



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

Special Board Meeting

MINUTES

June 24, 2021, 5:30 p.m.

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

Administration: 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, Lisa McPhail, Communications and Community Engagement Manager, Recorder, Kelly Gorman

Administration Shelley Green, Superintendent

Regrets:

Stakeholders: Winona Waldron, GVTA, President

B. Acknowledgement of Traditional Territories

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

C. Approval of the Agenda

Moved By Trustee Painter

Seconded By Trustee Leonard

That the June 24, 2021 agenda be approved.

D. Community Presentations

None

E. Secretary-Treasurer's Report

E.1 Caledonia Covenant, Right-of-Way, Land Exchange, Property Acquisition and Lease Bylaw 2021

Secretary-Treasurer Morris presented the Bylaw and requested the third reading of the Caledonia Covenant, Right-of-Way, Land Exchange, Property Acquisition and Lease Bylaw 2021. Trustees debated the motion.

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:

A. The Board of Education of School District No. 61 (Greater Victoria) (the "Board") owns certain lands and improvements in Victoria (the "Board Lands").

B. The Board Lands include parcels designated by the following facility number: 105563.

C. The addresses and legal descriptions of the parcels comprising the Board Lands are as follows:

1. 1801 Chambers Street, Victoria, B.C.

Parcel Identifier: 009-233-318

Lot 1, Spring Ridge, Victoria City, Plan 205 ("Lot 1");

2. 1805 Chambers Street, Victoria, B.C.

Parcel Identifier: 009-233-334

Lot 2, Spring Ridge, Victoria City, Plan 205 (“Lot 2”);

3. 1855 Chambers Street, Victoria, B.C.

Parcel Identifier: 009-226-141

Amended Lot 12 (DD 302067I), Spring Ridge, Victoria City, Plan 205 (“Amended Lot 12”);

4. 1216 North Park Street, Victoria, B.C.

Parcel Identifier: 009-226-206

Amended Lot 10 (DD 302066I), Spring Ridge, Victoria City, Plan 205 (“Amended Lot 10”);

5. 1211 Gladstone Avenue, Victoria, B.C.

Parcel Identifier: 018-007-503

Lot A, Section 53, Spring Ridge, Victoria City, Plan VIP55528 (“Lot A”);

6. 1219 North Park Street, Victoria, B.C.

Parcel Identifier: 009-226-338

Lot 5, Spring Ridge, Victoria City, Plan 205 (“Lot 5”);

7. 1218 North Park Street, Victoria, B.C.

Parcel Identifier: 009-226-214

Lot 9, Spring Ridge, Victoria City, Plan 205 (“Lot 9”);

8. 1220 North Park Street, Victoria, B.C.

Parcel Identifier: 009-226-231

Lot 8, Spring Ridge, Victoria City, Plan 205, Except Northerly 56 Feet Thereof (“Lot 8”);

9. 1219 Vining Street, Victoria, B.C.

Parcel Identifier: 009-226-257

The Northerly 56 Feet of Lot 8, Spring Ridge, Victoria City, Plan 205 (“Lot 8 Portion”); and

10. 1226 North Park Street, Victoria, B.C.

Parcel Identifier: 009-226-265

Lot 7, Spring Ridge, Victoria City, Plan 205 (“Lot 7”);

11. Parcel Identifier: 009-851-844

The North ½ of Section 54, Spring Ridge, Victoria City Except Parcel A (DD 5977I) and Except That Part Shown Coloured Red on Plan Exhibited in Absolute Fees Parcel Book, Volume 8, Folio 653, Numbered 303C (“North ½ Section 54”); and

12. Parcel Identifier: 009-851-909

That Part of Section 54, Spring Ridge, Victoria City Shown Coloured Red on Plan Exhibited in Absolute Fees Parcel Book, Volume 8, Folio 653, Numbered 303C

(the “Section 54 Portion”).

D. Lot 1, Lot 2, Amended Lot 12 and Amended Lot 10, are herein called the “Board Exchange Lands”; Lot A, Lot 5, Lot 9, Lot 8, the Lot 8 Portion and Lot 7 are herein called the “Board Development Lands”; and North ½ Section 54 and the Section 54 Portion are herein called the “Greenway Encumbrance Lands”.

E. The Board proposes to enter into the Caledonia Redevelopment Master Agreement (the “Master Agreement”) with Capital Region Housing Corporation (“CRHC”), the Corporation of the City of Victoria (the “City”) and Provincial Rental Housing Corporation (“PRHC”) pursuant to which CRHC will build and operate an affordable housing development (the “Development”) on lands owned by the Board and leased to CRHC, pursuant to the following proposed transactions as described in the Master Agreement:

