

## **AGENDA**

### **OPEN MEETING OF THE BOARD OF EDUCATION SCHOOL DISTRICT NO. 58 (NICOLA-SIMILKAMEEN)**

**SCHOOL BOARD OFFICE, BOARD ROOM  
WEDNESDAY, OCTOBER 11, 2023, 6:00 P.M.**

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*Success for ALL Learners - Today and Tomorrow*

1. Acknowledgement of the Traditional Territories and Metis Community
2. Agenda
3. Minutes of the Open Meeting held September 13, 2023
4. Business Arising from the Minutes

5. **EDUCATION**

- a) South Central Interior Distance Education School Update
- b) Truth and Reconciliation – Indigenous Education Update
- c) French Immersion Program Update
- d) Feeding Futures Update
- e) Trustee Branch Meeting Preparation
- \* f) Superintendent's Report

6. **OPERATIONS**

- a) Capital Projects Update
- b) 2023-2024 Amended Capital Plan

*CAPITAL BYLAW NO. 2023/24-CPSD58-03*

*Motion for 1<sup>st</sup> Reading*

*Motion for 2<sup>nd</sup> Reading*

*Motion to move to 3<sup>rd</sup> Reading*

*Motion for 3<sup>rd</sup> Reading*

- c) Merritt Central School Bus Stop

- d) Nicola-Canford Perimeter Access

7. **AUDIT AND FINANCE**

- a) 2023-2024 Budget Timeline
- b) Public Interest Disclosure Act

8. **POLICY**

- a) Policy Committee Update
- b) Procedural Bylaw  
*Motion For Second Reading*
- c) Use of School District Property Bylaw  
*Motion for First Reading*
- d) Freedom of Information Bylaw  
*Motion for First Reading*
- e) Indemnification Bylaw  
*Motion for First Reading*

9. **TRUSTEE REPORTS**

- \* a) Student Trustee Reports
- \* b) P.A.C. Reports
- \* d) Selection of Board Committee & Representative Members

10. **CORRESPONDENCE**

11. **PUBLIC QUESTION PERIOD**

12. **ADJOURNMENT**

## MINUTES

**OPEN MEETING OF THE BOARD OF EDUCATION OF  
SCHOOL DISTRICT NO. 58 (NICOLA-SIMILKAMEEN)  
PRINCETON SECONDARY SCHOOL CONFERENCE ROOM  
WEDNESDAY, SEPTEMBER 13, 2023, 6:00P.M.**

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*Success for ALL Learners Today and Tomorrow*

PRESENT:	Chairperson	G. Swan
	Trustees	J. Jepsen (ABSENT) J. Kent-Laidlaw E. Hoisington J. Chenoweth L. Ward D. Rainer
	Superintendent	S. McNiven
	Assistant Superintendent	J. Kempston
	Secretary Treasurer	D. Richardson
	Assistant Secretary Treasurer	L. Rusnjak
	Executive Assistant	J. McGifford

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### ACKNOWLEDGEMENT OF THE TRADITIONAL TERRITORIES AND METIS COMMUNITY

### AGENDA

23/069      It was moved and seconded:  
  
              THAT the agenda be approved as presented.

**MOTION CARRIED**

## **MINUTES**

23/070

It was moved and seconded:

THAT the minutes of the Open Meeting June 14, 2023, be adopted as amended.

**MOTION CARRIED**

### **Business Arising from the Minutes**

None

## **AUDIT AND FINANCE**

### **2022/2023 Year-End Review:**

The Secretary Treasurer provided Trustees with a copy of the Financial Statements Discussion and Analysis (FSDA) report. This report is due to the Ministry of Education and Child Care September 30, 2023. In preparation for the presentation of the audited financial statements, a year-end update on the operating fund was also provided.

23/071

It was moved and seconded:

THAT the Board move to un-restrict \$182,475 of local capital and transfer to operating to offset extraordinary costs incurred throughout the 2022/23 school year.

**MOTION CARRIED**

### **2022/23 Audited Financial Statements (Virtual Presentation, BDO Canada):**

The Board's external auditor, BDO Canada LLP joined the meeting virtually and presented Trustees with the audited financial statements for the fiscal year ended June 20, 2023.

23/072

It was moved and seconded:

THAT the Board approve and sign the 2022/23 audited financial statements.

**MOTION CARRIED**

**Carry Forward Targeted Funds:**

Trustees were provided with an overview of revenue and expenses for Indigenous Education, targeted dollars, finishing the school year with a surplus of \$27,151 at June 30, 2023. Trustees were requested to make a motion to submit a letter to the Ministry of Education and Child Care, requesting permission to underspend Indigenous Education dollars by \$27,150 for the 2022/23 school year, and carry forward the targeted funds into 2023/24

23/073

It was moved and seconded:

THAT the Board submit a letter to the Ministry requesting that the school district underspend Indigenous Education dollars by \$27,150 for the 2022/23 school year and carry forward the targeted funds into the 2023/24 school year.

**MOTION CARRIED**

**EDUCATION:****Student Trustees:**

The Assistant Superintendent spoke to the importance of Student Trustees as a voice to the Board. She brought forward the opportunity for discussion on how to best move forward with student trustees to ensure that the information they provide is useful to the Trustees and honors both our Strategic Plan and Equity Scan.

**Summer Learning Presentation:**

The District Vice-Principal of Early Learning and Child Care presented on the very successful Summer Learning Program, Kick Back and Connect, that took place during July and August on both ends of the district.

**Framework for Enhancing Student Learning Support:**

The Superintendent presented the Framework for Enhancing Student Learning Report that will be submitted to the Ministry of Education and Childcare on October 2, 2023.

23/074

It was moved and seconded:

THAT the Board approve the Framework for Enhancing Student Learning Support report for submission to the Ministry of Education and Child Care

**MOTION CARRIED**

**Equity in Action – Theory of Change:**

Assistant Superintendent Kempston provided an update on the development of a “Theory of Change” based on the data collected in last year’s Equity Scan. A motion was also put forward to the Board to begin the process of updating the Nicola-Similkameen logo.

23/075

It was moved and seconded:

THAT the Board begin the process of updating the Nicola-Similkameen logo seeking input from our indigenous communities.

**MOTION CARRIED**

**Feeding Futures Fund:**

The Assistant Superintendent spoke to the Feeding Futures grant of \$350,000 from the Ministry of Education and Child Care to address food insecurity for students requiring support. Trustees were asked to provide guidance on how they would like to see these dollars dispersed. Trustees requested that the dollars be provided to schools using a model that included a per pupil amount and high priority students. Trustees also felt that two disbursements over the year would be the best approach.

**Accessibility Act Update:**

The Board was provided with an update on the Accessibility Plan process which included a draft action plan that will be brought forward to the Accessibility Plan Committee.

**Art for War and Peace Project:**

The Superintendent introduced the Art for War and Peace project that is being brought forward for each of the schools in Princeton. This includes an overview of the book “Art for War and Peace – How a Great Art Project Helped Canada Discover Itself” by Samson Matthews, which will be placed in each of the school libraries in Princeton.

### **Superintendent’s Report:**

The Superintendent circulated and spoke to his report, reflecting on the district events that have taken place over the summer months and the beginning of this new school year.

### **OPERATIONS**

#### **Flood Insurance Claim Update:**

The Secretary Treasurer provided an update from the school district’s Project Manager, Doug Boyd, that provided an overview of the work completed this past school year as well as the outstanding work in the final stages of the insurance claims.

#### **2023/24 Capital – Food Infrastructure Program (New Funding):**

The Secretary Treasurer provided Trustees with an update to the Food Infrastructure Program (FIP): a new initiative that forms part of the Ministry’s response towards assisting Boards of Education with creating, improving, or expanding infrastructure to feed students across all communities in British Columbia. To help expedite their assistance to Boards of Education, the Ministry opened applications to FIP for both the 2023/24 and 2024/25 five-year capital plans—both with a submission deadline of June 30, 2023. In June 2023 Trustees approved the submission of the 2024/24 five-year capital plan. However, the Secretary Treasurer requested that trustees make a motion, approving the submission of the 23/24 Food Infrastructure Program.

23/076

It was moved and seconded:

THAT the Board approve the capital submission for the 2023/24 Food Infrastructure Program that was introduced by Ministry of Education and Child Care after the 2023/24 Capital Plan was approved.

**MOTION CARRIED**

#### **Merritt Central School Bus Stop:**

The Secretary Treasurer provided Trustees with an update on the configuration changes being introduced by the City of Merritt on Voght Street adjacent to Merritt Central Elementary School. Both the City of Merritt and School District No. 58 are working in collaboration to ensure a feasible school bus stop at Merritt Central Elementary School.

## **POLICY**

### **Procedural Bylaw:**

The Secretary Treasurer presented Trustees with a copy of Procedural Bylaw 2-23 being brought forward for first reading. This revised bylaw would replace existing Bylaw 1-96 (No.204.1: School Board Meetings).

23/077

It was moved and seconded:

THAT Bylaw No. 2-23, Procedural Bylaw, be moved for first reading.

**MOTION CARRIED**

## **TRUSTEE REPORTS**

### **Student Trustee Reports:**

### **Trustee Reports:**

Trustee Chenoweth was not present to report on Collettsville Elementary.

Trustee Rainer reported that Vermilion Forks Elementary had not met yet.

Trustee Hoisington reported that Nicola Canford Elementary meets on Monday.

Trustee Ward reported on John Allison Elementary.

Trustee Kent-Laidlaw reported that Princeton Secondary School's meeting has not happened yet.

Trustee Jepsen was not present to report on Diamond Vale Elementary and Merritt Central Elementary.

Trustee Swan reported on Merritt Bench Elementary and Merritt Secondary School.

Recruitment strategies for DPAC remain a focus for all groups.

### **2023-2024 Board Meeting Dates:**

The Superintendent spoke to the memo in the Board package requesting monthly



Board meetings be kept to the second Wednesday of each month. The exception to this being February when the meeting will be held Wednesday, February 21<sup>st</sup>.

**2023-2024 Committee Meeting Dates:**

To be determined at a future time.

**Other Reports:**

**AAC Budget Meeting:**

The Superintendent provided a report on the recent AAC meeting highlighting the budget collaboration and the Highland Valley Copper Mine Student field trip for Indigenous students from both Princeton and Merritt.

