

**THE BOARD OF EDUCATION OF SCHOOL DISTRICT 68  
BUSINESS COMMITTEE MEETING  
AGENDA**

**Wednesday, April 10, 2019, 6:00 PM  
BOARD ROOM  
395 Wakesiah Avenue  
Nanaimo, BC V9R 3K6**

Please note that the proceedings of this meeting are being recorded to assist in the preparation of the minutes of the meeting. The recording of this meeting are records of the School District, as defined in the Freedom of Information and Protection of Privacy Act, and as such may be the subject of access requests under the Act.

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**Pages**

**1. CALL TO ORDER**

The Chair will call the meeting to order and recognizes that tonight's meeting is being held on the traditional territory of the Snuneymuxw people.

**2. ADDITIONS TO THE AGENDA**

**3. DELETIONS TO THE AGENDA**

**4. CHANGE IN ORDER**

**5. APPROVAL OF THE AGENDA**

**6. APPROVAL OF THE MINUTES**

Minutes - March 6, 2019

**7. PRESENTATIONS**

7.1 CUPE, President Rob Zver

2019/2020 CUPE Budget Presentation

**8. SENIOR STAFF REPORTS**

8.1 Department of Learning Services

8.2 Superintendent Scott Saywell

Superintendent's Report

8.3 Secretary-Treasurer McVeigh

2019/2020 Capital Plan ByLaw

6

**9. CORRESPONDENCE REFERRED FROM THE REGULAR BOARD MEETING**

**10. UNFINISHED BUSINESS**

**11. NEW BUSINESS**

**12. FOR INFORMATION**

**13. QUESTION PERIOD**

Question Period is intended to enable the public to obtain clarifying information regarding a current agenda item.

Individuals wishing to ask questions of the Board upon completion of Committee and Board sessions shall do so in writing on the form provided which includes their name, street address and email address. The individual will be asked to verify his/her self and be afforded the opportunity to read out their own question. Each individual shall be limited to one follow-up question upon receiving a response. Questions and responses will be included in the video of the meeting and the meeting minutes and will be part of the public record.

*Forms are available in the information rack near the entrance of the Board Room*

**14. ADJOURNMENT**

**THE BOARD OF EDUCATION OF SCHOOL DISTRICT 68  
MINUTES OF BUSINESS COMMITTEE MEETING  
HELD MARCH 6, 2019**

**PRESENT:**

**Trustees**

T. Brozovic Chair  
G. Keller, Vice-Chair  
L. Barron  
S. Higginson  
C. McKay  
C. O'Neill (Call In)  
B. Robinson  
E. Wilkinson

**ABSENT:**

J. Stanley

**Staff**

S. Saywell, Superintendent/CEO  
C. McVeigh, Secretary-Treasurer  
T. Davie, Deputy Superintendent  
P. Sabo, Director of Planning & Operations  
T. Sutton, Director of Finance  
D. Burgos, Executive Director of Communications  
K. Matthews, Senior Executive Assistant

**IN ATTENDANCE**

D. Wood, NDTA Rep  
R. Zver, CUPE Rep  
G. Steel, NSAA Rep  
B. Adams, DPAC Rep

Meeting No. B07

**CALL TO ORDER**

The Chair called the meeting to order at 6:06 pm and recognized that tonight's meeting is being held on the traditional territory of the Snuneymuxw people.

**ADDITIONS TO THE AGENDA**

There were none.

**DELETIONS TO THE AGENDA**

There were none.

**CHANGE IN ORDER**

There was no change.

