



SCHOOL DISTRICT NO. 35 (LANGLEY)
REGULAR MEETING OF THE BOARD OF EDUCATION

AGENDA

Tuesday, July 9, 2024

4:30 p.m.

Microsoft Teams Virtual Meeting

Pages

1. AUDIO VISUAL RECORDING (LIVESTREAMING) OF REGULAR BOARD MEETING

2. CALL TO ORDER

3. CONSIDERATION OF AGENDA

Recommendation:

That the Agenda be approved as presented.

4. SECRETARY-TREASURER'S REPORTS

4.1 STATUTORY RIGHT-OF-WAY FOR NORTH EAST LATIMER

1 - 4

Recommendation:

That The Board of Education of School District No. 35 (Langley) – North East Latimer Elementary School Electrical Distribution Right-Of-Way Bylaw 2024 be given first reading.

Recommendation:

That The Board of Education of School District No. 35 (Langley) - North East Latimer Elementary School Electrical Distribution Right-Of-Way Bylaw 2024 be given second reading.

Recommendation:

That The Board of Education of School District No. 35 (Langley) approves having all three readings of North East Latimer Elementary School Electrical Distribution Right-Of-Way Bylaw 2024 at tonight's meeting.

Recommendation:

That The Board of Education of School District No. 35 (Langley) - North East Latimer Elementary School Electrical Distribution Right-Of-Way Bylaw 2024 be given third reading, passed and adopted on the 9th day of July, 2024.

5. QUESTION PERIOD

Due to the use of an online platform for this Regular Board Meeting, the process for question period is as follows. The Board will not be taking questions from members of the public in real

time. We encourage members of the public to please submit their questions by emailing feedback@sd35.bc.ca. Questions will be accepted up until one hour after the adjournment of the meeting. Board members or the appropriate staff will respond to the individual directly to acknowledge they've received the email within 24 hours. Thereafter, a response will be provided to the individual.

The following will help the public develop questions for Question Period at a Board Meeting that is keeping with the goal of a respectful and focused meeting.

Questions..

1. Need to be directed to the Chair and not to staff;
2. Need to be related directly to the topic on the agenda;
3. Need to be succinct, focused and not be a statement;
4. May not be asked that are related to personnel or directed at an individual trustee; and
5. May not be asked that are related to contract negotiations.

All of the above are directions provided for in Board Policy No. 1204 - Bylaws of the Board. The Chair may answer, may defer to staff or indicate a question may not be in keeping with the above guidelines.

The Board appreciates the public's interest and wants to ensure a professional meeting is conducted, with Question Period focused on providing guests with the clarification they seek.

Trustees also welcome questions from members of the public apart from Question Period. Their contact information is available on the School District website.

6. ADJOURNMENT

Recommendation:

That the meeting be adjourned at __ p.m.

STAFF REPORT

DATE: July 9, 2024
TO: Board of Education
FROM: Brian Iseli, Secretary-Treasurer
SUBJECT: Statutory Right-Of-Way North East Latimer

RECOMMENDED MOTIONS:

That The Board of Education of School District No. 35 (Langley) – North East Latimer Elementary School Electrical Distribution Right-Of-Way Bylaw 2024 be given first reading.

That The Board of Education of School District No. 35 (Langley) - North East Latimer Elementary School Electrical Distribution Right-Of-Way Bylaw 2024 be given second reading.

That The Board of Education of School District No. 35 (Langley) approves having all three readings of North East Latimer Elementary School Electrical Distribution Right-Of-Way Bylaw 2024 at tonight's meeting.

That The Board of Education of School District No. 35 (Langley) - North East Latimer Elementary School Electrical Distribution Right-Of-Way Bylaw 2024 be given third reading, passed and adopted on the 9th day of July, 2024.

BACKGROUND:

Pursuant to Section 96(3) of the *School Act* (British Columbia), a board of education may dispose of land or improvements, or both, subject to the orders of the minister. Pursuant to Section 29 of the *Interpretation Act* (British Columbia), "dispose" means to transfer by any method and includes charging the applicable lands. For a grant of a charge known as a statutory right of way, the approval of the Minister is not required under Ministerial Order M193/08 as the disposal is not a disposal by sale and transfer in fee simple or by way of a lease of 10 years or more, but a grant of an interest in land. There is no requirement for public consultation or to enter into a competitive bidding process involving other members of the community. There is simply a requirement to pass a bylaw stating why the right-of-way is required. BC Hydro has asked the Board to grant a statutory right to permit BC Hydro to construct and operate a structure for electrical distribution to be located on the property.