1. the Board would grant the following encumbrances against the Board Lands (collectively, the “Encumbrances”):
 - (a) a housing agreement pursuant to section 483 of the Local Government Act, substantially in the form attached to the Master Agreement, encumbering the Board Development Lands (the “Housing Agreement”);
 - (b) a covenant under section 219 of the Land Title Act substantially in the form attached to the Master Agreement, encumbering the Board Development Lands (the “Greenway Covenant”);
 - (c) a covenant under section 219 of the Land Title Act substantially in the form attached to the Master Agreement, encumbering the Board Development Lands (the “Gardens Covenant”);
 - (d) a covenant under section 219 of the Land Title Act substantially in the form attached to the Master Agreement, encumbering the Board Development Lands (the “Turnaround Covenant”);
 - (e) a covenant under section 219 of the Land Title Act substantially in the form attached to the Master Agreement, encumbering the Board Development Lands (the “Unit Mix and Accessibility Covenant”);
 - (f) a statutory right-of-way for highway purposes substantially in the form attached to the Master Agreement, encumbering Amended Lot 12 as shown in Plan EPP103337, a reduced copy of which is attached to this Bylaw as Exhibit 1 (the “Vining Highway SRW”);
 - (g) a statutory right-of-way for highway purposes substantially in the form attached to the Master Agreement, encumbering Lot 4, Lot 5 and Lot 6 as shown on Plan EPP103224, a reduced copy of which is attached to this Bylaw as Exhibit 2 (the “Grant Highway SRW”); and
 - (h) a statutory right-of-way for greenway purposes substantially in the form attached to the Master Agreement, encumbering the Greenway

Encumbrance Lands as shown in Plan EPP103223, a reduced copy of which is attached to this Bylaw as Exhibit 3 (the “Greenway SRW”);

2. PRHC would grant a statutory right-of-way for turnaround purposes substantially in the form attached to the Master Agreement, encumbering Lot 4 (defined below) as shown in Plan EPP103338, a reduced copy of which is attached to this Bylaw as Exhibit 4 (the “Turnaround SRW”);

3. the Board would enter into a land exchange agreement with the City substantially in the form attached to the Master Agreement (the “Land Exchange Agreement”), and pursuant to the Land Exchange Agreement the Board would transfer the Board Exchange Lands to the City in exchange (the “Exchange”) for the following lands and improvements (collectively, the “City Exchange Lands”):

(a) 1235 Caledonia Avenue, Victoria, B.C. Parcel Identifier: 017-710-545 Lot 18, Spring Ridge, Victoria City, Plan 205 (“Lot 18”);

(b) 1230 Grant Street, Victoria, B.C. Parcel Identifier: 009-226-290 Lot 6, Section 50, Spring Ridge, Victoria City, Plan 205 (“Lot 6”); and

(c) That portion of Vining Street having an area of approximately 277.5 square meters and that portion of North Park Street having an area of approximately 556.0 square meters labelled “Closed Road” in Reference Plan EPP88785, a reduced copy of which is attached to this Bylaw as Exhibit 5 (the “Closed Roads”);

4. the Board would enter into a purchase contract with PRHC substantially in the form attached to the Master Agreement (the “Purchase Contract”) pursuant to which PRHC will sell the following lands and improvements to the Board on the terms and conditions set out in the Purchase Contract (the “Lot 4 Purchase”):

1209 North Park Street, Victoria, B.C. PID: 005-002-443 Lot 4, Spring Ridge, Victoria City, Plan 205 (“Lot 4”);

5. the City would rezone (the “Rezoning”) the Board Development Lands, Lot 4 and the City Exchange Lands (collectively, the “Development Lands”) to permit the Development;

6. the Board would subdivide and consolidate the Development Lands (the “Consolidation”) to form a single parcel owned by the Board as shown in reference plan EPP88786, a reduced copy of which is attached hereto as Exhibit 6 (the “Proposed Consolidation Plan”);

7. the Board would grant a construction license substantially in the form attached to the Master Agreement (the “License”) pursuant to which the Board would grant CRHC the right to construct the Development on the Development Lands for a license fee of \$4,300,000; and

8. the Board would enter into a lease (the “Lease”), substantially in the

form attached to the Master Agreement, pursuant to which the Board would lease the Development Lands to CRHC for sixty-two years for \$1.00.

F. The Board is satisfied that it would be in the best interests of the Board to enter into the Master Agreement and pursuant to its obligations thereunder grant the Encumbrances, enter into the Land Exchange Agreement and complete the Exchange, enter into the Purchase Contract and complete the Lot 4 Purchase, complete the Rezoning and Consolidation of the Development Lands, enter into and grant the License, and enter into and grant the Lease to CRHC (collectively, the “Transactions”).

G. The Board is satisfied that the granting of the Encumbrances will not interfere with the use by the Board of the Greenway Encumbrance Lands for educational purposes.

NOW THEREFORE be it resolved as a Bylaw of the Board that the Master Agreement and the Transactions 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 Master Agreement and all documents required to complete the Transactions including, without limitation, the Housing Agreement, the Greenway Covenant, the Gardens Covenant, the Turnaround Covenant, the Unit Mix and Accessibility Covenant, the Vining Highway SRW, the Grant Highway SRW, the Greenway SRW, the Land Exchange Agreement, the Purchase Contract, the Proposed Consolidation Plan, the License and the Lease, and all such amendments thereto as the Secretary-Treasurer may, in her discretion, consider advisable, and all related and ancillary documents required to complete the Transactions.