**BCSTA Thompson Okanagan Branch Meeting:**

Trustee Ward provided an update on recent communication BCSTA recommendations pertaining to the upcoming Thompson Okanagan Branch meeting on October 13-14, 2023.

**CORRESPONDENCE**

Trustee Ward brought forward a bussing request from a Princeton parent. The Secretary Treasurer will follow-up.

**PUBLIC QUESTION PERIOD**

None.

**ADJOURNMENT**

The regular meeting adjourned at 9:13 pm.

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Chairperson

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Secretary Treasurer



**THE BOARD OF EDUCATION OF  
SCHOOL DISTRICT NO. 58 (NICOLA-SIMILKAMEEN)**

**ADMINISTRATION OFFICE**

P.O. Box 4100, 1550 Chapman Street, Merritt, B.C., V1K 1B8, Phone: (250) 378-5161, Fax: (250) 378-6263

**MEMORANDUM**

**TO: All Trustees**

**FROM: Stephen McNiven  
Superintendent of Schools**

**RE: SOUTH CENTRAL INTERIOR DISTANCE  
EDUCATION SCHOOL UPDATE**

**DATE: October 6, 2023**

Dan Duncan, Principal of South Central Interior Distance Education School (SCIDES), will provide an update on the following items:

- New Initiatives
  - The “Rink” program
- Increased enrollment
- Move to Coquihalla Middle School
- Future Plans

SMcN/sc



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SCHOOL DISTRICT NO. 58 (NICOLA-SIMILKAMEEN)**

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**MEMORANDUM**

**TO: All Trustees**

**FROM: Stephen McNiven  
Superintendent of Schools**

**RE: TRUTH AND RECONCILIATION**

**DATE: October 6, 2023**

Senior staff will provide an Indigenous Education update. The presentation will include an overview of the following items:

- Aboriginal Events & Activities
- 2023/2024 Engagement
- Local Education Agreement Committee
- Student Attendance and Engagement
  - Indigenous Student Engagement Facilitator
  - Extra-curricular Activities

A link to the current Local Education Agreement is below for your review:

[LEA\\_August-2020-to-July-2025.pdf \(sd58.bc.ca\)](https://sd58.bc.ca/LEA_August-2020-to-July-2025.pdf)

A handwritten signature in black ink, appearing to read 'SMcN', followed by a horizontal line.

SMcN/sc





**THE BOARD OF EDUCATION OF  
SCHOOL DISTRICT NO. 58 (NICOLA-SIMILKAMEEN)**

**ADMINISTRATION OFFICE**

P.O. Box 4100, 1550 Chapman Street, Merritt, B.C., V1K 1B8, Phone: (250) 378-5161, Fax: (250) 378-6263

**MEMORANDUM**

**TO: All Trustees**

**FROM: Jane Kempston  
Assistant Superintendent**

**RE: FEEDING FUTURES**

**DATE: October 6, 2023**

We are very pleased to report that the \$350,000.00 in Feeding Futures dollars have been disbursed for the 2023 – 2024 school year. Funds have been earmarked for both minor equipment upgrades and the hiring of a food program coordinator; however, as reported at the last meeting, more than \$280,000.00 has been put directly into the hands of schools in order to ensure that every child has access to nutritional food on a daily basis. We thank the board for their input in determining that the distribution of funds across the district should be based on a combination of students per school and a provincially recognized vulnerability index. We would like to express our gratitude to the Ministry of Education and Childcare for this opportunity and encourage families to reach out to schools or the district if they feel that they would benefit from food support during a challenging economic time for so many.

A handwritten signature in black ink, appearing to be 'JK', followed by a long, horizontal, wavy line.

JK/sc



**THE BOARD OF EDUCATION OF  
SCHOOL DISTRICT NO. 58 (NICOLA-SIMILKAMEEN)**

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**MEMORANDUM**

**TO: All Trustees**

**FROM: Stephen McNiven  
Superintendent of Schools**

**RE: BCSTA THOMPSON-OKANAGAN BRANCH  
MEETING PRESENTATION**

**DATE: October 6, 2023**

Senior staff will provide an overview of the upcoming Thompson-Okanagan Branch Meeting being hosted on October 13<sup>th</sup> and 14<sup>th</sup> by the Nicola-Similkameen School District. In advance of the presentation, the District would like to thank Nicola Valley Institute of Technology, Nicola-Canford Elementary School and the Ministry of Education and Child Care for their support. Trustees will also discuss and consider the submission of the following draft motion titled 'Support for Youth Mental Health' to the upcoming Thompson-Okanagan Branch Meeting.

SMcN/sc

## Motion Title - Support for Youth Mental Health

2. Motion Type
  - a. Substantive
3. Motion Intended for Meeting
  - a. Fall PC 2023
4. Sponsor
  - a. SD58
5. Additional Sponsor
  - a. Thompson Okanagan Branch
6. Authorization
  - a. Put in who is authorized to discuss and if necessary, edit motion
7. BCSTA Bylaws, Policies and Foundation Statement
  - a. Resolution Committee will need to look at Foundational Statements and Policies to complete
8. Motion
  - a. That BCSTA request that Government supports the creation of a working group consisting of BCSTA, applicable Ministry's, Right Holders and Partner Groups to prepare a recommendation to the Ministry of Finance that will provide incentives for Youth Mental Health Workers to locate in Rural and Remote Communities to meet the needs of Children and Youth in said communities. The work is desired to be completed prior to the tabling of the Provincial Budget in 2024.
9. Rational (this section likely needs more data driven research)
  - a. Rural and remote communities are continuing to be underserved, to a greater extent, by the provincial government with regards to Youth Mental Health when compared to larger urban centers. By way of example, (we can add more) the community of Princeton has been without a Youth Mental Health Worker for 7 years. This lack of Youth Mental Health Workers has put additional stresses on the Public Education System as school Counsellors attempt to fill a gap that in many instances, they are simply not equipped to handle which in turn puts our most vulnerable students at greater risk that the student population as a whole.
  - b. We believe incentives could include, for consideration, but are not limited to the following
    - i. Student Loan Forgiveness in return for locating for a period of 3 years in a rural or remote community
    - ii. A Labour Market Adjustment to wages paid in Rural or Remote Communities
    - iii. Subsidized Housing
    - iv. Wage top-ups to NGOs / Not For Profits in Rural and Remote Communities

- v. An income tax credit to individuals working as Youth Mental Health Workers in Rural and Remote Communities
- vi. Increased funding for travel allocations across Ministries and to Not For Profits to be able to serve Rural and Remote communities on a weekly basis where it is not possible to establish a permanent presence in the community.

DRAFT





**THE BOARD OF EDUCATION OF  
SCHOOL DISTRICT NO. 58 (NICOLA-SIMILKAMEEN)**

**ADMINISTRATION OFFICE**

P.O. Box 4100, 1550 Chapman Street, Merritt, B.C., V1K 1B8, Phone: (250) 378-5161

**MEMORANDUM**

**TO:** All Trustees

**FROM:** Dylan Richardson  
Secretary Treasurer/CFO

**RE:** CAPITAL PROJECTS UPDATE

**DATE:** OCTOBER 6, 2023

The summer months proved to be quite busy with the deployment of capital projects. Trustees are provided with an update on our ongoing and upcoming capital projects aimed at enhancing the school district's infrastructure and services:

1. By-Law Capital Projects
2. Local Capital Projects
3. Annual Facilities Capital projects

Operations Manager Mr. Finnigan and his team actively monitor and address any potential risks or challenges that may impact project timelines or budgets. Our plan is to provide trustees with a bi-monthly update with the school district's capital programs.

Dylan Richardson  
Secretary Treasurer/CFO

DR/jmg

Updated Oct 4, 2023						
School	Project	Funding	Budget	YTD/Committed	% Complete	Owener/ Comments
MSS	Condensing Unit	Minor capital - SEP	414,560	196,088	25%	Ordered/Delivery in April 2024
Riverside	HVAC replacement	Minor capital - CNCP	240,000	171,029	95%	Near Completed
PSS	Shop HVAC	Minor capital - SEP	500,000	28,304	20%	Engineering Phase
Bench	Playground	Minor capital - PEP	195,000	205,581	0%	Ordered/Over budget funds are coming from the school and PAC
Total			1,349,560	601,002		
Princeton Shop Flooring	Abatement & Flooring	Local Capital	16,500	17,187	100%	Completed
Bus Shop Siding	Siding repairs	Local Capital	10,000	0	0%	Waiting on supplies
Various Schools	Custodian Equipment	Local Capital	22,000	24,970	100%	Completed
Tractor Princeton	New Tractor	Local Capital	80,000	77,407	100%	Arriving week of Oct 9th.
SCIDES move	Update area	Local Capital	55,000	50,582	95%	
JA Washroom	Old Portable	Local Capital	12,000	1,744	40%	Waiting on contractors for plumbing.
District	Interactive Displays	Local Capital	40,000	0	100%	PO for \$86,700, waiting for invoice from Ricoh
District	Furniture	Local Capital	50,000	5,178	10%	District Furniture purchases
District	Computer Equipment	Local Capital	93,000	110,970	100%	Computers deployed to schools in 23/24
District	Childcare Project	Local Capital	100,000	0		Contingency for childcare spaces funding
District	Ricoh HR/Finance Workflow	Local Capital	50,000	6,787	14%	Project on hold
District	IT Infrastructure	Local Capital	34,000	0		Contracted Services, Laptop Carts
District	Finance/Dist upgrades	Local Capital	0	28,443		Cayenta/SDS upgrades, Conference room upgrades
Total			562,500	323,268		
Total			1,912,060	1,373,894		

