



The Board of Education of School District No. 61 (Greater Victoria)

Special Board Meeting

MINUTES

February 25, 2021, 6:00 p.m.

Trustees Present: Jordan Watters, Board Chair, Elaine Leonard, Vice-Chair, Nicole Duncan, Tom Ferris, Diane McNally, Ryan Painter, Rob Paynter, Ann Whiteaker

Trustee Regrets: Angie Hentze

Administration: Shelley Green, Superintendent of Schools, Kim Morris, Secretary-Treasurer, Deb Whitten, Deputy Superintendent, Colin Roberts, Associate Superintendent, Harold Caldwell, Associate Superintendent, Katrina Stride, Associate Secretary-Treasurer, Chuck Morris, Director, Facilities Services, Andy Canty, Director, Information Technology for Learning, Jim Soles, Associate Director, Facilities Department, Lisa McPhail, Communications and Community Engagement Manager, Vicki Hanley, Recorder

A. COMMENCEMENT OF MEETING

The meeting was called to order at 6:01 p.m.

A.1 Acknowledgement of Territories

Chair Watters recognized and acknowledged the Esquimalt and Songhees Nations, on whose traditional territories, we live, we learn, and we do our work.

A.2 Approval of the Agenda

Moved By Trustee Leonard
Seconded By Trustee Ferris

That the February 25, 2021 Special Board meeting agenda be approved.

Carried Unanimously

B. DISTRICT LEADERSHIP TEAM REPORTS

B.1 Secretary-Treasurer's Report

a. Bylaw 2021-02 - Victoria High School Seismic Upgrade: Statutory Right of Way

Secretary-Treasurer Morris reminded Trustees that the first and second reading of Bylaw 2101-02 for the Victoria High School Seismic upgrade Statutory Right of Way was discussed and debated at the Board of Education meeting of February 22, 2021 and the third reading will be conducted and voted on at this meeting.

Moved By

WHEREAS a board of education may dispose of land or improvements owned or administered by the board under the authority of Section 96(3) of the School Act, subject to the Orders of the Minister of Education (the "Minister");

AND WHEREAS the Minister issued Order M193/08 effective September 3, 2008 (the "Order") requiring fee simple sales and leases of land or improvements for a term of ten years or more to be specifically approved by the Minister, unless the transferee is an independent school or another school board, but the Order does not require the Minister's approval of a right-of-way or covenant;

AND WHEREAS Section 65(5) of the *School Act* requires a board of education to exercise a power with respect to the acquisition or disposal of property only by bylaw, and the granting of a statutory right-of-way or a covenant is a disposal of an interest in land;

AND WHEREAS:

1. The Board of Education of School District No. 61 (Greater Victoria) (the "**Board**") operates Victoria High School (the "**School**") in Victoria, British Columbia, on lands comprised of twenty-four separate legal parcels (the "**School Site**");

2. The Board is the registered owner of one of the parcels comprising the School Site (the “**Board Parcel**”);
3. The Corporation of the City of Victoria (the “**City**”) is or is in the process of becoming the registered owner of the parcels other than the Board Parcel that comprise the School Site, all of which are used and administered by the Board for educational purposes;
4. The City proposes to consolidate the parcels comprising the School Site other than the Board Parcel into a single parcel of land (the “**Consolidation**”);
5. The Board requires from the City a Development Variance Permit and a Building Permit (collectively, the “**Permits**”) to complete a seismic remediation of and addition to the School, and as a condition of the Permits being granted the City requires that the Board construct certain road frontage improvements around the School Site (the “**Works**”);
6. The City has asked the Board to grant in favour of the City a Statutory Right-of-Way in respect of the Works that is 09 meters wide along the northern portion of the Board Parcel adjacent to Gladstone Street (the “**Board SRW**”), and that the Board agree to prepare for execution by the City and attend to the registration of a Statutory Right of Way or Statutory Rights of Way in respect of the Works fronting the remainder of the School Site (the “**City SRWs**”), all as shown generally in Schedule A attached hereto;
7. The address of the School Site is 1260 Grant Street, Victoria, B.C., V8T1C2 and the Facility Number of the School Site is 6161018;
8. The legal description of the Board Parcel is:

Parcel Identifier: 009-698-434
Parcel A (DD 58777I) of Section 54, Spring Ridge, Victoria City;
1. The Board proposes to enter into a written agreement with the City (the “**SRW Agreement**”) that upon issuance of the Permits, the Board will grant and register the Board SRW, and the Board will attend to the preparation and registration of the City SRWs concurrently with the completion of the Consolidation, provided

that if the Consolidation has not been completed within one year after the Permits are issued, then the Board will attend to the preparation and registration of the City SRWs promptly upon request by the City and prior to completion of the Consolidation; and

2. The Board is satisfied that entering into and completing its obligations under the SRW Agreement, including the granting and registration of the Board SRW and the registration of the City SRWs, will not interfere with the use by the Board of the School Site for educational purposes;

NOW THEREFORE be it resolved as a Bylaw of the Board that the Board entering into and completing its obligations under the SRW Agreement, including the granting and registration of the Board SRW and the registration of the City SRWs, be and are hereby authorized, ratified and approved.

BE IT FURTHER resolved that the Secretary-Treasurer be and is hereby authorized on behalf of the Board to execute and deliver the SRW Agreement, the Board SRW, and all such amendments thereto and all related and ancillary documents as the Secretary-Treasurer may, in her discretion, consider advisable.

This Bylaw may be cited as "School District No. 61 (Greater Victoria) Victoria High School Right-of-Way Bylaw 2021-02".

Carried

Moved By Trustee Leonard

Seconded By Trustee Painter

That the Board of Education of School District No. 61 (Greater Victoria) agree to give the third reading of the Victoria High School Right-Of-Way Bylaw 2021-02 at the Special Board meeting on February 25, 2021.

Read a third time, passed and adopted the 25th day of February, 2021;

And that the Secretary-Treasurer and Board Chair be authorized to sign, seal and execute this Bylaw on behalf of the Board.

For (5): Trustee Watters, Trustee Leonard, Trustee Ferris, Trustee Painter, and Trustee Whiteaker

Against (3): Trustee Duncan, Trustee McNally, and Trustee Paynter

Carried (5 to 3)

b. Ministry of Education Funding Reserve Policy Development Feedback

Secretary-Treasurer Morris referred Trustees to a survey received from the Ministry of Education with respect to funding reserve policy development feedback. Given the short turnaround time it was included in the agenda for Trustee feedback. Discussion ensued amongst Trustees with suggestions being provided to Secretary-Treasurer Morris for incorporation and submission to the Ministry.

C. ADJOURNMENT

The meeting adjourned at 6:27 p.m.

Moved By Trustee Leonard

Seconded By Trustee Painter

That the meeting be adjourned.

Carried Unanimously

Chair

Secretary-Treasurer