**APPROVAL OF THE AGENDA**

Folio  
B19/03/06-01

IT WAS MOVED BY Trustee Higginson  
IT WAS SECONDED BY Trustee Wilkinson  
That the Agenda be approved.  
CARRIED UNANIMOUSLY

### **APPROVAL OF THE MINUTES**

#### **Minutes - February 19, 2019**

Folio  
B19/03/06-02

IT WAS MOVED BY Trustee Keller  
IT WAS SECONDED BY Trustee Wilkinson  
That the minutes from the Business Committee  
meeting held February 19, 2019, be approved.  
CARRIED UNANIMOUSLY

### **PRESENTATIONS**

#### **SENIOR STAFF REPORTS**

**Director of Planning &  
Operations Sabo**  
**Re: 2019/2020 AFG**

Facilities Planning Manager Ross provided a  
2018-2019 review and the 2019-2020 outlook.  
The presentation is attached to the Agenda.

**Secretary-Treasurer McVeigh**  
**Re: 2019/2020 Budget**

- **Budget Information Binder**
- **Budget Overview and Monitoring - Process and Development**
- **Budget Assumptions, Considerations, Risks**
- **Budget Criteria and Guiding Principles - Exercise**
- **Public Consultation - Thought Exchange**

Secretary-Treasurer McVeigh shared 2019-2020  
budget planning information. Members of the  
Business Committee prioritized guiding principles  
for the ongoing annual budget process.

### **CORRESPONDENCE** **REFERRED FROM REGULAR** **BOARD MEETING**

There was none.

### **UNFINISHED BUSINESS**

**Secretary-Treasurer McVeigh**  
**Re: Funding Formula Review**

The Committee discussed staff feedback on the  
Funding Model Review Panel Report  
recommendations.

Folio  
B19/03/06-03

IT WAS MOVED BY Trustee McKay  
IT WAS SECONDED BY Trustee Keller

That the Business Committee recommend that the Board of Education of School District No. 68 (Nanaimo-Ladysmith) provide feedback on the Funding Model review to the Ministry of Education; Furthermore, that the letter state that the Board of Education has received input from our education partners.

CARRIED UNANIMOUSLY

**NEW BUSINESS**

**FOR INFORMATION**

**QUESTION PERIOD**

There were no questions.

**ADJOURNMENT**

Folio  
B19/03/06-04

IT WAS MOVED BY Trustee Higginson  
IT WAS SECONDED BY Trustee Barron

That the meeting be adjourned.

CARRIED UNANIMOUSLY

The meeting adjourned at 8:10 pm.



## NANAIMO LADYSMITH PUBLIC SCHOOLS

### BUSINESS COMMITTEE PUBLIC MEETING

#### ACTION SHEET

**DATE:** April 10, 2019  
**TO:** Business Committee  
**FROM:** Carrie McVeigh, Secretary-Treasurer  
**SUBJECT:** Capital Plan Bylaw No. 2019/20-CPSD68-01

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#### **Recommendation:**

The Business Committee recommends that that Board of Education of School District No. 68 (Nanaimo-Ladysmith) give all three readings of the Capital Bylaw No. 2019/20-CPSD68-01 in one meeting and; adopt Capital Plan Bylaw No. 2019/20-CPSD68-01

#### **Background:**

As the Board is aware, a capital bylaw is required under the School Act (S. 143). It is non-financial in nature and, only one bylaw is required for all capital projects approved by the Ministry. The bylaw once adopted by the Board, authorizes the Secretary Treasurer to execute project and funding agreements related to the expenditures contemplated by the underlying capital plan.

The Capital Planning cycle consists of:

1. The Capital Plan preparation process starts in the spring with submissions due June 30<sup>th</sup>. During this period of time a lot of communication goes back and forth between our Facilities department and Capital Branch staff at the Ministry of Education. The Ministry of Education provided districts with a five-year Capital Plan intake spreadsheet and Capital Plan instructions in early spring.
2. The Capital Plan intake/submission process considers the following:

#### **Minor Capital:**

- a. School Enhancement (SEP)
- b. Carbon Neutral Capital (CNCP)
- c. Bus Acquisition (BUS)
- d. Playground Equipment (PEP)
- e. Building Envelope (BEP)

#### **Major Capital:**

- a. Additions (EXP)
- b. New Schools
- c. Site Acquisitions
- d. Replacements (REP)
- e. Demolitions
- f. Seismic Mitigation (SMP)

3. Before submitting the 5 year Capital Plan for approval, a Board must approve the proposed Capital Plan for its school district by resolution. This resolution must be provided to the Ministry as part of the submission process. At this stage, a bylaw is not required. The previous Board approved the 2019/2020 plan in June 2018, and the Secretary-Treasurer signed the resolution.
4. Ministry staff spend the summer and fall reviewing all 60 school district submissions and they provide approval for school district plans in the spring, at around the same time as the new year in take process commences.

