



**The Board of Education of School District No. 61 (Greater Victoria)
MINUTES
Via Zoom**

Monday, September 26, 2022, 7:30 p.m.

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

Administration: Deb Whitten, Superintendent of Schools, Kim Morris, Secretary-Treasurer, Harold Caldwell, Deputy Superintendent, Tom Aerts, Associate Superintendent, Marni Vistisen-Harwood, Director, Facilities Services, Kelly Gorman, Recorder

A. COMMENCEMENT OF MEETING

This meeting was called to order at 7:39 p.m.

A.1. Acknowledgement of Traditional Territories

Chair Painter 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 Ferris
Seconded by Trustee Leonard

That the September 26, 2022 agenda be approved.

Moved by Trustee McNally
Seconded by Trustee Paynter

H.1. That a) all motions and votes during the illegal suspension of trustees McNally and Paynter, be considered invalid as these were votes of an illegally constituted Board according to a ruling of the BC Supreme Court, and b) that the current Board chair act expeditiously to create an opportunity (ies) for a full legally constituted Board to vote on every motion carried or defeated during the illegal suspension period.

Motion Defeated

For: Trustee Paynter, Trustee McNally, Trustee Duncan
Against: Trustee Leonard, Trustee Painter, Trustee Watters, Trustee Hentze, Trustee Ferris
Abstain: Trustee Whiteaker

Moved by Trustee McNally
Seconded by Trustee Duncan

H.2. that the individuals involved in the vote to suspend Trustees McNally and Paynter issue a written public apology to for their actions.

Motion Defeated

For: Trustee Paynter, Trustee McNally, Trustee Whiteaker, Trustee Duncan
Against: Trustee Leonard, Trustee Painter, Trustee Watters, Trustee Hentze, Trustee Ferris

Moved by Trustee Duncan
Seconded by Trustee McNally

H.1. That the Board of Education of School District No. 61 (Greater Victoria) rescind the February 2022 Board motion suspending Trustee Paynter and Trustee McNally.

Motion Defeated

For: Trustee Paynter, Trustee McNally, Trustee Whiteaker, Trustee Duncan
Against: Trustee Leonard, Trustee Painter, Trustee Watters, Trustee Hentze, Trustee Ferris

Moved by Trustee Ferris
Seconded by Trustee Leonard

That the September 26, 2022 agenda be approved, with the following additions:

- B.7. September 9, 2022, District of Saanich to SD61, Crossing Guard Funding
- B.8. September 14, 2022, Town of View Royal to SD61, Crossing Guards Funding
- B.9. BCTF Letter to BCPSEA re: Delay in Collective Bargaining
- C.2.a Trustee Paynter
- C.2.b Trustee Whiteaker
- C.2.c Trustee Duncan

Motion Approved Unanimously

A.3. Approval of the Minutes

Moved by Trustee Ferris
Seconded by Trustee Leonard

That the following minutes be approved:

That the June 20, 2022 Regular Board minutes be approved.

That the July 27, 2022 Special Meeting Board minutes be approved.

That the September 15, 2022 Special Board minutes be approved.

Amendment

Moved by Trustee Paynter
Seconded by Trustee McNally

That any reference to suspensions for Trustee Paynter or Trustee McNally include a reference to the judge's decision in making that the suspension was ultra vires to the school Board's authority.

Trustee Paynter withdrew the motion until a future meeting.

Moved by Trustee Ferris
Seconded by Trustee Leonard

That the following minutes be approved:

That the June 20, 2022 Regular Board minutes be approved.

That the July 27, 2022 Special Meeting Board minutes be approved.

That the September 15, 2022 Special Board minutes be approved.