**AFG 2023/24**

SCHOOL	Budget	YTD Inv/committed	Percent Complete	Owner/Comments
<b>Merritt Bench</b>				
Portable furnace/air	13,700	13,549	100%	Replacement furnace for a Portable
Bench HVAC	50,000	50,000	0%	Districts portion for Ministry's additional funding
<b>TOTAL</b>	<b>63,700</b>	<b>63,549</b>		
<b>Collettsville</b>				
Exterior Doors	5,000	0	25%	Replacing old doors that are delaminating from the weather.
Heating Control Valves	7,000	0	50%	Replacing old worn room control valves.
Hydronic repairs	2,000	463	100%	Repairs to the boiler system.
<b>TOTAL</b>	<b>14,000</b>	<b>463</b>		
<b>Diamond Vale</b>				
Heating Control Valves	5,000	0	0%	Replacing old worn room control valves.
Exterior Doors	6,000	0	0%	Replacing old doors that are delaminating from the weather.
<b>TOTAL</b>	<b>11,000</b>	<b>0</b>		
<b>Nicola Canford</b>				
NC basketball court asphalt	15,143	15,113	100%	Replacing the basketball court asphalt.
Paving	10,000	0	0%	Paving
Heat Pump Repairs	16,900	4,588	50%	Replacement of old heating components
Gym Floor Refinishing	5,000	3,190	100%	Refinishing and sealing the gym floor.
<b>TOTAL</b>	<b>47,043</b>	<b>22,891</b>		
<b>Merritt Secondary</b>				
Paint MSS wood shop floors, walls & work zones.	20,000	23,554	90%	Epoxy floor coating and paint
Hydronic Pump Replacements	25,000	21,841	100%	Replacement pumps for boiler systems
Chilled water loop repairs	3,000	0	100%	Repairs on aging cooling system
Interior painting	5,000	0	0%	Painting for classrooms and offices
Hand dryers	8,000	5,194	100%	Replacing papertowel dispensers with electric hand dryers.
<b>TOTAL</b>	<b>61,000</b>	<b>50,589</b>		
<b>Merritt Central</b>				
Expansion Tank repairs	2,000	0	0%	Boiler system repairs
Boiler room Repairs	10,000	0	0%	Reconfigure piping due to heating issues from past years.
Gym Floor Refinishing	5,000	3,190	100%	Refinishing and sealing the gym floor.
<b>TOTAL</b>	<b>17,000</b>	<b>3,190</b>		
<b>Bridge/Riverside</b>				
Paint	5,000	1,250	100%	Painting for classrooms and offices
<b>TOTAL</b>	<b>5,000</b>	<b>1,250</b>		
<b>Princeton Secondary School</b>				
PSS counters	20,000	27,645	100%	Replacing countertops in the lunchroom and the foods classroom.
Princeton Field House Asbestos remediation and repairs	10,000	9,114	100%	Vermiculite abatement at the fieldhouse to make it safe for storage and other uses.
Duct Cleaning	33,665	33,172	100%	Cleaning of all HVAC ducting. This is done at all school every 5-7 years.
Boiler room Repairs	8,270	0	0%	Replacing old valves
Asphalt	0	0	0%	Replacement of old asphalt
Exterior Doors	15,000	0	25%	Replacing old doors that are delaminating from the weather.
<b>TOTAL</b>	<b>86,935</b>	<b>69,931</b>		
<b>Vermilion Forks</b>				
Paint Exterior	0	0	0%	Unable to secure a contractor. Will continue for the spring.
Countertops	1,500	1,394	100%	Replace old countertops
Gym Floor	35,000	36,539	100%	Replacing the gym floor.
Shutters	55,801	55,801	100%	Controls for shutters
<b>TOTAL</b>	<b>92,301</b>	<b>93,734</b>		
<b>John Allison</b>				

Paint Exterior	0	0	0%	Unable to sucure a contractor. Will continue for the spring.
Outdoor classroom	10,000	6,762	90%	Funds to finish the outdoor classroom.
Sprinkler System Repairs	7,500	7,620	100%	Repair leaking sprinkler system
Asphalt rear play area	56,000	54,331	100%	new asphalt for entire area between the portables and the school.
Fencing	0	0	0%	Replacing a old damaged fence next to the playground.
<b>TOTAL</b>	<b>73,500</b>	<b>68,713</b>		
<b>District Projects/All Schools/Labour</b>				
IT upgrades	85,600	76,607	100%	Upgraded access points for schools
Line painting	20,000	19,938	100%	Parking lot and playground lines
Transfer to MBE HVAC	50,000	0	95%	Bench HVAC
Maintenance Staff	150,000	21,299	14%	
<b>TOTAL</b>	<b>305,600</b>	<b>117,845</b>		
<b>AFG Total</b>	<b>777,079</b>	<b>492,155</b>		
<b>AFG Budget</b>	<b>777,079</b>			



**THE BOARD OF EDUCATION OF  
SCHOOL DISTRICT NO. 58 (NICOLA-SIMILKAMEEN)**

**ADMINISTRATION OFFICE**

P.O. Box 4100, 1550 Chapman Street, Merritt, B.C., V1K 1B8, Phone: (250) 378-5161

**MEMORANDUM**

**TO:** All Trustees

**FROM:** Dylan Richardson  
Secretary Treasurer/CFO

**RE:** 2023/2024 Amended Capital By-Law

**DATE:** October 6, 2023

Trustees will be presented with the Ministry Response to the Annual Five-Year Capital Plan Submission Amendment for 2023/24. The amendment to the capital plan includes the newly introduced Food Infrastructure Program introduced last year by the Ministry of Education and Child Care.

Trustees will be requested for a motion that is enclosed with the Capital By-Law No. 2023/24-CPSD58-03, for first, second, and third reading.

Dylan Richardson  
Secretary Treasurer/CFO

DR/jmg



September 15, 2023

Ref: 293335

To: Secretary-Treasurer and Superintendent  
School District No. 58 (Nicola-Similkameen)

**Capital Plan Bylaw No. 2023/24-CPSD58-03**

Re: Ministry Response to the Annual Five-Year Capital Plan Submission Amendment for 2023/24

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This letter is in response to your School District's 2023/24 Annual Five-Year Capital Plan submissions for Major Capital Programs and Minor Capital Programs and provides direction for advancing supported and approved capital projects. **Amended sections appear bolded below.**

The Ministry has reviewed all 60 school districts' Annual Five-Year Capital Plan submissions for Major Capital Programs and Minor Capital Programs to determine priorities for available capital funding in the following programs:

- Seismic Mitigation Program (SMP)
- Expansion Program (EXP)
- Replacement Program (REP)
- Site Acquisition Program (SAP)
- Rural District Program (RDP)
- School Enhancement Program (SEP)
- **School Food Infrastructure Program (FIP)\***
- Carbon Neutral Capital Program (CNCP)
- Building Envelope Program (BEP)
- Playground Equipment Program (PEP)
- Bus Acquisition Program (BUS)

\*Note: The FIP is a new program commencing in fiscal year 2023/24. FIP project requests are required to be submitted as part of the capital plan submissions that are due on June 30, 2023. School districts will be advised of approved FIP projects in early fall via an amended 2023/24 Capital Plan Response letter. Further information regarding the scope of the program, program criteria, and eligible projects will be included in the 2024/25 Capital Plan Instructions.

The following tables identify major capital projects that are supported to proceed to the next stage, if applicable, as well as minor capital projects that are approved for funding and can proceed to procurement.

### **MINOR CAPITAL PROJECTS (SEP, CNCP, BEP, PEP, BUS)**

Below are tables for the minor capital projects that are approved. The table identifies School Enhancement Program (SEP), Carbon Neutral Capital Program (CNCP), Building Envelope Program (BEP), Playground Equipment Program (PEP), as well as the Bus Acquisition Program (BUS), if applicable.

#### **New projects for SEP, CNCP, BEP, PEP**

Facility Name	Program Project Description	Amount Funded by Ministry	Next Steps & Timing
Princeton Secondary	SEP – HVAC Upgrades	\$500,000	Proceed to design, tender & construction. To be completed by March 31, 2024.
Merritt Secondary*	SEP – HVAC Upgrades	\$414,560	Proceed to design, tender & construction. To be completed by December 31, 2023.
Riverside Intermediate	CNCP – HVAC Upgrades	\$240,000	Proceed to design, tender & construction. To be completed by March 31, 2024.
Merritt Bench Elementary	PEP – Accessible Playground Equipment	\$195,000	Proceed to design, tender & construction. To be completed by March 31, 2024.
Merritt Bench Elementary	SEP – HVAC Upgrades	\$250,000	Proceed to design, tender & construction. To be completed by March 31, 2024.
<b>Merritt Bench Elementary, Princeton Secondary</b>	<b>FIP – Kitchen Equipment</b>	<b>\$185,000</b>	<b>Proceed to design, tender &amp; construction. To be completed by March 31, 2024.</b>

*\*Please contact your Minor Capital planning officer for information on funding structure.*

An Annual Programs Funding Agreement (APFA) accompanies this Capital Plan Response Letter which outlines specific Ministry and Board related obligations associated with the approved Minor Capital Projects for the 2023/24 fiscal year as listed above.

In accordance with Section 143 of the *School Act*, Boards of Education are required to adopt a single Capital Bylaw (using the Capital Bylaw Number provided at the beginning of this document) for its approved 2023/24 Five-Year Capital Plan as identified in this Capital Plan Response Letter. For additional information, please visit the Capital Bylaw website at:

**<https://www2.gov.bc.ca/gov/content/education-training/k-12/administration/capital/planning/capital-bylaws>**



The Capital Bylaw must be uploaded to MyCAPS and the APFA must be signed, dated, and emailed to Ministry Planning Officer Nathan Whipp at [Nathan.Whipp@gov.bc.ca](mailto:Nathan.Whipp@gov.bc.ca) as soon as possible. Upon receipt the Ministry will issue Certificates of Approvals as defined in the APFA.

As the 2023/24 Capital Plan process is now complete, the Capital Plan Instructions for the upcoming 2024/25 Annual Five-Year Capital Plan submission process (using the Ministry's Capital Asset Planning System (CAPS) online platform) are available on the Ministry's [Capital Planning](#) webpage as of April 1<sup>st</sup>, 2023.

NOTE: School districts' Capital Plan submission deadlines for the 2024/25 fiscal year, using the CAPS online platform, will be as follows:

- June 30, 2023 – Major Capital Programs (SMP, EXP, REP, RDP, SAP, BEP); Minor Capital Programs (FIP).
- September 30, 2023 – Minor Capital Programs (SEP, CNCP, PEP, BUS).

The staggered deadlines are intended to provide the Ministry with input required to initiate planning for the next budget cycle, while enabling school districts additional time and flexibility to plan over the summer. School districts may wish to provide Major and Minor Capital submissions by the June 30, 2023 deadline.

Additionally, the Annual Facility Grant (AFG) project requests for the 2023/24 fiscal year are to be submitted using the CAPS online platform, on or before **May 19, 2023**.

Please contact your respective Regional Director or Planning Officer as per the [Capital Management Branch Contact List](#) with any questions regarding this Capital Plan Response Letter or the Ministry's capital plan process.