To date, the Board has:

1. Approved the 2019/2020 5 year Capital Plan submitted to the Ministry of Education by resolution in June 2018.
2. Received the Response letter dated March 1, 2019 approving funded projects by the Ministry.

The adoption of the bylaw allows the Secretary-Treasurer to sign the funding agreement which will release funding from the Ministry to the school district for the approved capital items/projects. In essence, the adoption of the bylaw approves the 5 year capital plan as approved by the Ministry of Education and permits the Secretary-Treasurer to operationalize the projects approved.

**Appendices:**

Appendix A: 2019/2020 Capital Plan Cover Letter with 2019/2020 Capital Plan Resolution  
Appendix B: Action Sheet dated June 27, 2018  
Appendix C: 2019/2020 Capital Plan Response Letter dated March 1, 2019  
Appendix D: 2019/2020 Annual Programs Funding Agreement



June 29, 2017

Damien Crowell / Rosa Cutler  
Planning Officer, Capital Management Branch  
Ministry of Education  
PO Box 9151  
Stn Prov Govt BC  
Victoria, BC V8W 9H1

Dear Damien and Rosa:


Please find attached the District's 2019-20 Capital Plan submission in accordance with the 2019-20 Capital Plan instructions. In support of the submission, the following motion was passed on June 27, 2018:

June 28, 2018

**Re: 2019/2020 Capital Plan**

That the Board of Education of School District No. 68 (Nanaimo Ladysmith) approve the Capital Plan as outlined on the attached summary.

I hereby certify this to be a true copy of the resolution for approval of the Capital Plan adopted by the Board of Education, the 28<sup>th</sup> day of June, 2018.

  
Carrie McVeigh  
Secretary-Treasurer

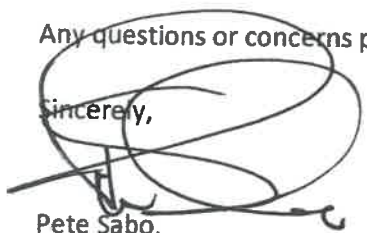
**Reference:**

- SD68 2019-20 Capital Plan Action Sheet
- SD68 2019-20 Capital Plan Resolution

The District has on file all the appropriate 2019-20 Capital Plan supporting documents.

Any questions or concerns please advise.

Sincerely,

  
Pete Sabo,  
Director of Planning and Operations



**Nanaimo Ladysmith Public Schools**

**BOARD OF EDUCATION**

**ACTION SHEET**

**DATE:** June 27, 2018

**TO:** Board of Education

**FROM:** Director of Planning and Operations, Pete Sabo &  
Facilities Planning Manager, Mike Ross

**SUBJECT:** Proposed 2019-20 Five-Year Capital Plan

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**REFERENCE:**

- Capital program summary sheets - attachments
- 18/19 Capital Plan response letter – March 26, 2018
- Update to Facilities Plan – April 25, 2018
- Proposed 2019-2020 Five-Year Capital Plan – presentation June 27, 2018

**BACKGROUND:**

**The Five-Year Capital Plan**

Each year, Boards of Education are required to submit a Five-Year Capital Plan detailing the high priority capital projects needed for their school districts, in accordance with the Capital Plan instructions.

School districts' annual Five-Year Capital Plan submissions are used to inform the selection of priority capital projects for the Ministry's following fiscal year. They also provide the Ministry insight into future year priorities that are used in longer term capital planning.