Motion Carried

For: Trustee Whiteaker, Trustee Duncan, Trustee Leonard, Trustee Painter, Trustee Watters, Trustee Hentze, Trustee Ferris
Abstain: Trustee Paynter, Trustee McNally

A.4. Business Arising from the Minutes

None

A.5. 2021-2022 Audit Findings Report, Lenora Lee, KPMG, Auditors Presentation

Lenora Lee from KPMG, the District's external auditor, presented the 2021-2022 Audit Findings Report for information and provided highlights. The audits reported a clean and unqualified opinion on the finance statement. Lenora Lee congratulated the District on having no adjustments required.

Trustees asked questions of clarification and thanked Lenora Lee for the report.

A.6. Student Achievement

None

A.7. District Presentations

None

A.8. Community Presentations

None

B. CORRESPONDENCE

B.1. June 27, 2022, SD61 to South Jubilee Neighbourhood Association, Sundance/Bank Street School

B.2. June 30, 2022, Minister of Education to SD61, Response re 22-23 Budget Constraints

B.3. July 5, 2022, SD61 to MLA Kirkpatrick, Response re Major Capital Funding Delays

Trustee Duncan requested clarification on the Shoreline seismic upgrade. Secretary-Treasurer Morris advised the project is not on the 23-24 capital plan in consultation with Songhees and Esquimalt Nations, until the Nations have provided guidance

B.4. July 7, 2022, SD61 to George Jay PAC, Response re CommunityLINK Funding

B.5. August 14, 2022, SD61 to Chinese Consolidated Benevolent Association, Apology for the 1922 Segregation

B.6. August 29, 2022, Minister of Education to SD61, Student and Family Affordability Fund

B.7. September 9, 2022, District of Saanich to SD61, Crossing Guard Funding

Trustee Leonard suggested receiving a crossing guard report to orient the new Board.

B.8. September 14, 2022, Town of View Royal to SD61, Crossing Guards Funding

Trustee Leonard suggested receiving a crossing guard report to orient the new Board.

B.9. September 8, 2022, BCTF Letter to BCPSEA re: Delay in Collective Bargaining

Trustee Paynter expressed importance of advancing negotiations to provide stability moving forward.

Trustee Leonard suggested receiving a crossing guard report to orient the new Board.

C. TRUSTEE REPORTS

C.1. Chair's Report

- a. 2022-2023 Board Work Plan

C.2. Trustees' Reports (2 minutes per verbal presentation)

- a. Trustee Paynter provided a verbal report for information.
- b. Trustee Whiteaker provided a verbal report for information.
- c. Trustee Duncan provided a verbal report for information.

D. BOARD COMMITTEE REPORTS

D.1. Education Policy and Directions Committee

- a. Draft minutes from the September 12, 2022 meeting – information only
- b. Recommended motions from the September 12, 2022 meeting

At its September 21, 2020 Regular Open Board meeting, the Board carried the following resolution:

That the Board of Education of School District No.61 (Greater Victoria) adopt the draft Superintendent Evaluation Policy Option 2 as presented;

AND FURTHER

That the policy remain in draft until the first evaluation is concluded;

AND FURTHER

That the Board review the draft Superintendent Evaluation policy immediately after completing the Superintendent Evaluation process.

That the Board of Education of School District No. 61 (Greater Victoria) rescind the second part of the original motion from September 21, 2020. "That the Board of Education of School District No.61 (Greater Victoria) adopt the draft Superintendent Evaluation Policy Option 2 as presented;

AND FURTHER

That the policy remain in draft until the first evaluation is concluded;

Motion Carried

For: Trustee Whiteaker, Trustee Leonard, Trustee Painter, Trustee Watters, Trustee Hentze, Trustee Ferris

Against: Trustee Paynter, Trustee McNally, Trustee Duncan

That the Board of Education of School District No. 61 (Greater Victoria) move Draft Policy 2100.1 *Superintendent Evaluation* adopted in September 2020, out of draft and formally adopt as presented, to establish the process for evaluating the Superintendent.

