

**VILLAGE OF PEMBERTON  
-COMMITTEE OF THE WHOLE MEETING AGENDA-**

**Agenda** for the **Committee of the Whole** of Council of the Village of Pemberton to be held Tuesday, February 9, 2010 at 3:00 pm (or immediately following the Public Works and Parks Committee meeting) in the White Building, 7400 Prospect Street. This is meeting No. 034

<b>Time</b>	<b>Item of Business</b>	<b>Page No.</b>
3:00 p.m.	<b>1. CALL TO ORDER</b>	
	<b>2. APPROVAL OF AGENDA</b>  <b>Recommendation: THAT</b> the agenda be approved as presented.	
	<b>3. School District 48 (Sea to Sky) Proposed Policies Permanent School Closures and Disposal Policy Acquisition of Land or Improvements Policy</b>	<b>2</b>
	<b>Recommendation: THAT</b> Council review School District No. 48 (Sea to Sky) policies: Permanent School Closures (905.1 & R905.1); and Disposal and Acquisition of Land or Improvements (R905.2) and provide comments for referral to the School District;  <b>AND THAT</b> the Village schedules a meeting with the School Board No. 48 to discuss their existing land holdings and future development plans in the Pemberton area.	
	<b>4. IN CAMERA</b>  <b>THAT</b> pursuant to Section 90(1) (k) of the Community Charter, the Council of the Village of Pemberton serve notice to hold an In-Camera Meeting on today's date for the purpose of dealing with matters for which the public shall be excluded from attending.	
	<b>5. ADJOURNMENT</b>	

## REPORT TO COMMITTEE OF THE WHOLE

**Date:** February 9, 2010

**From:** Caroline Lamont, Manager of Development Services

**Subject:** School District 48 (Sea to Sky) Proposed Policies  
Permanent School Closures and Disposal Policy  
Acquisition of Land or Improvements Policy

Received by Council \_\_\_\_\_

Meeting No. \_\_\_\_\_

Date \_\_\_\_\_

### RECOMMENDATIONS

**THAT** Council review School District No. 48 (Sea to Sky) policies: Permanent School Closures (905.1 & R905.1); and Disposal and Acquisition of Land or Improvements (R905.2) and provide comments for referral to the School District;

**AND THAT** the Village schedules a meeting with the School Board No. 48 to discuss their existing land holdings and future development plans in the Pemberton area.

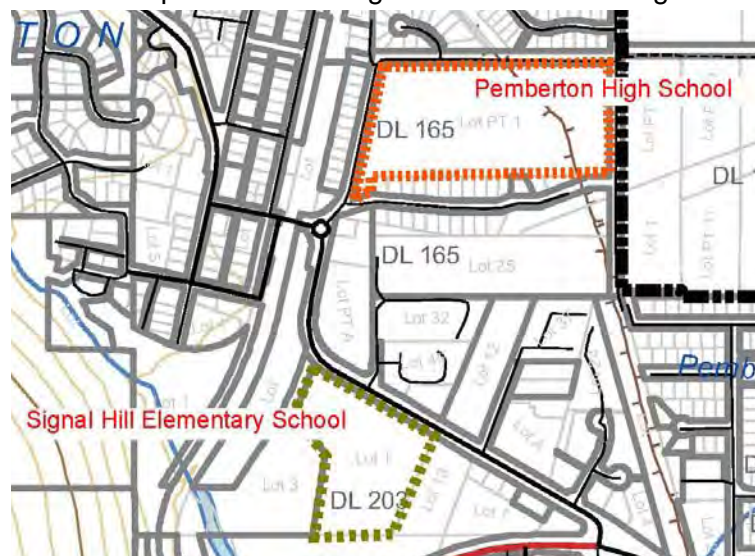
### PURPOSE

The purpose of this report is to outline and provide comments related to School District No. 48 regarding two proposed policies that consider permanent school closures and disposal and acquisition of land or improvements.

### BACKGROUND

The Village recently received a "Policy Impact Form" from School District No. 48 (Sea to Sky) relating to Permanent School Closures (905.1 & R905.1) and Disposal and Acquisition of Land or Improvements (R905.2). The School Board has requested the Village's comments relating to the affect, difficulties and/or unreasonable demands the proposed directions may have on municipal/community resources.