This Bylaw may be cited as “School District No. 61 (Greater Victoria) Caledonia Covenant, Right-of-Way, Land Exchange, Property Acquisition and Lease Bylaw 2021”.

Read a first time this 21 day of June, 2021.

Read a second time this 21 day of June, 2021.

Moved By Trustee Leonard
Seconded By Trustee Painter

Read a third time this 24 day of June, 2021, and finally passed and adopted this 24 day of June, 2021.

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

Against (4): Trustee Duncan, Trustee McNally, Trustee Paynter, and Trustee Whiteaker

Carried (5 to 4)

E.2 Braefoot Elementary School Temporary Statutory Right of Way Gas Utility 2021

Director of Facilities Morris introduced the Braefoot Elementary School Temporary Statutory Right of Way Gas Utility 2021. Discussion ensued amongst Trustees with questions of clarification being asked of Director of Facilities Morris.

Moved By Trustee Leonard

Seconded By Trustee Painter

THAT the Board grant a statutory right of way pursuant to section 218 of the Land Title Act at Braefoot Elementary School civically known as 1440 Harrop Road, Victoria BC V8P 2S6 and legally known as PID: 016-070-992, Lot 1 Section 32 Victoria District Plan 50533.

The Statutory Right of Way, in favour of FortisBC Energy, is required to excavate, construct, operate, maintain, repair, abandon, remove and replace a gas pipeline to service the parcel leased to the Conseil Scolaire Francophone De La Colombie-Britannique for the term of the lease. The extent of the Statutory Right of Way area is shown in the attached Schedule A.

THAT the Board's signing officers execute the Statutory Right of Way agreement. The installation of the works will have no adverse effect on the use of the site by the school district; or our ability to dispose of the site in the future.

Read a first time the 24 day of June, 2021.

Read a second time the 24 day of June, 2021

Carried Unanimously

Moved By Trustee Leonard

Seconded By Trustee Painter

That the Board of Education of School District No. 61 (Greater Victoria) agree to give all three readings of Braefoot Elementary School Temporary Statutory Right of Way Gas Utility 2021 at the June 24, 2021 Board Meeting. (must pass unanimously)

Carried Unanimously

Moved By Trustee Leonard
Seconded By Trustee Painter

Read a third time this 24 day of June, 2021, and finally passed and adopted this 24 day of June, 2021.

Carried Unanimously

E.3 Capital Bylaw No.2021-22-CPSD61-02 Capital Plan 2021/22

Secretary-Treasurer Morris presented the Bylaw and requested three readings. Questions of clarification were asked of Secretary-Treasurer Morris.

Moved By Trustee Leonard
Seconded By Trustee Ferris

WHEREAS in accordance with section 142 of the *School Act*, the Board of Education of School District No. 61 (Greater Victoria) (hereinafter called the “**Board**”) has submitted a capital plan to the Minister of Education (hereinafter called the “**Minister**”) and the Minister has approved the capital plan or has approved a capital plan with modifications, and the Minister has approved the Board borrowing \$194,000 from the Canada Infrastructure Bank for the purchase of four e-buses (the “**Borrowing**”);

NOW THEREFORE in accordance with section 143 of the *School Act*, the Board has prepared this Capital Bylaw and agrees to do the following:

- (a) Authorize the Secretary-Treasurer to execute a capital project funding agreement(s) related to the capital project(s) contemplated by the capital plan or the capital plan with modifications;
- (b) Upon ministerial approval to proceed, commence the capital project(s) and proceed diligently and use its best efforts to complete each capital project substantially as directed by the Minister;

(c) Observe and comply with any order, regulation, or policy of the Minister as may be applicable to the Board or the capital project(s); and,

(d) Maintain proper books of account, and other information and documents with respect to the affairs of the capital project(s), as may be prescribed by the Minister.

NOW THEREFORE the Board enacts as follows:

1. The Capital Bylaw of the Board for the 2021/22 Capital Plan as approved by the Minister, to include the supported capital project(s) specified in the letter addressed to the Secretary-Treasurer and Superintendent dated May 11, 2021 and the Borrowing as approved in the letter from the Minister addressed to the Secretary-Treasurer dated June 18, 2021, is hereby adopted.
2. This Capital Bylaw may be cited as School District No. 61 (Greater Victoria) Capital Bylaw No.2021/22-CPSD61-02.

Read a first time this 24 day of June, 2021.

Read a second time this 24 day of June, 2021.

Carried Unanimously

Moved By Trustee Leonard

Seconded By Trustee Ferris

That the Board of Education of School District No. 61 (Greater Victoria) agree to give all three readings of the Capital Bylaw No.2021-22-CPSD61-01 Capital Plan 2021/22 at the June 24, 2021 Board Meeting. (must pass unanimously)

Carried Unanimously

Moved By Trustee Leonard

Seconded By Trustee Ferris

Read a third time this 24 day of June, 2021, and finally passed and adopted this 24 day of June, 2021.

Carried Unanimously

F. Question Period

None

G. Adjournment

The meeting adjourned at 6:24 p.m.

Moved By Trustee Painter

Seconded By Trustee Leonard

That the meeting be adjourned.

Carried Unanimously

Chair

Secretary-Treasurer