Sincerely,

A handwritten signature in blue ink that reads "Damien Crowell".

Damien Crowell, A/Executive Director  
Capital Management Branch

pc: Geoff Croshaw, A/Director, Major Capital Projects, Capital Management Branch  
Michael Nyikes, Director, Minor Capital Programs and Finance Unit, Capital Management Branch



**CAPITAL BYLAW NO. 2023/24-CPSD58-03**  
**CAPITAL PLAN 2023/24**

WHEREAS in accordance with section 142 of the *School Act*, the Board of Education of School District No. 58 (Nicola-Similkameen) (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,

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 amended 2023/24 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 September 15, 2023, is hereby adopted.
- 2. This Capital Bylaw may be cited as *School District No. 58 (Nicola-Similkameen)* Capital Bylaw No.2023/24-CPSD58-03.

READ A FIRST TIME THE 11<sup>th</sup> DAY OF October 2023;  
READ A SECOND TIME THE 11<sup>th</sup> DAY OF October 2023;  
READ A THIRD TIME, PASSED THE 11<sup>th</sup> DAY OF October 2023.

***APPLY CORPORATE SEAL***

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Board Chair

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Secretary-Treasurer

I HEREBY CERTIFY this to be a true and original *School District No. 58 (Nicola-Similkameen)* Capital Bylaw No. 2023/24-CPSD58-03 adopted by the Board the 11th day of October 2023.

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Secretary-Treasurer



**THE BOARD OF EDUCATION OF  
SCHOOL DISTRICT NO. 58 (NICOLA-SIMILKAMEEN)**

**ADMINISTRATION OFFICE**

P.O. Box 4100, 1550 Chapman Street, Merritt, B.C., V1K 1B8, Phone: (250) 378-5161

**MEMORANDUM**

**TO: All Trustees**

**FROM: Dylan Richardson  
Secretary Treasurer/CFO**

**RE: MERRITT CENTRAL SCHOOL BUS STOP**

**DATE: October 6, 2023**

Reconfiguration changes being introduced to the road and sidewalk on Voght Street have brought about changes to the school bus stop at Merritt Central School. The City of Merritt and the school district have been working together on a bus stop solution that is safe for students while not disrupting the flow of traffic on Voght Street.

As part of the reconfiguration of the sidewalk, a let-down will be provided and a new driveway installed into the southern end of the school (see screen shot enclosed). The new driveway will be reserved for bus traffic and buses will stop in the parking lot at the southeast end of the school. Bus traffic will then circle around to and exit from the main parking lot entrance back on to Voght Street.

The school district expresses its thanks to the City staff for considering the needs and safety of students as part of their overall project design on Voght Street.

Dylan Richardson  
Secretary Treasurer/CFO

DR/jmg

## Merritt Central Elementary Bus Stop Change





**THE BOARD OF EDUCATION OF  
SCHOOL DISTRICT NO. 58 (NICOLA-SIMILKAMEEN)**

**ADMINISTRATION OFFICE**

P.O. Box 4100, 1550 Chapman Street, Merritt, B.C., V1K 1B8, Phone: (250) 378-5161

**MEMORANDUM**

**TO:** All Trustees

**FROM:** Dylan Richardson  
Secretary Treasurer/CFO

**RE:** NICOLA-CANFORD PERIMETER ACCESS

**DATE:** October 6, 2023

The school district hosted a meeting with various stakeholder groups within the community of Lower Nicola to discuss short and long-term solutions for pedestrians walking to and from Nicola-Canford Elementary School. Members from the Ministry of Transportation and Infrastructure, Lower Nicola Water Works, and the Thompson Nicola Regional District, local property owners, along with school board trustees and senior staff were represented.

We are pleased to report that meaningful discussions took place with a unified stance towards safety for students and citizens of Lower Nicola. The school district and stakeholders continue to work towards a short-term and long-term solution.

Dylan Richardson  
Secretary Treasurer/CFO

DR/jmg



**THE BOARD OF EDUCATION OF  
SCHOOL DISTRICT NO. 58 (NICOLA-SIMILKAMEEN)**

**ADMINISTRATION OFFICE**

P.O. Box 4100, 1550 Chapman Street, Merritt, B.C., V1K 1B8, Phone: (250) 378-5161

**MEMORANDUM**

**TO:** All Trustees

**FROM:** Dylan Richardson  
Secretary Treasurer/CFO

**RE:** 2023-2024 BUDGET TIMELINE

**DATE:** October 6, 2023

Trustees are provided with a timeline of key events that influence the budget process for the 2023-2024 fiscal year.

February 2023	Enrolment Projections submitted for 2023-2024.
March 2023	Ministry announces funding to school districts, for 2023-2024
June 2023	Board of Education adopts the 2023-2024 Annual Budget.
July 2023	Starting of the fiscal year, 2023-2024
September 2023	Student enrolment verified with the Ministry
December 2023	Ministry announced final funding allocations, comparing September student enrolment verification to the February enrolment projections
February 2024	Board of Education adopts the 2023-2024 Amended Annual Budget
June 2023	End of the fiscal year, 2023-2024

Dylan Richardson  
Secretary Treasurer/CFO

DR/jmg



**THE BOARD OF EDUCATION OF  
SCHOOL DISTRICT NO. 58 (NICOLA-SIMILKAMEEN)**

**ADMINISTRATION OFFICE**

P.O. Box 4100, 1550 Chapman Street, Merritt, B.C., V1K 1B8, Phone: (250) 378-5161, Fax: (250) 378-6263

**MEMORANDUM**

**TO: All Trustees**

**FROM: Stephen McNiven  
Superintendent of Schools**

**RE: PUBLIC INTEREST DISCLOSURE ACT**

**DATE: October 6, 2023**

Barb McLean, Manager of Human Resources, will provide an overview of the Public Interest Disclosure Act. The overview will include the following:

- Purpose of the Public Interest Disclosure Act
- The Definition of Serious Wrongdoing
- Responsibilities of the District and Trustees
- Training Requirements

SMcN/sc

# Public Interest Disclosure Act Introduction

The **Public Disclosure Act** (PIDA) originally came into force on December 1, 2019 and establishes “whistleblower” protection for employees in the public sector. PIDA is now being applied to School Districts and comes into effect on December 1, 2023.

This overview is to provide you with information on this new legislative requirement, how it applies to Trustees, and its application in our District.

PIDA’s purpose is to provide a mechanism for current and former employees in the BC public sector to raise serious or systemic issues of wrongdoing without risk of retaliation.

Any past or present employee or trustee of a school district can make a complaint under PIDA provided they were with the school district at the time the alleged wrongdoing occurred or at the time the wrongdoing was discovered.

PIDA does not apply to complaints that are received from parents or other members of the community. However, if such allegations are received by a school district and they disclose possible “wrongdoing”, the school district should still investigate and respond to them in accordance with existing procedures.

# Application of the Act

PIDA is intended to encourage transparency, accountability and ethical decision making by creating a process for existing and former employees (including Trustees) to report serious wrongdoing within an organization.

- a) Wrongdoing is defined under this Act as a serious act or omission that, if proven, constitutes an offence of the laws of British Columbia or Canada
- b) An act or omission that creates a substantial and specific danger to the life, health or safety of persons, or to the environment
- c) A serious misuse of public funds
- d) Gross or systemic mismanagement
- e) Knowingly directing or counselling a person to commit wrongdoing

Within a school district, PIDA vests responsibility for compliance with the “head” of the school district – the Superintendent of Schools. The Superintendent may also be the “Designated Officer” and is responsible for receiving and ensuring that any reports of wrongdoing are investigated in accordance with Act, and the policies and procedures of the District.



# Reporting Process

An employee can make a report internally to their supervisor or the Designated Officer (Superintendent). They can also choose to make a report directly to a Trustee of the District or to the Office of the Ombudsperson of British Columbia.

Reports can be made anonymously. However, the school district may not be obliged to investigate an anonymous report unless the report provides sufficient detail to conduct a fair investigation.

A reporting form is available to assist employees in making a report with the necessary detail to enable it to be investigated.

Should a Trustee receive a report or inquiry they must communicate this to the Designated Officer to begin the investigation process. If the complaint involves potential wrongdoing by the Designated officer, the Trustee must report the complaint to the Office of the Ombudsperson of British Columbia for investigation.

## All Trustees are responsible to:

- Make any disclosures in good faith and on the basis of a reasonable belief that wrongdoing has or is expected to occur.
- Refrain from engaging in Reprisals and report all Reprisals in accordance with PIDA procedures
- Maintain the confidentiality of Personal Information received in connection with a Disclosure, request for Advice or Investigation in accordance with the Policy, this procedure and PIDA

# Training Materials

The Superintendent must ensure that Trustees and employees have information about PIDA and how to make a disclosure of wrongdoing. Trustees and employees must receive training and resources that cover:

- Basic information about PIDA and what wrongdoing is
- PIDA's protections – confidentiality and prohibitions on reprisal
- How to make a disclosure or get advice
- What they can expect from an investigation as a discloser or a witness
- How to make a reprisal complaint to the Ombudsperson

To ensure the district is compliant in meeting these training requirements a training video has been provided to be shared with all current employees. Going forward this video will be included as part of the Onboarding and Orientation process for all new-hires to the district.

This is the link – it will be shared via email with you as a working, active hyperlink along with a more detailed copy of this presentation.

<https://vimeo.com/853156611/5f8ad5798e>



**THE BOARD OF EDUCATION OF  
SCHOOL DISTRICT NO. 58 (NICOLA-SIMILKAMEEN)**

**ADMINISTRATION OFFICE**

P.O. Box 4100, 1550 Chapman Street, Merritt, B.C., V1K 1B8, Phone: (250) 378-5161, Fax: (250) 378-6263

**MEMORANDUM**

**TO: All Trustees**

**FROM: Stephen McNiven  
Superintendent of Schools**

**RE: PROCEDURAL BYLAW -  
REVISION AND SECOND READING**

**DATE: October 6, 2023**

Enclosed is an updated copy of Bylaw No. 2-23 Procedural Bylaw. The bylaw has been updated based on the feedback provided by Lower Nicola Indian Band. The updates have been completed on the following feedback and are highlighted in the draft document:

- Section 5.3.4 – addition stating that a copy of the agenda and supporting material will be emailed to Rights-Holders 48 hours in advance of the meeting
- Section 5.6 – a change of “begin with recognition” to “begin with meaningful recognition”
- Section 10.3 – addition stating that significant consideration should be given to having at least one Board Meeting per year at a Rights-Holder location
- Section 10 – addition of the commitment to have a report on Indigenous Education
- Section 10.5.1 a change of “Call to order and acknowledgement of” to “Call to order and provide meaningful acknowledgement of”
- Section 11.1 a move of “Rights-Holders” to follow parents

Trustees will be asked to complete the second reading of the Procedural Bylaw.