The Village currently has two school sites owned by the School Board, within their jurisdiction: Signal Hill Elementary and Pemberton High School. The high school site also includes a large parcel of land immediately to the east of the Arn Canal that is part of the existing school site but currently not formally utilized for school functions. The School Board also owns the old high school site (Meadows Community Centre) that is located within the Squamish Lillooet Regional District, immediately north of the Village boundary.



## POLICY OVERVIEW

The proposed policies consider permanent school closures and the disposal and acquisition of land or improvements. The following briefly references the policies and provides staff's comments:

**R905                    Disposition of Sites and Closures**  
**R905.1                Permanent School Closure**

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These policies are included as Appendix A. They identify the criteria for closures, public board meeting requirements, public consultation, opportunities for displace students, notification of the Minister, and disposition of equipment and materials. Staff's comments are as follows:

**1. Criteria**

- Note that the school need only meet "any" (meaning "one") of the criteria. At best this criteria seems to favour discretionary decisions by the board, particularly given the catchall "*e) other criteria that in view of the Board should be considered*".
- a) are there minimum travel distances that students are to travel, by age.

**2. Public Consultation**

- it would be helpful to have a clear timeline for the milestones within consultation period, to ensure that there is adequate notice to prepare for the public consultation opportunity.

**4. Public Meeting**

- Many schools have certain improvements that have been contributed by the local community and government. The public consultation process should include this in the matters to be discussed and decided on.

**7. Disposition of Equipment & Materials**

- The tentative plans prepared by the Secretary Treasurer should be made available to the public and part of the public consultation discussions

**R905                    Buildings & Sites**  
**R905.2                Disposal and Acquisition of Land or Improvements**  
**(In Whole or in Part)**

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These policies are included as Appendix B. They identify the statutory requirements, alternative community use, other disposals of land or improvements, bylaw requirements, and the disposal process. Staff's comments are as follows:

**Definitions**

"District" should be defined as the School District as not to be confused with a municipal entity.

**1. General**

- It appears that the disposition of land and improvements must be in accordance with the *School Act* with *Ministerial Order M193/08.2* including that in the community interest.

**2. ?**

- There is a number error or a missing header.

**3. Alternative Community Use: Lease of Under 10 Years**

- It appears that the Board can dispose of land or improvements by way of a lease for a period of under 10 years if it is for alternative community use without Ministerial approval. There is no other mention as whether an agency or organization for an alternative community use would be treated differently in the sale of the property (refer to 6 below)

**4. Other Disposals of Land or Improvements**

- More clarity would be helpful with regard to the process timeline and milestones. How long is the consultation, what initiatives or comprises the consultation?

**6. Disposal Process**

- It appears that the School District does not want to be a developer but rather will prepare the property for land sale only. The disposal process for non-education or community use will be through a public tender or competitive bidding process...
- More clarity is needed in the case where the School Board may be disposing of the land
- There appears to be no provision or mention of land trade of similar value perhaps for a community or educational purpose.

**DISCUSSION**

This report highlights some of the comments and questions raised by staff with regard to the proposed School District policies. It is important that upon reviewing these policies the Village should recognize that there have been preliminary discussions in the community with regard to the use of certain School District owned lands for the following:

- Moving the bus barn to the Industrial Park (perhaps swap with Village owned lands);
- Acquiring the existing playing fields at the old High School site for community uses; and
- Intensifying the use of the lands and improvements on the eastern portion of the Pemberton High School (east of the Arn Canal) for non-school use as to cover costs of other School District initiatives.

**BUDGET IMPACT**

At this time staff does not see any direct budget impacts of this policy, unless the Village was interested in purchasing or leasing school property.

## **RECOMMENDATION**

It is recommended that Council review these policies and provide comments for referral to the School District. Further it is recommended that the Village schedule a meeting with the School Board to discuss their existing land holdings and future development plans.