Amendment

Moved by Trustee Whiteaker

Seconded by Trustee Duncan

That the Board of Education of School District No. 61 (Greater Victoria) move Draft Policy 2100.1 *Superintendent Evaluation* adopted in September 2020, out of draft and formally adopt as presented, to establish the process for evaluating the Superintendent **and review policy after each evaluation.**

Motion Carried Unanimously

That the Board of Education of School District No. 61 (Greater Victoria) move Draft Policy 2100.1 *Superintendent Evaluation* adopted in September 2020, out of draft and formally adopt as presented, to establish the process for evaluating the Superintendent and review policy after each evaluation.

Motion Carried

For: Trustee Whiteaker, Trustee Leonard, Trustee Painter, Trustee Watters, Trustee Hentze, Trustee Ferris, Trustee McNally, Trustee Duncan

Against: Trustee Paynter

D.2. Operations Policy and Planning Committee

- a. Draft minutes from the September 20, 2022 meeting - Information only
- b. Recommended motion from the June 20, 2022 meeting
 - i. New Policy XXXX, *Role of the Trustee*

That the Board of Education of School District No. 61 (Greater Victoria) approve new Policy, *Role of the Trustee*.

Motion Carried

For: Trustee Leonard, Trustee Painter, Trustee Watters, Trustee Hentze, Trustee Ferris

Against: Trustee Paynter, Trustee McNally, Trustee Duncan, Trustee Whiteaker

Meeting recessed at 8:53 p.m.

The meeting reconvened at 9:05 p.m.

- c. Recommended motion from the September 20, 2022 meeting
 - i. Revised Minor Capital – 2023-2024 Annual Five-Year Capital Plan

WHEREAS the Board of Education of School District No. 61 (Greater Victoria) approved its 2023-2024 Five Year Capital Plan in June 2022 and wishes to revise the Minor Capital projects in the approve plan;

BE IT RESOLVED that the Board of Education of School District No. 61 (Greater Victoria) approve the revised Minor Capital projects in the 2023-2024 Annual Five Year Capital Plan, as presented.

Motion Carried Unanimously

D.3. 2021-2022 Financial Year End

- a. Audit Committee Report – September 15, 2022 Meeting

Secretary-Treasurer Morris suggested that the Board move motions 3. and 4. first as one motion and then proceed to motions 1., 2. and 5. The Board agreed by consensus.

Trustees discussed motions 3 and 4 and by consensus moved them together.

That the Board of Education of School District No. 61 (Greater Victoria) approve the Audited Financial Statements of School District No. 61 (Greater Victoria) for the year ended June 30, 2022; AND FURTHER that the Board Chair, the Superintendent and the Secretary-Treasurer be authorized to affix their signatures to the statements, where applicable, on behalf of the Board.

Motion Carried

For: Trustee Leonard, Trustee Painter, Trustee Watters, Trustee Hentze, Trustee Ferris, Trustee Duncan, Trustee Whiteaker
Abstain: Trustee Paynter, Trustee McNally

That the Board of Education of School District No. 61 (Greater Victoria) approve the Financial Statement Discussion and Analysis Report for the year ended June 30, 2022.

Motion Carried

For: Trustee Leonard, Trustee Painter, Trustee Watters, Trustee Hentze, Trustee Ferris, Trustee Duncan, Trustee Whiteaker
Abstain: Trustee Paynter, Trustee McNally

That the Board of Education of School District No. 61 (Greater Victoria) approve the appropriation of \$8,218,621 of the operating surplus as follows: 1) internally restricted \$6,717,367, and 2) unrestricted (contingency) \$1,501,254.

Motion Carried

For: Trustee Leonard, Trustee Painter, Trustee Watters, Trustee Hentze, Trustee Ferris, Trustee Duncan, Trustee Whiteaker
Abstain: Trustee Paynter, Trustee McNally

That the Board of Education of School District No. 61 (Greater Victoria) allocate the total net Caledonia land exchange and disposal proceeds from the Local Capital reserve for the purpose of: 1) District contribution to Victoria High School Seismic Capital Project \$2,600,000 as set out by the Ministry of Education and Child Care, and 2) Amenities for Victoria High School Seismic Capital Project \$557,564.