SMcN/sc

**BOARD OF EDUCATION OF SCHOOL DISTRICT NO.58  
(NICOLA-SIMILKAMEEN)**

**BYLAW NO. 2-23  
PROCEDURAL BYLAW**

A Bylaw of the Board of Education of School District No. 58 (Nicola-Similkameen), hereinafter called "the Board", to establish procedures governing the conduct of meetings of the Board

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**WHEREAS** the *School Act* requires the Board to establish procedures to govern meetings of the Board.

**AND WHEREAS** the Board wishes to enact meeting procedures to support meetings being conducted in a democratic, transparent and efficient manner.

**NOW THEREFORE** the Board of Education of School District No.58 (Nicola-Similkameen) in an open meeting, hereby **ENACTS AS FOLLOWS**:

**1. CITATION**

- 1.1 This Bylaw may be cited as School District No. 58 (Nicola-Similkameen) Procedural Bylaw xx.
- 1.2 The rules contained in this Bylaw may be amended by bylaw only, at a meeting of which notice of intention to propose the amendment has been given at the previous meeting and in the notice of the meeting.
- 1.3 A copy of the Board's procedural Bylaw shall be available for inspection at all reasonable times by any person.

**2. DEFINITIONS**

- 2.1 The terms used in this Bylaw have the meanings assigned by *the School Act* except as when the context indicates otherwise.

**3. OATH OF OFFICE, INAUGURAL MEETING AND ELECTION OF BOARD OFFICERS**

- 3.1 A person elected or appointed as a Trustee must take a prescribed oath of office, by oath or solemn affirmation, within the timelines outlined in the *School Act*, before assuming their role as a Trustee on the Board.
- 3.2 After the general local election of Trustees, the Secretary Treasurer shall convene a first meeting of the Board as soon as possible and, in any event, within 30 days from the date that the new Board begins its term of office.
- 3.3 The Secretary Treasurer will call the meeting to order and will preside until a Chair has been elected.

- 3.4 The Secretary Treasurer shall announce the results of Trustee elections and confirm that all Trustees have taken the oath of office, or shall administer, or cause to be administered, the oath of office to Trustees who have not taken it.
- 3.5 The Secretary Treasurer shall call for nominations three times for the position of Board Chair.
- 3.5.1 Trustees may not nominate themselves.
  - 3.5.2 Nominations do not require a seconder.
  - 3.5.3 After each nomination, the Secretary Treasurer will request that each candidate accept or decline their nomination.
  - 3.5.4 Once nominations are closed, Trustees, who have accepted a nomination, may address their colleagues for two minutes.
  - 3.5.5 Trustees who are not elected for one office may accept a nomination for another office.
- 3.6 The Secretary Treasurer will then conduct a vote, if necessary, by secret ballot. The Secretary Treasurer may designate one or more staff members as scrutineers to count the ballots. A person receiving a majority of the total votes cast will be elected Chair of the Board.
- 3.6.1 If no person receives a clear majority, further ballots will be taken.
  - 3.6.2 If more than two candidates are on a ballot and no majority is reached, the person with the least number of votes will be dropped from the nominees and a further ballot conducted.
  - 3.6.3 If any vote involving only two Trustees ends in a tie vote, the election shall be decided by drawing of lots.
  - 3.6.4 All ballots will be destroyed.
  - 3.6.5 The Secretary Treasurer will declare the duly elected Chair of the Board and will vacate the Chair.
- 3.7 The Chair so elected shall assume the Chair for the remainder of the meeting.
- 3.8 Upon assuming the Chair, the Chair will call for nominations for Vice Chair of the Board, and then for the BCSTA Provincial Council and BCPSEA Representatives (and their alternates) for the ensuing year and will conduct each election in the same manner as described in 3.5 and 3.6 above.
- 3.8.1 If possible, the Chair shall be from one electoral area and the Vice-Chair shall be from another electoral area.
- 3.9 The Chair and Vice Chair serve in their roles at the pleasure of the Board or until the annual Special Meeting in the following November.
- 3.9.1 A majority of the Board may elect a new Chair or Vice-Chair at any time.
- 3.10 Following the elections, the order of business shall include:
- 3.10.1 passage of banking resolutions and appointment of signing officers; and,
  - 3.10.2 appointment of time and place for meetings.

#### **4. ANNUAL SPECIAL MEETING OF THE BOARD AND ELECTION OF BOARD OFFICERS**

- 4.1 In the years when no inaugural meeting is required, an annual Special Meeting of the Board will be held, in public, no later than the third Wednesday in November to appoint representatives to the BCSTA Provincial Council and BCPSEA Representatives (and their alternates) for the ensuing year in accordance with 3.8 above.

## 5. MEETINGS OF THE BOARD – AGENDAS, QUORUM AND MINUTES

- 5.1 Prior to each meeting, the Secretary Treasurer is responsible to prepare an agenda in consultation with the Chair and Superintendent outlining all business to be brought before the Board.
- 5.2 Proposed agenda items may be requested to be on the agenda in one of the following ways:
  - 5.2.1 Individual Trustees wishing to have business brought before the Board will forward the business item to the Chair and Secretary Treasurer to facilitate appropriate action.
  - 5.2.2 As a request from a Committee of the Board.
  - 5.2.3 At the commencement of a meeting, in the event a Trustee believes that an item requires immediate attention, the Chair will allow the item to be added to the agenda provided that no objection is raised by any Trustee in attendance. If an objection is raised, the item will be added to a subsequent Board meeting.
- 5.3 The Board agenda and supporting documentation will be provided to each Trustee in an electronic format, at least 48 hours prior to the meeting.
  - 5.3.1 Every effort will be made to deliver the agenda and all supporting material to Trustees at least three working days prior to the time of Regular and Closed Meetings.
  - 5.3.2 Non receipt by a Trustee shall not void the proceedings.
  - 5.3.3 Written notice of any meeting will be waived provided that reasonable steps have been taken to notify all Trustees of the meeting and that the majority of the sitting Trustees agree to the waiving of the written notice.
  - 5.3.4 The agenda and supporting material for each Regular Meeting will be emailed to Rights-Holders and stakeholders 48 hours in advance of the meeting.
  - 5.3.5 The agenda and supporting material for each Regular Meeting will be available for the public and interested media through the District website subsequent to delivery of the agenda to Trustees.
  - 5.3.6 Additional supporting information or related correspondence may be provided to the Board up to the start of the meeting if the information and correspondence is related to items on the published agenda.
- 5.4 A quorum of the Board is a majority of the Trustees holding office at the time of the meeting.
  - 5.4.1 If, prior to any meeting, the Chair and/or the Secretary Treasurer have received information suggesting there will not be a quorum, the meeting may be rescheduled, and attempts will be made to contact all Trustees.
  - 5.4.2 At the appointed time for commencement of a meeting, the presiding officer shall ascertain that a quorum is present before proceeding to the business of the meeting. If a quorum has not been made within one-half hour after the appointed time, then the meeting will stand adjourned until the next meeting date or until another meeting has been called in accordance with this Bylaw.
  - 5.4.3 After a meeting has commenced, if notice is drawn to a lack of quorum, the presiding officer shall ascertain whether there is a lack of quorum and, if so found, adjourn the meeting to the next regular meeting date or to another meeting called in accordance with this Bylaw.
- 5.5 In the event both the Chair and Vice Chair are absent, and a quorum is present, the Secretary Treasurer will call the Trustees to order and the Trustees will choose a Trustee to chair the meeting until the arrival of the Chair or Vice Chair.

- 5.6 All meetings will begin with **meaningful** recognition of the ancestral, traditional and unceded territories of the Nle?kepmx and Syilx people and acknowledgement of the Metis communities.
- 5.7 At all meetings, the Secretary Treasurer must be present at the time that a decision of the Board is rendered and must record any decision. If the Secretary Treasurer is unable to attend the meeting, or if the meeting concerns the work performance or employment of the Secretary Treasurer the Board may designate another employee of the Board to attend the meeting in place of the Secretary Treasurer to perform the duties of the Secretary Treasurer at the meeting.
- 5.8 Any Trustee with a conflict of interest in a Meeting will:
- 5.8.1 state that they have a conflict of interest in the matter;
  - 5.8.2 state the general nature of the conflict of interest;
  - 5.8.3 not take part in any discussion of the matter, if the meeting is not closed to the public, or leave any meeting closed to the public;
  - 5.8.4 not attempt in any way to influence the voting on any question in respect of the matter, before, during or after the meeting; and
  - 5.8.5 abstain from voting on any question in respect of the matter or the part of the meeting during which the matter is under consideration.
- 5.9 The Chair or other Trustee presiding at a meeting may expel from the meeting a person, other than a Trustee, that the Chair or other Trustee presiding at the meeting considers guilty of improper conduct. A majority of the Trustees present at a meeting of the Board may expel a Trustee from the meeting for improper conduct.
- 5.10 Minutes of the proceedings of all meetings shall be legibly recorded in a minute book, ratified at the next meeting of the Board, certified as correct by the Secretary Treasurer or other employee designated and the Chair or other Trustee presiding at the meeting.
- 5.10.1 Minutes will not record the names of movers and seconders.
  - 5.10.2 Minutes will not record who voted for or against motions. Trustees may ask to have their vote recorded.
  - 5.10.3 If a Trustee declares a conflict of interest, such conflict will be recorded in the minutes.
  - 5.10.4 Except for minutes of a meeting or portion of a meeting from which persons other than Trustees or Board officers, or both, were excluded, the minutes will be published on the District website once adopted.

## **6. MEETING RULES OF ORDER**

- 6.1 Meetings of the Board will be conducted in accordance with this Bylaw and, where the Bylaw is silent, using *Robert's Rules of Order, Newly Revised*, except where provisions of the *School Act* may conflict, in which case the latter will prevail.