### ***Appendices***

*Appendix A - Permanent School Closures (905.1 & R905.1)*

*Appendix B - Disposal and Acquisition of Land or Improvements (R905.2)*

# POLICY IMPACT FORM

School District No. 48 (Sea to Sky)

To: Principals:

S. Amenta	Rose Mackenzie
I. Kent	A. Uren
N. Pascuzzi	C. Perkins
N. Cox	P. Lorette
M. Paxton	B. Oakley
P. MacKenzie	S. Broatch
S. Reed	G. Galloway

From: Myrna MacRae  
Executive Assistant

## District Management & School Board Office Staff

HSPVPA Ian Kent, HSTA – Beth Miller, DPAC – Cathy Jewett

CUPE – Shannon Schaefer

## Parent Advisory Councils:

Blackwater Creek Elementary School	Brackendale Elementary School
Don Ross Secondary School	Garibaldi Highlands Elementary School
Howe Sound Secondary School	Mamquam Elementary School
Myrtle Philip Community School	Pemberton Secondary School
Signal Hill Elementary School	Spring Creek Community School
Squamish Elementary School	Stawamus Elementary School
Valleycliffe Elementary School	Whistler Secondary A Community School

Local Government: District of Squamish  
Village of Pemberton

Resort Municipality of Whistler  
Squamish Lillooet Regional District

Date: January 12, 2010

It is the wish and practice of the Board to consult groups affected by a proposed new or changed policy prior to making its final decision. To that end the POLICY IMPACT FORM is intended to ensure that the ramifications of proposed policies have been thoroughly considered before their adoption.

POLICY NUMBERS: 905.1 & R905.1 Permanent School Closure  
905.2 & R905.2 Disposal and Acquisition of Land or Improvements

POLICY TOPIC: The policy, criteria, consultation & process to close a school, and the policy & process to acquire or dispose of land or improvements.

DRAFT POLICY BEING CONSIDERED BY THE BOARD: (attached)  
RESPONSE / REACTION:

### Questions to consider:

- How will the policy affect your school or department?
- Can you foresee any difficulties?
- Does it make unreasonable demands on your resources?
- Other?

NOTE: If additional space is required, please attach to this form.

Return to: Myrna MacRae, 604 892-1038 (Fax), [mmacrae@sd48.bc.ca](mailto:mmacrae@sd48.bc.ca)

Deadline for response: February 26, 2010 Date received: \_\_\_\_\_

Village of Pemberton  
Committee of the Whole  
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**POLICY SERIES 900-BUILDINGS & SITES**

**905. DISPOSITION OF SITES AND  
CLOSURE OF FACILITIES**

905.1 **Permanent** School Closure

The Board of Education, School District No. 48 (**Sea to Sky**) is responsible under the School Act for the effective and efficient operation of schools in the school district. The Board has the authority to close a school for reasons, which include but are not limited to:

- declining student enrolment such that the school is no longer economically or operationally viable **or**;
- restructuring of educational programs, consolidation of operations and relocation of students to other schools in the school district which results in the school being deemed surplus to the districts educational needs;
- the school is being replaced with a newly constructed school.

The permanent closure of schools is a significant issue of public concern and, therefore, the Board will follow a process that provides adequate time and opportunity to consult with those who will be affected prior to **the permanent closure of a school.**

The Regulation accompanying this Policy provides more specific direction to be followed if the Board is considering the **permanent** closure of a school.

# SCHOOL DISTRICT No. 48 (SEA TO SKY)

## REGULATION SERIES 900 BUILDINGS & SITES

### R905. DISPOSITION OF SITES AND CLOSURES OF FACILITIES

#### R905.1 Permanent School Closure

This Regulation provides more specific direction to be followed if the Board is considering the **permanent** closure of a school.

**A “permanent” school closure means the closing, for a period exceeding 12 months, of a school building used for the purposes of providing an educational program to students.**

**This regulation does not apply to the closing of a school for the purposes of effecting repairs, renovations or additions to a school building if the Board intends to reopen the building upon completion of the repairs, renovations or additions.**

**This Regulation does not apply to temporary school closures pursuant to s.73 (1) (b) of the School Act.**

### 1. Criteria for Considering School Closure

- 1.01 If a school meets any of the following criteria, the school may be considered for **permanent** closure.
- a) there is sufficient space to accommodate the students in neighbouring schools;
  - b) the operating cost per student is significantly greater than the average cost per student in the District;
  - c) the condition of the facility and the need for capital expenditures to keep the building operational is significant;
  - d) the limitations of the facility-restrict appropriate education programming; **or**
  - e) other **criteria that** in the view of the Board should be considered.

### 2. Public Board Meeting

- 2.01 Any proposed **permanent** closure of a school should first be raised at a regular open meeting of the Board.