The Ministry is seeking submissions for consideration for the following capital programs:

- Seismic Mitigation Program (SMP)
- School Expansion Program (EXP)
- School Replacement Program (REP)
- Building Envelope Program (BEP)
- School Enhancement Program (SEP)
- Carbon Neutral Capital Program (CNCP)
- Bus Replacement Program (BUS)
- Playground Enhancement Program (PEP)

The Annual Five-Year Capital Plan Submission is informed by a Long Range Facilities Plan (LRFP), with school districts assessing capital needs over the next five years and involves prioritizing capital needs and undertaking preliminary assessment of project needs, options, scoping and costing, and

developing and submitting a Five-Year Capital Plan along with supporting assessment documents, specifically a Project Request Fact Sheet (PRFS).

The Ministry will provide each school district a written response to their annual Five-Year Capital Plan submission once the assessment of all submissions are complete and funding for fiscal year 2019-20 is announced by the Ministry. *See attached response letter to the 18-19 Capital submission.*

This written response identifies the next steps for supported projects which may include:

- Proceed to design, tender and construction
- Proceed to development of a Project Definition Report (PDR)
- Proceed to acquire site
- Proceed to acquire bus

The Ministry also provides school districts with an Annual Facility Grant (AFG) based on an established formula. The AFG is managed separately from the annual Five-Year Capital Plan submissions. As such, AFG is excluded from these Capital Plan instructions.

## **DISCUSSION:**

### **Development of a Facilities Plan:**

The District has a Strategic Education Plan (SEP), a 10-year Enhanced Facilities for Learning Plan, Becoming Sustainable: Facilities Plan Update - September 2, 2015 (latest update April 25, 2018). The District's plan is equivalent to the Ministry's LRFP and in addition is integrated with a Strategic direction for district operating, Asset Management planning and strategic partnership development resulting in a targeted 5 year plan based on the development of strategic initiatives.

In April of 2017, NLPS updated Years 3-5 of the Facilities Plan. In April of 2018 an update was presented to and approved by the Board. These priorities have been considered in the 2019-20 capital submission.

Substantive work has been completed by staff and external consultants to upgrade the Ministry Project Request Fact Sheets (aka business cases) for NDSS and LIS Seismic upgrade/replacement/rebuild requests from the minimum standard to include business case information.

For reference, key adjustments to the 2018/19 Capital Plan include:

- Seismic Projects -
  - NDSS – H1 (subject to TRB review) added due to seismic assessment
  - Ladysmith Intermediate - H1( subject to TRB review) added due to seismic assessment
  - Cilaire – H1 (subject to TRB review) priority increased due to seismic assessment
- Expansion Project -
  - Ecole Hammond Bay Gym enlargement – removed due to approval of local capital funding (project under construction)
  - Dover Bay – added as a space efficiency/portable reduction initiative
  - Learning Alternatives – added due to strategic direction and growth
  - Ladysmith Primary – added due to growth
  - Cedar Elementary - added due to forecast growth
  - Chase River - added due to forecast growth

- Mountain view - added due to forecast growth
- Ecole North Oyster – added due to Supreme Court decision and growth
- Replacement Projects -
  - NDSS replacement – moved to Seismic mitigation program
  - Ladysmith Intermediate – moved to Seismic mitigation program
- Building Envelope Program -
  - No changes
- School Bus Replacement Program -
  - No busses meet the replacement criteria
- School Enhancement -
  - John Barsby/Ladysmith Secondary dust extractor – upgrade Group 3 (of 4)
  - Various schools roofing – replacement
  - Various schools washrooms – renewal
  - Various schools flooring - renewal
  - Park Avenue HVAC upgrade – Phase 2 (of 3)
- Carbon Neutral Capital Plan:
  - No changes
- Playground Enhancement Program:
  - Gabriola – replacement of wood and aged equipment
  - Mountain View - replacement of wood and aged equipment
  - Fairview - replacement of wood and aged equipment

The source documents used to compile this year's Five-Year Capital Plan will be available in the Facilities Department or on request.