- 6.2 The Board may adopt a procedural rule for one or more meetings by resolution approved by two-thirds of the Trustees present at the meeting. A rule, other than the requirement for notice of meetings, may be suspended by unanimous consent of the Trustees present.
- 6.3 The presiding officer's ruling on a point of order shall be based on rules of order as stated in paragraph 6.1. The ruling shall be subject to an appeal to the Board if requested by a Trustee immediately after the ruling and before resumption of business.
- 6.4 An appeal of a ruling of the presiding officer shall be decided without debate by a majority vote of the Trustees present. A successful appeal does not necessarily set a precedent.

## **7. MOTIONS**

- 7.1 A motion, when introduced, brings business before the meeting for possible action. A motion should be worded in a concise, unambiguous and complete form and, if lengthy or complex, should be submitted in writing.
- 7.2 Subject to the concurrence of the seconder, the mover of a motion may withdraw the motion at any time prior to the vote being taken. A motion which has been withdrawn may be re-introduced at the same meeting only by a different Trustee.
- 7.3 The presiding officer may divide a motion containing more than one subject and it shall be voted on in the form in which it is divided.
- 7.4 All motions shall be seconded.
- 7.5 The Chair must vote as any other member.
- 7.6 An amendment is a motion to modify the wording of a pending motion. An amendment must be germane, i.e., closely related to or having a bearing on the subject of the motion to be amended. A motion can be amended more than once, however, there can be only one amendment on the floor at a time and it shall be dealt with before another amendment is presented or the motion is decided. An amendment to an amendment must be germane to the first amendment and cannot be amended.
- 7.7 A motion to reconsider a decision can be made the day on which the original motion was voted upon. It may be seconded by any member. It is debatable if the motion proposed to be reconsidered is debatable and the debate can be on the merits of the original question. No question can be reconsidered twice.
- 7.8 Motions to rescind or to amend something previously adopted will be considered only if notice has been given at the previous meeting or in the call for the present meeting and if no action has been taken which it is too late to undo. Such motions are debatable and debate can go into the merits of the original question. There is no time limit for these motions and they can be moved by any member.
- 7.9 Motions to rescind or to amend something previously adopted for which notice has been given require a majority vote to pass. However, if the original motion required a two-thirds vote or a vote of the majority of the Board, the same vote is required on a motion to amend or rescind.
- 7.10 A motion that has been defeated at a previous meeting can be moved again at a subsequent meeting only if notice is given in the call of the meeting.

## **8. DEBATE**



- 8.1 Debate shall be strictly relevant to the question before the meeting. The presiding officer shall warn speakers who violate this rule or who persist in tedious or repetitious debate.
- 8.2 Speakers shall be recognized by the chair and shall address all remarks to the chair.
- 8.3 The Chair may vacate the chair to enter debate or propose or second a motion in which case the Vice-Chair, if present, or another member appointed by the Chair shall preside.
- 8.4 Each Trustee has the right to speak twice on the same question on the same day but cannot make a second speech so long as any Trustee who has not spoken on the question desires to speak. No Trustee shall speak for more than five minutes at one time.
- 8.5 A matter of privilege (dealing with the rights or interests of the Board as a whole or of a Trustee personally) may be raised at any time and shall be dealt with forthwith before resumption of business.
- 8.6 No Trustee shall interrupt another Trustee who has the floor except to raise a point of order, a point of privilege or to disclose a conflict of interest.

## 9. VOTING

- 9.1 It is expected that all Trustees present at a meeting will vote on each motion, unless a Trustee has a declared conflict of interest, in which case the Trustee must not vote and such an abstention shall be recorded.
  - 9.1.1 If a Trustee wishes to abstain for any other reason or to have a negative vote recorded he or she must so request before or immediately after the vote is taken.
  - 9.1.2 The Chair will vote at the same time as other Trustees.
- 9.2 Voting shall be by show of hands and only the results recorded unless a member requests recording of names before the vote is taken. Where names are recorded both positive and negative votes shall be recorded.
- 9.3 All questions shall be decided by a majority of the votes of the Trustees present and voting unless otherwise provided by the *School Act*.
  - 9.3.1 In the case of a tie vote, the motion is defeated.

## 10. REGULAR MEETINGS OF THE BOARD

- 10.1 Meetings of the Board shall be open to the public unless, in the opinion of the Board, the public interest requires that persons other than Trustees be excluded.
- 10.2 A Regular Meeting will normally be held monthly during the school year.
- 10.3 Annually, the Board will determine the schedule of meetings for the following school year and will publish the schedule at the beginning of each school year in non-general election years, and within sixty (60) days following the election date in general election years.
  - 10.3.1 The meetings will alternate between Merritt and Princeton.
- 10.4 Significant consideration will be given will be given to one of Regular Meeting per year taking place, on a rotating schedule, at a "Rights-Holder" location.

10.5 A Regular Meeting shall stand adjourned at three hours after its commencement unless a consensus has been reached to extend the hour of adjournment.

10.6 The order of business at Regular Meetings will be:

- 10.6.1 Call to Order and **meaningful** acknowledgement of the ancestral, traditional and unceded territories of the Nlë?kepmx and Syilx people and acknowledgement of the Metis communities.
- 10.6.2 Approval of Agenda
- 10.6.3 Adoption of Minutes of Prior Meetings
- 10.6.4 Report from Closed Meeting
- 10.6.5 Recognition, Presentations, and Delegations
- 10.6.6 New Business
- 10.6.7 Indigenous Education Report**
- 10.6.8 Superintendent Report
- 10.6.9 Committee Reports
- 10.6.10 Trustee Reports
- 10.6.11 Public Question Period
- 10.6.12 Adjournment

10.7 A change to the order of business may be proposed by any Trustee and shall require unanimous consent.

## **11. RECOGNITION, PRESENTATIONS AND DELEGATIONS AT REGULAR MEETINGS**

11.1 The Board welcomes and encourages presentations and delegations from students, parents, **Rights-holders**, staff, partners, and others at meetings.

- 11.1.1 The Superintendent, or designate, will be responsible to schedule in-district presentations and recognition activities.
- 11.1.2 Attempts should be made to keep such presentations to approximately 10 minutes.

11.2 A person or group wishing to address the Board as a delegation on an item not otherwise on the agenda will provide a written request outlining the item(s) they wish to present and naming a spokesperson.

- 11.2.1 Consideration of the request is subject to article 5 of this Bylaw for placement on the agenda of a Regular or Closed Meeting.
- 11.2.2 A request to present at a Regular Meeting will require a brief written submission, including the purpose (information, request for action, etc.) of the presentation seven days in advance of the scheduled Regular Meeting for distribution to Trustees as part of their agenda package.

11.3 The Board will hear the delegation's presentation and the Trustees may ask questions for clarification. The Board will ordinarily take the presentation under advisement and will take action after due deliberation, usually at a subsequent meeting.

- 11.3.1 The Chair will rule on the propriety of all presentations and comments and may terminate any presentation or comment or refer it to a Closed Meeting of the Board if that is deemed to be appropriate by the Chair.
- 11.3.2 A maximum of ten minutes will be allowed for each Delegation to make a presentation.

- 11.4 If circumstances warrant, the Board may receive such individuals or Delegations in a Closed Meeting.

## **12. PUBLIC QUESTION PERIOD**

- 12.1 The Regular Meeting is the formally designated means of transacting Board business. Communication with the public is extremely important and therefore, a public question period of fifteen minutes will be set aside at each Regular Meeting solely as a means for ensuring that public who are present in the audience have an opportunity to ask questions about business or issues pertaining to the Board agenda.
- 12.1.1 Questions regarding personnel or specific students must be raised with the Superintendent privately.
  - 12.1.2 Matters currently under negotiation or litigation, or related to personnel or student circumstances, are not permitted and will not be addressed in the public question period.
- 12.2 One question will be taken from each person, after which, time permitting, each person may present a second question.
- 12.2.1 Speakers must identify themselves and their connection to the District before speaking.
  - 12.2.2 All questions will be limited to five minutes and directed to the Chair, who may refer the question to the Superintendent or Secretary Treasurer.
  - 12.2.3 The Chair may restrict the length of time any one individual may speak.
  - 12.2.4 The response to a question will be made during the meeting, when possible, or deferred until a later date when information becomes available.
  - 12.2.5 Individuals addressing the Board assume personal responsibility for all statements made to the Board.
  - 12.2.6 The Chair will use judgment to stop any inappropriate questions that would be better discussed in a different forum.
  - 12.2.7 The Chair may use discretion to terminate any speaker's privilege or exclude a speaker from the meeting if, after due warning, the speaker persists with conduct or remarks which the Chair considers inappropriate.

## **13. SPECIAL MEETINGS**

- 13.1 Special Meetings are any meetings held between the regularly scheduled meetings.
- 13.2 A special meeting open to the public, or a Special Closed Meeting may be called by the s or, upon written request by a majority of the Trustees, shall be called by the Secretary Treasurer.
- 13.3 No business other than that for which the meeting was called shall be conducted at the meeting.

## **14. CLOSED MEETINGS**

- 14.1 All matters coming before the Board shall be considered in public unless the public interest requires otherwise. In these circumstances, persons other than Trustees may be excluded from a meeting or from part of a meeting. Accordingly, the following matters shall be considered in closed session unless the Board determines otherwise:

- 14.1.1 Personnel matters including contract and collective agreement negotiations; matters pertaining to individual employees including medical matters, appointment, promotion, demotion, transfer, conduct, competence, discipline, suspension, termination or retirement; grievances and requests of employees, Board officers or their bargaining agents or representatives; plans that relate to the management of personnel of or the administration of the Board and that have not yet been implemented or made public.
  - 14.1.2 Legal matters: accident claims and other matters where Board liabilities may arise; legal opinions and advice respecting the liability or interest of the Board or respecting any matter to be considered in closed session; information or action regarding legal actions brought by or against the Board.
  - 14.1.3 Matters pertaining to individual students including medical matters and the conduct, discipline, suspension or expulsion of students.
  - 14.1.4 Acquisition and disposition of real property prior to finalization including: future site planning and designation; negotiations regarding purchase, lease sale or exchange of real property; purchase of real property; consideration of appraisal reports and claims by owners; determination of Board offers; expropriation procedures.
  - 14.1.5 Matters pertaining to the safety, security or protection of Board property.
  - 14.1.6 Other matters where the Board decides that the public interest so requires.
- 14.2 The Secretary Treasurer, or other employee designated in accordance with the *School Act*, must be present at the time that a decision of the Board is rendered and must record any decision.
- 14.3 No Trustee shall disclose to the public the proceedings of a closed meeting unless a resolution has been passed at the closed meeting to allow such disclosure, except such as might be necessary to enforce the conflict of interest provisions of the School Act.
- 14.4 The Secretary Treasurer shall prepare a record containing a general statement as to the nature of the matters discussed and the general nature of the decisions reached at a meeting from which persons other than Trustees or officers of the Board or both were excluded, and the record shall be provided in the subsequent Regular Meeting of the Board.