### 3. Public Consultation

- 3.01 Public consultation shall be undertaken by the Board prior to making a final decision on **the** proposed **permanent** closure of a school.
- 3.02 The process of consultation should provide an opportunity for those who will be affected by a proposed closure to participate in the process. Such participation should include trustees, parents, community members, local governments, First **Nations**, district staff, school staff **and employee bargaining agents**.
- 3.03 The Board **shall** take the following steps to ensure that an open and meaningful public consultation takes place.
- a) Make available **relevant** facts and information considered by the **Board** with respect to any proposed **permanent** school closure, **which may include**:
- i) reasons for the proposed school closure;
  - ii) which specific schools(s) are being considered for closure;
  - iii) educational program/course implications for the affected students;
  - iv) how the proposed closure would affect the current catchment area for each school;
  - v) the **anticipated** effect on surrounding schools;
  - vi) the number of students who would be affected at both the closed school(s) and the surrounding schools;
  - vii) the effect of proposed closures on **Board**-provided student transportation including the amount of time that students spend travelling to and from school.;
  - viii) the proposed effective date of the closure(s);
  - ix) financial considerations;
  - x) impact **of the proposed school closure(s)** on the Board's five-year capital plan;
  - xi) **the** proposed use of the closed school (s) including potential lease or sale;

- b) Provide an adequate opportunity for affected persons to submit written response to any **proposed permanent** school closure and provide information and directions on how to submit a written response to the Board. The information and directions should advise potential correspondents that their written response may be referred to at subsequent public forums respecting the **proposed** closure.
- c) Hold at least one public meeting to discuss the proposed **permanent** closure, summarize written submissions, and listen to community concerns and proposed alternative solutions.
- d) Maintain records consultation.

#### 4. Public Meeting

- 4.01 The time and place of the public meeting should be appropriately advertised to ensure adequate advance notification to interested persons in the community. Generally, this will mean a letter to students and parents of students currently attending the school, and a notice in a local newspaper.
- 4.02 The Board should also specifically notify, in writing, any potentially interested local governments, First Nations, business associations, community associations **and any other parties known by the Board to be interested in the use of the school space** of the time and place of the public meeting.
- 4.03 **The public consultation process** will include the following:
  - a) **discussion of potential** implications of the closure;
  - b) **discussion of the** implementation plans, including timing of the closure;
  - c) **discussion of the** options that the Board considers as alternatives to closure;
  - d) **consideration of future enrolment growth in the District of persons of school age, persons of less than school age and adults and**
  - e) **consideration by the Board of the** contents of written submissions presented to the Board.
  - f) **a fair consideration of the community's input and adequate opportunity for the community to respond to the Board's proposal to close the school permanently and**

**g) consideration of possible alternative community use for all or part of the school.**

- 4.04. The Board shall keep minutes of the public meeting which include a record of concerns or options raised **in response** to the proposal.
- 4.05 Following the public meeting, the Board **will** give consideration to public input prior to making its final decision with respect to any proposed **permanent** school closure.
- 4.06 **The final decision of the Board on a permanent school closure shall be made by Board bylaw.**

**5. Opportunities for Students Displaced by School Closure**

- 5.01 The **District** will ensure that all **District** students displaced by a **permanent** school closure will have opportunities to receive an appropriate educational experience in another school in the district.

**6. Notification to the Minister**

- 6.01 If the Board decides to permanently close a school the Board must, without delay, provide the Minister with written notification of the decision containing the following information:
- a) the school's name
  - b) the school's facility number
  - c) the school's address, and
  - d) the date on which the school will close.

**7. Disposition of Equipment & Materials**

- 7.01 The Secretary-Treasurer will prepare tentative plans for the disposition of equipment and materials located in school(s) cited for closure.
- 7.02 The Secretary-Treasurer will identify options, **in accordance with Ministerial Order M193/08 and related Board policy** for Board consideration with respect to the future **use** of buildings and grounds cited for closure.

**SCHOOL DISTRICT NO. 48 (SEA TO SKY)****POLICY SERIES 900 - BUILDINGS & SITES**

<b>905</b>	<b>DISPOSITION OF SITES AND CLOSURE OF FACILITIES</b>
905.2	Disposal and Acquisition of Land or Improvements (In Whole or in Part)

**Land** and improvements will be allocated or disposed of in the best interests of the District as directed by the Board and in accordance with the School Act, Regulations and any relevant Ministerial Orders.

