECT: Burlington Performing Arts Centre governance review update

TO: Committee of the Whole

FROM: City Manager's Office

Report Number: CM-02-24

Wards Affected: Not applicable

Date to Committee: March 4, 2024

Date to Council: March 19, 2024

Recommendation:

Receive and file city manager's office report CM-02-24 containing updated information on the Burlington Performing Arts Centre governance review.

PURPOSE:

Vision to Focus Alignment:

- Building more citizen engagement, community health and culture

Background and Discussion:

On November 14, 2023, Council considered and approved [ADM-22-23 Burlington Performing Arts Centre – Board Governance Review](#) stating:

Council authorize that the continuation and/or extension of the lease between the City and Burlington Performing Arts Centre and the release of any funding to BPAC that may be approved as part of the 2024 Budget be contingent on BPAC undergoing, with City's involvement and direction, the following:

- an independent governance review, as more particularly detailed below (the "Governance Review"), to commence by the end of November and be completed by no later than March 31, 2024, and
- implementing any recommendations of that review to the satisfaction of the City Manager and the Executive Director of Legal Services and Corporation Counsel and:

THAT the Independent reviewer be single sourced by the city and the cost and expense of the governance review be borne wholly by BPAC; and

THAT the governance review be conducted by an independent consultant and include but not be limited to the following elements:

- Review of Governance Documentation of BPAC
- Conduct of Governance Interviews with BPAC Directors and Staff
- Delivery of Governance Assessment Report to BPAC Board and the City of Burlington Council.

Strategy/process/risk

In accordance with Council's direction, the City engaged governance expert, Dr. Richard Leblanc, to conduct the independent governance review. The governance assessment included review of BPAC board documents, interviews with BPAC board members and BPAC management. Dr. Leblanc commenced his review in November 2023 and issued his final report to the BPAC board on January 4, 2024. This report is a confidential matter for the BPAC Board of Directors. As per the motion direction, the report is provided to Council through confidential Appendix A of this report. The City thanks Dr. Leblanc for his prompt attention to the completion of the work to deliver his final report in such a timely manner.

The City recognizes the positive impact the Burlington Performing Arts Centre program offerings have on the community. While the City is a major stakeholder, it acknowledges the BPAC board is an independent board and is responsible for its own governance and operations.

The BPAC Board of Directors has reviewed the governance report and accepted the recommendations. As a board, they are taking full responsibility for adopting the practices and protocols necessary to enhance the governance of BPAC. As can be expected, implementation of the recommendations will occur over a period of time. The City values its relationship with the BPAC Board of Directors and wish to thank the Board Directors for their commitment to supporting and sustaining BPAC for the benefit of the community. With the BPAC Board commitment, the City Manager and the Executive Director of Legal Services and Corporation Counsel are satisfied the recommendations will be addressed.

As both conditions outlined in the motion have been addressed, the City is continuing and/or extending the lease between the City and Burlington Performing Arts Centre and the releasing of funding to BPAC as approved as part of the 2024 Budget.

Financial Matters:

The City confirms fees for this review are the responsibility of BPAC and as such, are not disclosed in this report.

Source of Funding

BPAC budget

Climate Implications:

Not applicable

Engagement Matters:

Not applicable

Conclusion:

The City fully acknowledges and appreciates BPAC provides a vitally important community service for the residents of the City of Burlington. The provision of significant annual tax supported funding through an operating grant of \$1,102,006 and capital contribution of \$63,200 is testament to the commitment the City has for the work and service BPAC provides to the community. The City looks forward to a continued collaborative relationship with the BPAC Board and Management as their overall governance is stabilized and enhanced.

Respectfully submitted,

Sheila M. Jones

Executive Director, Strategy, Risk & Accountability

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Appendices:

- A. CONFIDENTIAL Appendix A – Burlington Performing Arts Centre Governance Report

Report Approval:

All reports are reviewed and/or approved by Department Director, the Chief Financial Officer and the Executive Director of Legal Services & Corporation Counsel.