## 15. BYLAWS

- 15.1 The following matters shall be dealt with only by bylaw:
- 15.1.1 adoption of the budget;
  - 15.1.2 a capital bylaw;
  - 15.1.3 the acquisition or disposal of property;
  - 15.1.4 rules and procedures relative to the organization of meetings of the Board;
  - 15.1.5 amendments to bylaws; and,
  - 15.1.6 where specifically required by the School Act.
- 15.2 Every bylaw shall be dealt with in the following stages:
- 15.2.1 First reading: no debate or amendment;
  - 15.2.2 Second reading: discussion of the principle of the bylaw;
  - 15.2.3 Third reading: consideration of amendments made and final decision.

- 15.3 When a bylaw has been amended it shall be reprinted as amended and shall not proceed until the amended version has been distributed.
- 15.4 Subject to 14.3, at each of the three readings of a bylaw, the bylaw must be read in full, however, a reading of the bylaw may, if a written or printed copy of a bylaw is in the possession of each Trustee and is available to each member of the public in attendance at the meeting at which the bylaw is to be read, consist of a description of the bylaw by its title and a summary of its contents.
- 15.5 The Board shall not give a bylaw more than two readings at any one meeting unless the members of the Board who are present at the meeting unanimously agree to give the bylaw all three readings at the meeting.
- 15.6 The Secretary Treasurer shall certify on a copy of each bylaw, the readings and the times thereof and the text of any amendment passed in committee.
- 15.7 A bylaw may be withdrawn at any stage with consent of the Board.

## 16. ELECTRONIC PARTICIPATION BY TRUSTEES

- 16.1 In accordance with the *School Act*, Trustees may participate in or attend any meeting of the Board by telephone or other means of communication, provided that all Trustees and other persons participating in or attending the meeting are able to communicate with each other.
- 16.2 If a Trustee participates in or attends a meeting of the Board by telephone or other means.

## 17. MISCELLANEOUS PROVISIONS

- 17.1 All points of procedure not provided for in this Bylaw shall be decided in accordance with *Robert's Rules of Order, Newly Revised*.
- 17.2 If any part of this Bylaw is held to be invalid by the decision of a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Bylaw.

## 18. REPEAL

- 18.1 School District No. 58 (Nicola-Similkameen) xxx Bylaw xxx dated December 2, 1996 and any previous xx Bylaws, including and amendments thereto, are hereby repealed.

Read a First Time	this	xx <sup>th</sup>	day of	xxx 2023
Read a Second Time	this	xx <sup>th</sup>	day of	xxx 2023
Read a Third Time	this		day of	2023
ADOPTED	this		day of	2023

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Chair

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Secretary Treasurer



**THE BOARD OF EDUCATION OF  
SCHOOL DISTRICT NO. 58 (NICOLA-SIMILKAMEEN)**

**ADMINISTRATION OFFICE**

P.O. Box 4100, 1550 Chapman Street, Merritt, B.C., V1K 1B8, Phone: (250) 378-5161, Fax: (250) 378-6263

**MEMORANDUM**

**TO: All Trustees**

**FROM: Stephen McNiven  
Superintendent of Schools**

**RE: BYLAW 6-23 USE OF SCHOOL DISTRICT  
PROPERTY - FIRST READING**

**DATE: October 6, 2023**

Enclosed, please find an updated copy of draft Bylaw No. 6-23 Use of School District Property. The bylaw has been updated by the Board and is being brought forward for first reading. Areas of focus include:

- Definitions
- Access to Property
- Restrictions While on Board Property
- Trespass
- Responsibility of Registered Owner
- Penalty
- Authority to Make Regulations

SMcN/sc

# BOARD OF EDUCATION OF SCHOOL DISTRICT NO.58 (NICOLA-SIMILKAMEEN)

## BYLAW NO. 6-23

### ACCESS TO SCHOOL DISTRICT PROPERTY

A Bylaw of the Board of Education of School District No. 58 (Nicola-Similkameen), hereinafter called "the Board", to regulate and control the access to school district property.

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**WHEREAS** the *School Act* provides that the Board is responsible for the custody, maintenance and safekeeping of all property owned or leased by the Board.

**WHEREAS** it is in the public interest to permit and encourage public use of school lands, buildings and facilities for other than strictly instructional activities when said lands, buildings and facilities are available;

**AND WHEREAS** persons other than students, staff, parents, guardians and employees of the Board have occasion from time to time to make use of said lands, buildings and facilities;

**AND WHEREAS** it has been felt necessary by the Board to define the permissible limits within which students, parents, guardians and employees of the Board and all other persons making use of said lands, buildings and facilities may operate;

**AND WHEREAS** the *Motor Vehicle Act* provides guidance as to the operation of motor vehicles.

**NOW THEREFORE** the Board of Education of School District No.58 (Nicola-Similkameen) in an open meeting, hereby **ENACTS AS FOLLOWS**:

#### 1. CITATION

- 1.1 This bylaw may be cited as School District No. 58 (Nicola-Similkameen) Access to School District Property 6-23.

#### 2. DEFINITIONS

The terms used in this Bylaw have the meanings assigned by *the School Act* and the *Motor Vehicle Act*, [RSBC 1996] CHAPTER 318, except as when the context indicates otherwise.

#### 3. ACCESS TO PROPERTY

- 3.1 No person shall drive, operate or ride a vehicle as defined by the *Motor Vehicle Act*, and amendments thereto (hereinafter called "vehicle") on or over any land owned or administered by the Board (hereinafter called "said land") except:

- 3.1.1 Deliveries – Persons proceeding to or from said land on a roadway provided for that purpose in the course of delivering or receiving chattels in connection with the operation of the of the said land or improvements thereon.;

- 3.1.2 Board Employees – Persons proceeding to or from said land on a roadway provided for that purpose in connection with their duties therein, or on other bona fide business pertaining to the operation of the said land or improvements thereon;
- 3.1.3 Students – Persons proceeding to or from a public school on a roadway provided for that purpose, and who are students registered within the school district; or
- 3.1.4 Board Consent – Rightsholders, parents, guardians, partners or such other persons proceeding to or from a public school on a roadway provided for that purpose, who have received permission from the Board, either deemed or expressed.

#### **4. 2. RESTRICTIONS WHILE ON BOARD PROPERTY**

- 4.1 Speed Limit – No person shall operate any motorized vehicle on or over any land owned or administered by the Board at a rate of speed greater than eight (8) kilometres per hour.
- 4.2 Parking – No person shall park, or otherwise leave unattended, a motor vehicle upon land owned or administered by the Board in any area other than those set aside for parking by the Board, unless written permission has been received.

#### **5. TRESPASS**

- 5.1 No person shall enter upon any properties owned or administered by the Board, other than bona fide students registered at a school, parents or guardians of such students and employees of the Board, or such other persons whom the Board has given prior permission to be on that property at that time.
- 5.2 No person, having been requested by a school principal or other person in authority, shall refuse to leave any land owned or administered by the Board.
- 5.3 No person shall cause, suffer or permit any domestic or range animal to enter upon land owned or administered by the Board without permission...

#### **6. RESPONSIBILITY OF REGISTERED OWNER**

- 6.1 The owner of a motor vehicle shall be held responsible for any violation of this Bylaw by a person entrusted by the owner with the possession of the said motor vehicle. The burden of proving that the person so in possession of the motor vehicle was not a person entrusted by the owner with the possession of said motor vehicle shall be the said owner.

#### **7. PENALTY**

- 7.1 Any person contravening any breach of or committing any offence against this Bylaw or any of the provisions of this Bylaw or who fails, refuses, omits or neglects to fulfil, observe, carry out or perform any duty, obligation, matter or thing whatsoever by this Bylaw prescribed or imposed or required to be done, is liable, to the provisions of the Offence Act, [RSBC 1996] and amendments thereto.



## 8. AUTHORITY TO MAKE REGULATIONS

The Secretary Treasurer may provide for the erection of traffic control devices to regulate, prohibit, control and direct vehicular and pedestrian traffic on land owned or administered by the Board, and the erection of any such traffic control device shall be deemed prime facie evidence that such device was erected at the direction and with the authority of the Board.

## 9. REPEAL

9.1 School District No. 58 (Nicola-Similkameen) Bylaw Limitations on the Use of School District Property 901.1 dated May 18, 2013 and any previous Limitations on the Use of School District Property Bylaws, including and amendments thereto, are hereby repealed.

Read a First Time	this	xx <sup>th</sup>	day of	xxx 2023
Read a Second Time	this	xx <sup>th</sup>	day of	xxx 2023
Read a Third Time	this		day of	2023
ADOPTED	this		day of	2023

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Chair

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Secretary Treasurer



**THE BOARD OF EDUCATION OF  
SCHOOL DISTRICT NO. 58 (NICOLA-SIMILKAMEEN)**

**ADMINISTRATION OFFICE**

P.O. Box 4100, 1550 Chapman Street, Merritt, B.C., V1K 1B8, Phone: (250) 378-5161, Fax: (250) 378-6263

**MEMORANDUM**

**TO: All Trustees**

**FROM: Stephen McNiven  
Superintendent of Schools**

**RE: BYLAW 4-23 FREEDOM OF INFORMATION -  
FIRST READING**

**DATE: October 6, 2023**

Enclosed please find an updated copy of draft Bylaw No. 4-23 Freedom of Information. The bylaw has been updated by the Board and is being brought forward for first reading. Areas of focus include:

- Definitions
- Designation of Head
- Authorization to Act
- Miscellaneous Provisions

SMcN/sc

**BOARD OF EDUCATION OF SCHOOL DISTRICT NO.58  
(NICOLA-SIMILKAMEEN)**

**BYLAW NO. 4-23**

**FREEDOM OF INFORMATION AND PROTECTION OF  
PRIVACY BYLAW**

A Bylaw of the Board of Education of School District No. 58 (Nicola-Similkameen), hereinafter called "the Board", to implement the *Freedom of Information and Protection of Privacy Act*.