**Disposal**

The Board has the responsibility for the disposal of its lands and improvements. **If**, after considering future educational needs of the District, **as the Board considers that land or improvements are** no longer required, **it may take steps to** dispose of such **land or improvements** in accordance with the School Act, **Regulations and relevant Ministerial Orders.**

Acquisition

The Secretary-Treasurer, or the Secretary-Treasurer's designate, is responsible for identifying the requirement for new school sites through reviews of the Official Community Plans and consultation with local governments. Site acquisition projects will be included in the Five-Year Capital Plan.

# SCHOOL DISTRICT NO. 48 (SEA TO SKY)

## REGULATION SERIES 900 - BUILDINGS & SITES

### R905 BUILDINGS & SITES

#### R905.2 Disposal and Acquisition of Land or Improvements (In Whole or in Part)

This Regulation provides further direction for the disposal of land and improvements by sale, transfer in fee simple or lease.

#### Definitions

- “a lease of 10 years or more” means a lease of 10 years or more, including the cumulative total of all options and rights to extend or renew the lease,
- “alternative community use” means a use by a community agency or organization for land or improvements owned by the Board, other than for the educational purposes of the Board,
- “board ” means a board defined in the *School Act* and includes a francophone education authority,
- “dispose” means dispose as defined in the *Interpretation Act*,
- “independent school” means an independent school as defined in the *Independent School Act*,
- the “Board” means the Board of Education of School District No. 48 (Sea to Sky),

#### 1. General

**1.01 The Board will only dispose of land and improvements in accordance with the *School Act* and *Ministerial Order M193/08.2. Disposal of Land or Improvements to Another Board or Independent School for Educational Purposes***

**2.01 The Board may, without Ministry approval, dispose of land or improvements to another board, including the francophone education authority or an independent school for educational purposes.**

#### 3. Alternative Community Use: Lease of Under 10 years

**3.01 The Board may, without Ministry approval, dispose of land or improvements by way of lease for a period of under 10 years if such a disposition is to an agency or organization for an alternative community use.**

4. Other Disposals of Land or Improvements

- 4.01 **Should the Board determine that there may be an alternative community use for surplus or underutilized land or improvements, then the Board will consult with local government, community organizations and the public on the possible alternate community uses.**
- 4.02 **The alternative community use consultation process will include:**
- a) **Consideration of future enrolment growth in the district, including Kindergarten to Grade 12, adult programs, and early learning;**
  - b) **Consideration of alternative community use of surplus space in school buildings and other facilities; and**
  - c) **A fair consideration of the community's input and adequate opportunity for the community to respond to the Board's plans for the school.**
- 4.03 **Following the consultation process, the Board shall give consideration to public input prior to making its final decision with respect to the disposal of land or improvements.**
- 4.04 **If the Board intends to dispose of land or improvements by sale and transfer in fee simple or by a lease of 10 years or more to anyone other than a board of education (including a francophone education authority) or an independent school for educational purposes, the Board shall first seek the approval of the Minister in accordance with *Ministerial Order M193/08* and applicable Ministerial policy.**

5. Bylaw

- 5.01 **The Board shall only dispose of land and buildings by by-law in accordance with the process set out in the *School Act* and *Ministerial Order 193/08* and shall include:**
- a) **confirmation that the Board will not require the land or improvements for future educational purposes;**
  - b) **the name and facility number, if any, and**
  - c) **the address and legal description.**
- 5.02 **When the Board disposes of land or buildings the Board must, without delay, provide the Minister with a copy of the Bylaw.**

**and written notification of the disposition and allocation of the proceeds.**

6. Disposal Process

**6.01 When the Minister is notified of the disposition and Ministerial approval is obtained (if necessary), the Board may proceed with the following process:**

Step 1) Direct District staff to do the following:

- a) undertake necessary steps to create the legal entity of the property to be disposed, if it is to be sub-divided from the “parent” property to remain in the ownership of the District.
- b) arrange for the preparation of a legal survey plan showing the boundaries of the property to be disposed.
- c) initiate the disposal process. Land or improvements disposed of to an entity for use other than an educational or alternative community use will be sold through public tender or other competitive bidding process to ensure fair public access and market value is obtained.
- d) establish where the proceeds from the sale of the disposed property shall be credited, either to the shareable capital reserve or the local non shareable capital reserve in accordance with Section 100 of the School Act.

Step 2) Commence the process of entering into an agreement to dispose of the land or improvements.

Step 3) Credit the proceeds from the disposition to the appropriate capital reserve(s) based on the allocation determined in Step 1(d) above.