

VANCOUVER FOUNDATION AMENDMENT ACT, 2008**CHAPTER 45***Assented to November 27, 2008*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:

1 Section 1 of the Vancouver Foundation Act, S.B.C. 2000, c. 32, is amended

(a) by adding the following definitions:

“base amount” means, for a particular trust fund at a particular time, the dollar value of all contributions at the time those contributions were made to the trust fund before the particular time, other than

- (a) contributions that were subsequently withdrawn from the trust fund, and
- (b) contributions made under section 7 (4),

less any amounts that were added to the distributable amount of the trust fund under section 9 (6) before the particular time;

“distributable amount” means, for a particular trust fund at a particular time, the sum of

- (a) the amount by which the fair market value of the trust fund at the particular time exceeds the base amount of the trust fund at the particular time, and
- (b) any portion of the reserve amount that the board adds to the distributable amount under section 9 (6);

“property” means, in relation to a foundation endowment the assets of which have been invested in a trust fund, the foundation endowment’s interest in the trust fund, but does not include the amount that is deemed to be income of the foundation endowment under section 10 (4), unless the income has been accumulated and added to the property of the foundation endowment under section 7 (4);

“reserve amount” means, for a particular trust fund at a particular time, 7% of the base amount for the trust fund determined as of December 31, 2008, less any amounts that were added to the distributable amount under section 9 (6) before the particular time; ,

(b) by repealing the definition of “net appreciation”, and

(c) by repealing the definition of “returns” and substituting the following:

“returns” means the distributable amount for a trust fund; .

Section 2

2 Section 7 is amended**(a) by repealing subsection (1) (g) and substituting the following:**

- (g) to pay the expenses of administering the foundation and the properties received or held by the foundation, and to charge these expenses against the income or the property of each foundation endowment. , **and**

(b) by adding the following subsections:

- (4) Despite section 10 (4) or the terms of a foundation endowment that require that income of the foundation endowment must be disbursed for charitable objects, the board may
 - (a) accumulate the income, or any amount of the income, and add it to the property of the foundation endowment, and
 - (b) reinvest the accumulated income as a contribution to a trust fund.
- (5) The powers conferred on the board under subsection (4) of this section do not apply to a foundation endowment if the terms of the endowment require that income must be disbursed to a particular organization, unless the organization consents to the exercise of those powers.

3 Section 9 is amended**(a) in subsection (3) (a), by striking out “returns” and substituting “value”, and****(b) by adding the following subsection:**

- (6) The board may add a portion of the reserve amount to the distributable amount of a trust fund in an amount that the board from time to time determines, until the reserve amount has been exhausted.

4 Section 10 (2) is amended**(a) in paragraph (a) by striking out “capital value” and substituting “base amount”, and****(b) in paragraph (b) by striking out “on investments”.****Commencement**

- 5** This Act comes into force on Royal Assent.