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**WHEREAS** the Board must designate a person or group of persons as the head of the public body for the purposes of the Act.

**AND WHEREAS** Section 77 of the *Freedom of Information and Protection of Privacy Act* ("Act") gives the School District the authority to set any fees the School District requires to be paid under the Act.

**NOW THEREFORE** the Board of Education of School District No.58 (Nicola-Similkameen) in an open meeting, hereby **ENACTS AS FOLLOWS**:

**1. CITATION**

- 1.1 This Bylaw may be cited as School District No. 58 (Nicola-Similkameen) Freedom of Information and Protection of Privacy Bylaw 4-23.

**2. DEFINITIONS**

- 2.1 The terms used in this Bylaw have the meanings assigned by the *Freedom of Information and Protection of Privacy Act* except as when the context indicates otherwise.

**3. DESIGNATION OF HEAD**

- 3.1 The Board of Education designates the Secretary Treasurer as the head of the School District for the purposes of the Act and authorizes the Secretary Treasurer to be responsible for the administration of the Act.

**4. AUTHORIZATION TO ACT**

- 4.1 The Secretary Treasurer is authorized to issue any procedures required to support the district's administration of the Act.

## 5. MISCELLANEOUS PROVISIONS

5.1 If any part of this Bylaw is held to be invalid by the decision of a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Bylaw.

## 6. REPEAL

6.1 School District No. 58 (Nicola-Similkameen) Freedom of Information and Protection of Privacy Fees Bylaw 3-98 dated April 8, 1998 is hereby repealed.

Read a First Time	this	xx <sup>th</sup>	day of	xxx 2023
Read a Second Time	this	xx <sup>th</sup>	day of	xxx 2023
Read a Third Time	this		day of	2023
ADOPTED	this		day of	2023

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Chair

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Secretary Treasurer



**THE BOARD OF EDUCATION OF  
SCHOOL DISTRICT NO. 58 (NICOLA-SIMILKAMEEN)**

**ADMINISTRATION OFFICE**

P.O. Box 4100, 1550 Chapman Street, Merritt, B.C., V1K 1B8, Phone: (250) 378-5161, Fax: (250) 378-6263

**MEMORANDUM**

**TO: All Trustees**

**FROM: Stephen McNiven  
Superintendent of Schools**

**RE: BYLAW 3-23 INDEMNIFICATION -  
FIRST READING**

**DATE: October 6, 2023**

Enclosed please find an updated copy of draft Bylaw No. 3-23 Indemnification. The bylaw has been updated by the Board and is being brought forward for first reading. Areas of focus include:

- Definitions
- Indemnification
- Contracts
- Exclusions
- Legal Counsel
- Amounts Payable
- Advancing Legal Costs
- Miscellaneous Provisions

SMcN/sc

**BOARD OF EDUCATION OF SCHOOL DISTRICT NO.58  
(NICOLA-SIMILKAMEEN)**

**BYLAW NO. 3-23**

**INDEMNIFICATION BYLAW**

A Bylaw of the Board of Education of School District No. 58 (Nicola-Similkameen), hereinafter referred to as the "Board", to establish Board indemnification for trustees, officers and employees.

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**WHEREAS** section 95 of the *School Act* provides that the Board may enact a Bylaw to indemnify a trustee, officer, or an employee of the Board.

**AND WHEREAS** the Board wishes to enact indemnification provisions.

**NOW THEREFORE** the Board in an open meeting, hereby **ENACTS AS FOLLOWS:**

**1. CITATION**

- 1.1 This Bylaw may be cited as 'School District No. 58 (Nicola-Similkameen) Indemnification Bylaw 3-23.

**2. DEFINITIONS**

- 2.1 The terms used in this Bylaw have the meanings assigned by *the School Act* except when context indicates otherwise.
- 2.2 Within this this Bylaw:
- 2.2.1 "trustee" means an elected member of the Board;
  - 2.2.2 "officer" means a Superintendent, Assistant Superintendent, Secretary-Treasurer, or Assistant Secretary Treasurer of the Board;
  - 2.2.3 "employee" means Director, district and school based administrators and all excluded staff, teachers and non-teaching personnel other than officers;
  - 2.2.4 reference to a trustee, officer or employee includes a former trustee, officer or employee;
  - 2.2.5 "court" means a court of law and includes a tribunal, an arbitrator and any other person who is acting in a judicial or quasi-judicial capacity.

**3. INDEMNIFICATION**

- 3.1 Subject to the exclusions below, the Board will, in accordance with the provisions of this Bylaw, indemnify a trustee, officer or employee:

- 3.1.1 against a claim for damages against arising out of the performance of their duties, or
  - 3.1.2 if an inquiry under the Public Inquiry Act or other proceeding that involves the administration and conduct of the business of the School District.
- 3.2 The Board may pay legal costs incurred in proceedings arising out of the claim, inquiry or other proceeding which involves the administration and conduct of the business of the School District.
- 3.3 The Board shall not seek indemnity from a trustee, officer or employee in respect of any action of the trustee, officer or employee that results in a claim for damages against the Board, except :
  - 3.3.1 where the claim for damages arises out of the gross negligence of the trustee, officer or employee; or
  - 3.3.2 where the officer or employee willfully acted contrary to the terms of their employment or, an order of a superior.

#### 4. CONTRACTS

- 4.1 This Bylaw shall be read into all officer and employee employment contracts that are in force, or may be in force in the future, including collective agreements.

#### 5. EXCLUSIONS:

- 5.1 The Board shall not indemnify a trustee, officer or employee against:
  - 5.1.1 any matters for which insurance coverage is available to cover the liability of the trustee, officer or employee;
  - 5.1.2 a fine or penalty imposed as a result of their criminal conviction, conditional discharge or absolute discharge;
  - 5.1.3 an action or proceeding by the Board against the trustee, officer or employee; or an action or proceeding by the trustee, officer or employee against the Board; or where the interests of the Board are, or may become, adverse to the interests of the trustee, officer or employee
  - 5.1.4 criminal prosecution that arises out of the performance of their duties, unless the Board agrees to do so by an affirmative vote of not less than two-thirds of all its members
  - 5.1.5 proceedings under the *Teachers Act*, unless the Board agrees to do so by an affirmative majority vote
  - 5.1.6 allegations of harassment, unless the Board agrees to the contrary, by an affirmative vote of a majority of its members
  - 5.1.7 a claim brought by a third party for liability arising out of the operation of a vehicle owned by or leased to the School District
  - 5.1.8 actions or claims regarding bodily injury caused intentionally, except when done to protect persons or property
  - 5.1.9 a restitution ordered pursuant to the *School Act*
  - 5.1.10 personal injury actions or claims arising out of the performance or alleged performance of a criminal or illegal act, unless they were not aware of, or party to, the performance of any such act
  - 5.1.11 legal cost or liability, where a Court determines that they knowingly contravened the *School Act* or other legislation; or knowingly permitted and/or authorized an expenditure which is not authorized by an enactment
  - 5.1.12 legal cost or liability where, in the opinion of the Board, they did not have

reasonable grounds to believe that their conduct was lawful

## **6. LEGAL COUNSEL**

- 6.1 For those matters provided for in Section 3 of this Bylaw, and not excluded by Section 5, the trustee, officer or employee may:
  - 6.1.1 retain legal counsel appointed by the Board, and the Board shall provide instructions and pay the appointed legal counsel directly, or
  - 6.1.2 retain legal counsel of their choice, and the Board shall have the right to:
    - 6.1.2.1 approve in advance, any agreement for legal fees and disbursements;
    - 6.1.2.2 pay all or part of the legal fees and disbursements, and set a maximum amount for legal fees and disbursements;
    - 6.1.2.3 direct the defense, and to settle or compromise the claim, action, or proceeding. The trustee, officer or employee agrees to include such a term in the agreement with their legal counsel;
    - 6.1.2.4 determine whether all, or any part, of the legal costs paid prior to the approval of the Board shall be reimbursed.

## **7. AMOUNTS PAYABLE**

- 7.1 Any amount that may be payable by the Board shall be reduced by any court costs awarded to the trustee, officer or employee.

## **8. ADVANCING LEGAL COSTS**

- 8.1 The Board may advance legal costs to the trustee, officer or employee prior to the final resolution of a claim, action or proceeding.
- 8.2 When the Board advances legal costs to a trustee, officer, or employee, they shall provide written authorization for the Board to deduct an amount equivalent to the costs advanced from future funds payable to them by the Board, to be used if it is later determined that the trustee, officer or employee is not entitled to be indemnified pursuant to the terms of this Bylaw.

## **9. MISCELLANEOUS PROVISIONS**

- 9.1 If any part of this Bylaw is held to be invalid by the decision of a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Bylaw.



**10. REPEAL**

10.1 School District No. 58 (Nicola-Similkameen) Indemnification Bylaw 2-96 dated December 2, 1996 and any previous Indemnification Bylaws, including and amendments thereto, are hereby repealed.

Read a First Time	this	xx <sup>th</sup>	day of	xxx 2023
Read a Second Time	this	xx <sup>th</sup>	day of	xxx 2023
Read a Third Time	this		day of	2023
ADOPTED	this		day of	2023

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Chair

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Secretary Treasurer



**THE BOARD OF EDUCATION OF  
SCHOOL DISTRICT NO. 58 (NICOLA-SIMILKAMEEN)**

**ADMINISTRATION OFFICE**

P.O. Box 4100, 1550 Chapman Street, Merritt, B.C., V1K 1B8, Phone: (250) 378-5161, Fax: (250) 378-6263

**MEMORANDUM**

**TO: All Trustees**

**FROM: Jane Kempston  
Assistant Superintendent**

**RE: STUDENT TRUSTEES**

**DATE: October 6, 2023**

We are pleased to be welcoming the Merritt Secondary Student Trustees for the 2023- 2024 school, Owen Bateson and Haidyn Clark. Vice Principal Dave Andersen will be (re)introducing the student trustees and highlighting the strengths that they will bring to the Board. As discussed at the last meeting, the student trustees will be presenting a question posed to them: given recent challenges in student attendance/engagement, what do engaged/involved high school students look like to you? How do new grade 8's and new students get introduced to/engaged with school at MSS? What has worked well? What would you like to see more of? We are very grateful to these student leaders for stepping forward and look forward to the perspective and experience they will bring to all of us.

JK/sc