THE BOARD OF EDUCATION OF SCHOOL DISTRICT NO. 35 (LANGLEY)

NORTH EAST LATIMER ELEMENTARY SCHOOL ELECTRICAL DISTRIBUTION RIGHT-OF-WAY BYLAW
2024

WHEREAS a board of education may dispose of land or improvements owned or administered by the board of education under the authority of Section 96(3) of the *School Act* (British Columbia), subject to the Orders of the British Columbia Minister of Education and Child Care (the “**Minister**”);

AND WHEREAS the *Interpretation Act* (British Columbia) defines the word “dispose” to mean to transfer by any method and includes, among other things, grant and charge;

AND WHEREAS the Minister issued Order M193/08 (Disposal of Land or Improvements Order) effective September 3, 2008 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;

AND WHEREAS a disposal of land or improvements by way of a grant of a statutory right of way does not require approval from the Minister pursuant to Order M193/08 (Disposal of Land or Improvements Order);

AND WHEREAS Section 65(5) of the *School Act* (British Columbia) requires a board of education to exercise a power with respect to the acquisition or disposal of property owned or administered by the board of education only by bylaw;

AND WHEREAS:

- (i) The Board of Education of School District No. 35 (Langley) (the “**Board**”) owns the land and improvements known as the future North East Latimer Elementary School (the “**Property**”);
- (ii) the address of the Property is 20143 82 Avenue, Langley, British Columbia;
- (iii) the legal description of the Property is:

Parcel Identifier: 030-547-270,
Legal Description: Lot 141 Section 26 Township 8 New Westminster District Plan
EPP71810;
- (iv) the Board requires electrical distribution services for the Property from British Columbia Hydro and Power Authority (“**BC Hydro**”) and BC Hydro has asked the Board to grant it a statutory right-of-way (the “**Statutory Right-of-Way**”) to permit BC Hydro to construct and operate a structure for electrical distribution to be located on the Property approximately as shown on Schedule A attached hereto; and
- (v) the Board is satisfied that it would be in the best interests of the Board to grant the Statutory Right-of-Way and that the granting of the Statutory Right-of-Way will not interfere with the Board’s use of the Property for educational purposes.

NOW THEREFORE BE IT RESOLVED as a Bylaw of the Board that the Board enter into the Statutory Right-of-Way and grant the Statutory Right-of-Way to BC Hydro in the form required by BC Hydro, subject to such amendments as the Secretary-Treasurer may, in his discretion, consider advisable, and register the Statutory Right-of-Way against title to the Property in the Land Title Office.

BE IT FURTHER RESOLVED as a Bylaw of the Board that the Secretary-Treasurer be and is hereby authorized, on behalf of the Board, to execute and deliver the Statutory Right-of-Way in such form and with such amendments thereto as the Secretary-Treasurer may, in his discretion, consider advisable, and the Secretary-Treasurer be and is hereby authorized, on behalf of the Board, to execute and deliver all related and ancillary documents required to complete the granting of the Statutory Right-of-Way to BC Hydro on such terms and conditions as the Secretary-Treasurer may, in his discretion, consider advisable as witnessed by the signature of the Secretary-Treasurer.

This Bylaw may be cited as “School District No. 35 (Langley) North East Latimer Elementary School Electrical Distribution Right-of-Way Bylaw 2024”.

Read a first time this 9th day of July, 2024.

Read a second time this 9th day of July, 2024.

Upon unanimous agreement of the Trustees of the Board in attendance, this Bylaw was read a third time on the 9th day of July, 2024., and finally passed and adopted this 9th day of July, 2024.

Corporate Seal

Chairperson of the Board

Secretary-Treasurer

I HEREBY CERTIFY this to be a true original of School District No. 35 (Langley) North East Latimer Elementary School Electrical Distribution Right-of-Way Bylaw 2024, adopted by the Board the 9th day of July, 2024.

Secretary-Treasurer

SCHEDULE A SRW Location Sketch

Note: The area of the statutory right of way shown in the above plan is an approximate location and will be further defined by a survey to be conducted at a later date in accordance with the terms and conditions of the Statutory Right-of-Way to be settled between BC Hydro and the Board.”

BC Hydro Distribution Work Order		DES. <u>VINAY SHARMA</u>	2024-06-10
BC Hydro Map: BPI3E0 PA #: LGY 118240 CIRCUIT 2561 HRD DWG #: NONE Lat/Long: 49.15270542, -122.6643188	Municipality: TOWNSHIP OF LANGLEY Location: 20143 82 AVE Langley BC	Phone # <u>236-997-9174</u> Title: 20143 82 AVE Langley BC - 3PH PMT 208V 1600A Service	
<div style="display: flex; align-items: center;"> <div style="margin-right: 10px;"> 0m 20m 40m 60m 80m </div> <div> Design #: 0004975547 WO #: 02416892 Page 3 MAP TYPE: Design: Land REV. </div> </div>			
Crew As-Constructed Notes Date Complete (YY-MM-DD) : Crew Lead Name: Any Changes (circle one) : Yes No <input type="checkbox"/> Design / Job Updates Required <input type="checkbox"/> Other Drawing Corrections		Crew Notes <small>Unless noted otherwise, engineering content on this drawing has been produced following a documented quality management process under Permit to Practice 100249 Number using BC Hydro engineering standards authenticated by Professionals of Record under Permit to Practice Number 1002449.</small>	