Motion Carried

For: Trustee Leonard, Trustee Painter, Trustee Watters, Trustee Hentze, Trustee Ferris, Trustee Duncan, Trustee Whiteaker, Trustee McNally
Abstain: Trustee Paynter

That the Board of Education of School District No. 61 (Greater Victoria) approve the schedules as required by the Financial Information Act for the period July 1, 2021 to June 30, 2022; AND FURTHER that the approved schedules be posted to the District website.

Motion Carried

For: Trustee Leonard, Trustee Painter, Trustee Watters, Trustee Hentze, Trustee Ferris, Trustee Duncan, Trustee Whiteaker, Trustee McNally
Abstain: Trustee Paynter

E. DISTRICT LEADERSHIP TEAM REPORTS

E.1. Superintendent's Report

a. Monthly Report

Superintendent Whitten provided the report for information.

Moved by Trustee Whiteaker
Seconded by Trustee Duncan

That the Board of Education of School District No. 61 (Greater Victoria) receive the Superintendent's report as presented.

Motion Carried Unanimously

b. Revised 2022-2023 Board and Standing Committee Meeting Dates

Moved by Trustee Watters
Seconded by Trustee Whiteaker

That the Board of Education of School District No. 61 (Greater Victoria) approve the revised 2022-2023 Board and Standing Committee meeting dates, as presented.

Motion Carried Unanimously

c. Special Program Approval, Director Vair, Human Resource Services

Director of Human Resources Vair provided information on the Human Rights Special Program approval. District Principal, Human Resources Sherstobitoff provided background on the Special Program approval.

- Preferential hiring of self-identified Indigenous applicants for all positions created through funding targeted to support Indigenous students;
- Preferential hiring of self-identified Indigenous applicants for continuing contract teaching positions until the proportion of self-identified Indigenous teachers reaches that of self-identified Indigenous students; and
- Preferential hiring of self-identified racialized applicants for continuing contract teaching positions until the proportion of self-identified racialized teachers reaches the proportion of racialized people in the area served by the School District as measured by census data.

Discussions ensued with Trustees, Stakeholders and staff.

d. Framework for Enhancing Student Learning (FESL)

Moved by Trustee Ferris
Seconded by Trustee McNally

Trustees discussed the motion.

That the Board of Education of School District No. 61 (Greater Victoria) approve the Framework for Enhancing Student Learning, as presented.

Motion Carried Unanimously

e. Trustee Questions

Superintendent Whitten responded to questions from Trustee Paynter relative to the reduction in custodial staffing and indicated a report could be provided once Trustee Paynter submits his questions.

Trustee Duncan requested an update on the Learning Through Lunch Program in the 2021-2022 school year. Superintendent Whitten confirmed that the program is not continuing for the 2022-2023 school year.

Trustee Duncan requested an update on the Student Family Affordability fund. Superintendent Whitten and Secretary-Treasurer continue to gather information from the learning community with conclusion in October 2022.

Trustee Paynter requested information on the Mount Douglas Secondary challenge program. Deputy Superintendent Caldwell will report back to the Board at a future meeting.

E.2. Secretary-Treasurer's Report

a. Monthly Report

Secretary-Treasurer Morris provided the report and responded to Trustee questions.

Moved by Trustee Leonard
Seconded by Trustee Watters

That the Board of Education of School District No. 61 (Greater Victoria) receive the Secretary-Treasurer's report as presented.

Motion Carried Unanimously

b. 2023-2024 Budget Development Process

Moved by Trustee Watters
Seconded by Trustee McNally

That the Board of Education of School District No. 61 (Greater Victoria) approve 2023-2024 Budget Development Process, as presented.

Amendment

Moved by Trustee Whiteaker
Seconded by Trustee Paynter

That the Board of Education of School District No. 61 (Greater Victoria) approve 2023-2024 Budget Development ~~Process~~ **timeline**, as presented.

Motion Defeated

For: Trustee Paynter, Trustee Whiteaker
Against: Trustee Leonard, Trustee Painter, Trustee Watters, Trustee Hentze, Trustee Ferris, Trustee Duncan, Trustee McNally

Moved by Trustee Watters
Seconded by Trustee McNally

That the Board of Education of School District No. 61 (Greater Victoria) approve 2023-2024 Budget Development Process, as presented.

Motion Carried

For: Trustee Leonard, Trustee Painter, Trustee Watters, Trustee Hentze, Trustee Ferris, Trustee Duncan, Trustee Whiteaker, Trustee McNally
Against: Trustee Paynter

c. Long Range Facilities Plan Process

Moved by Trustee Leonard
Seconded by Trustee Duncan

That the Board of Education of School District No. 61 (Greater Victoria) extend the meeting to 11:00 p.m.

Motion Carried

For: Trustee Leonard, Trustee Painter, Trustee Watters, Trustee Paynter, Trustee Ferris, Trustee Duncan, Trustee Whiteaker, Trustee McNally
Against: Trustee Hentze

Moved by Trustee Leonard
Seconded by Trustee Ferris

That the Board of Education of School District No. 61 (Greater Victoria) approve the Long Range Facilities Plan 2024-2030 process, as presented.

Amendment

Moved by Trustee Paynter
Seconded by Trustee Duncan

That the motion “*That the Board of Education of School District No. 61 (Greater Victoria) approve the Long Range Facilities Plan 2024-2030 process, as presented.*” be referred to the November 21, 2022 Operations Policy and Planning Committee Meeting.

Amendment

Moved by Trustee Whiteaker
Seconded by Trustee Duncan

That the motion “*That the Board of Education of School District No. 61 (Greater Victoria) approve the Long Range Facilities Plan 2024-2030 process, as presented.*” be referred to the ~~November 21, 2022~~ October 17, 2022 Operations Policy and Planning Committee Meeting.

Motion Carried

For: Trustee Watters, Trustee Paynter, Trustee Duncan, Trustee Whiteaker, Trustee McNally
Against: Trustee Hentze, Trustee Leonard, Trustee Painter, Trustee Ferris

That the motion “*That the Board of Education of School District No. 61 (Greater Victoria) approve the Long Range Facilities Plan 2024-2030 process, as presented.*” be referred to the October 17, 2022 Operations Policy and Planning Committee Meeting.

Motion Carried

For: Trustee Watters, Trustee Paynter, Trustee Duncan, Trustee Whiteaker, Trustee McNally
Against: Trustee Hentze, Trustee Leonard, Trustee Painter, Trustee Ferris

That the motion “*That the Board of Education of School District No. 61 (Greater Victoria) approve the Long Range Facilities Plan 2024-2030 process, as presented,*” be referred to the October 17, 2022 Operations Policy and Planning Committee Meeting.

Motion Carried

For: Trustee Watters, Trustee Paynter, Trustee Duncan, Trustee Whiteaker, Trustee McNally, Trustee Hentze, Trustee Painter
Against: Trustee Leonard, Trustee Ferris

d. 2022-2023 Enrolment Update

Secretary-Treasurer Morris provided the update and indicated International enrolment will be reported at the October 17, 2022 Operations Policy and Planning Committee Meeting.

Trustee Watters would like an update on the Welcome Center and how that can be further supported by the Board.

F. QUESTION PERIOD

Q.1: One of the main mandates of the Board is to be transparent and accessible to the public why on earth is this meeting being done through ZOOM? This does not allow the public to interact with Trustees ask questions and get responses in real time. As a stakeholder I feel completely shut out of this process as I was looking forward to attending tonight. This Board seems to completely fail in its responsibilities and I certainly hope the new Board bring back in person meetings.

A.1: Chair Painter, due to the online engagement that the Board has had it felt that it was best to remain online for all meetings to allow virtual engagement and are still working through new technology in the Boardroom. The new Board will be tasked with how they move forward with meetings in the future.

Moved by Trustee Duncan

Seconded by Trustee Whiteaker

That the Board of Education of School District No. 61 (Greater Victoria) follow Bylaw 9360.01 and read the questions provided by the public into the record.

Motion Carried

For: Trustee Paynter, Trustee Whiteaker, Trustee McNally, Trustee Duncan

Against: Trustee Leonard, Trustee Watters, Trustee Ferris

Abstain: Trustee Painter, Trustee Hentze

Moved by Trustee Whiteaker

Seconded by Trustee Duncan

That the Board of Education of School District No. 61 (Greater Victoria) extend the meeting by 10 minutes to 11:21 p.m.

Motion Carried

For: Trustee Watters, Trustee Paynter, Trustee Duncan, Trustee Whiteaker, Trustee McNally, Trustee Painter, Trustee Leonard, Trustee Ferris

Abstain: Trustee Hentze

Q.2: Since most of this board acted fascistically and against the rule of law, will the individual members who illegally removed the other board members be covering the cost of their litigation, which took money away from children and classrooms?

- Q.3:** 1. Role of the Trustee – pages 95-97: Based on Judge Hardwick's decision regarding the suspensions of Trustees McNally and Paynter that the Board did not have the authority to suspend them, will the Board add the following to the Role of Trustees:
- A. The Board is also accountable for their collective decisions as per 3.3 so the Board needs to be included and not only the trustees;
 - B. The Board is also accountable to the electorate not only the trustees so the Board needs to be included in 3.4; and
 - C. How will the Board ensure that they are in compliance with the School Act, Workers Compensation Act/Worksafe and policies of the Board as per 4.1 The Board of Education so that the Board does not get itself in the same crisis where they are paying hundreds of thousands of dollars in legal fees rather than spending that money on supporting students in SD61?
2. Why was Trustee McNally and Paynter listed as suspended in all meetings until September 15th at which time it was changed to sanctioned? I would like an explanation on both in the minutes please. Thank you.

Q.4: Will the board commit to investigating and eventually sanctioning any trustees determined to have acted illegally in a January 25, 2022 in camera meeting? In the board's view, is it fair for Trustees Leonard, Ferris, Hentze, Watters, and Ryan Painter to escape the appropriate consequences or sanctions for the illegal actions taken against their colleagues throughout the course of this year?

Q.5: Two questions relating to Agenda Item D.3:

1) Paragraph 2 on page 129 of the agenda package ("Sale of 1765 Lansdowne Road, 2780 Richmond Road...") indicates that the *Purchase and Sale Agreement* between SD61 and Victoria Hospice Society has been amended six times since it was first signed in September 2021, including four times after the Board approved the bylaw to dispose of the property on March 14, 2021.

On what authority was the *Purchase and Sale Agreement* amended after the passing of the bylaw?

2) Given the BC Supreme Court's recent reminder that as a statutory body, the Board of Education must have the authority to undertake actions, and that the authority to dispose of land is gained through a specific process that was, in my opinion, not followed.

Can you please clarify what actions the Board will take pertaining to this attempted disposition in light of the recent judicial clarification.

G. PUBLIC DISCLOSURE OF IN-CAMERA ITEMS

G.1. Record of Special In-Camera Board of Education Meeting – June 16, 2022

G.2. Record of In-Camera Board of Education Meeting – June 20, 2022

G.3. Record of Special In-Camera Board of Education Meeting – July 27, 2022

G.4. Record of Special In-Camera Board of Education Meeting – August 25, 2022

G.5. Record of Special In-Camera Board of Education Meeting – September 1, 2022

H. NEW BUSINESS/NOTICE OF MOTIONS

H.1. New Business

None

H.2. Notice of Motions

None

I. ADJOURNMENT

The meeting adjourned at 11:14 p.m.

Moved by Trustee Leonard
Seconded by Trustee Watters

That the meeting be adjourned.

Motion Carried Unanimously

Chair

Secretary-Treasurer