Please note that submission details (project costing and supporting documentation) are still being developed/gathered and will be submitted, along with the plan, by the submission date.

The plan was reviewed by the Superintendent, Deputy Superintendent and Secretary-Treasurer.

## **RECOMMENDATION:**

*The Board of Education of School District 68 (Nanaimo-Ladysmith) approve the 2019-2020 Five-Year Capital Plan as outlined on the attached summary documents presented June 27, 2018 for submission to the Ministry of Education.*



March 1, 2019

Ref: 208254

To: Secretary-Treasurer and Superintendent  
School District No. 68 (Nanaimo-Ladysmith)

**Capital Plan Bylaw No. 2019/20-CPSD68-01**

Re: Ministry Response to the Annual Five-Year Capital Plan Submission for 2019/20

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This letter is in response to your School District's 2019/20 Annual Five-Year Capital Plan submission, submitted to the Ministry prior to June 30, 2018, and provides direction for advancing supported and approved capital projects.

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

- Seismic Mitigation Program (SMP)
- Expansion Program (EXP)
- Replacement Program (REP)
- School Enhancement Program (SEP)
- Carbon Neutral Capital Program (CNCP)
- Building Envelope Program (BEP)
- Playground Equipment Program (PEP)
- Bus Acquisition Program (BUS)

Please note that all school districts are required to keep project approval information confidential until after the Province has issued News Releases to the public on March 6th. Additionally, school districts receiving approval and funding specifically from the Playground Equipment Program (PEP) are required to keep that project information confidential until further written notice from the Ministry of Education.

Below you will see the major capital projects supported to proceed with Project Definition Reports (PDRs) as well as minor capital projects from the Ministry's 2019/20 annual capital programs that are approved for funding and are able to proceed to procurement.

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**Ministry of  
Education**

Capital Management Branch

Resource Management  
Division

Mailing Address:

PO Box 9151 Stn Prov Govt  
Victoria BC V8W 9H1

Location:

5<sup>th</sup> Floor, 620 Superior St  
Victoria BC V8V 1V2

## **MAJOR CAPITAL PROJECTS (SMP, EXP)**

### **New Projects**

Project #	Project Name	Project Type	Next Steps
127810	Cilaire Elementary	Seismic	Submit draft PDR to Planning Officer by Sep. 15, 2019.
127811	Pleasant Valley Elementary	Seismic	Submit draft PDR to Planning Officer by Sep. 15, 2019.

Note: A PDR should normally be expected to be finalized within two months following the draft PDR deadlines noted above. After a draft PDR is submitted to the Ministry, follow-up meetings will be scheduled by your respective Regional Director or Planning Officer to confirm scope, schedule, and budget details and the terms of project approval for the projects listed above. Also note that Capital Project Funding Agreements (CPFA) are not issued until after PDRs and all other required supporting documentation is received, reviewed and approved for funding by the Ministry.

All projects that the Ministry expects to be under PDR development, and have not already been received, are listed above – if a project is not listed, then the Ministry is not supporting the project and is not expecting a PDR.

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

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

Facility Name	Program Project Description	Amount Funded by Ministry	Next Steps & Timing
Cinnabar Elementary	SEP - Mechanical Upgrades - Boiler Upgrades	\$425,000	Proceed to design, tender & construction. To be completed by March 31, 2020.
Park Avenue Elementary	SEP - Mechanical Upgrades - HVAC Upgrades (Phase 2)	\$600,000	Proceed to design, tender & construction. To be completed by March 31, 2020.
Gabriola Elementary	PEP - New - Universally Accessible Playground Equipment	\$105,000	Proceed to design, tender & construction. To be completed by March 31, 2020.

### **New projects for BUS**

Existing Bus Fleet #	New Bus Type	Amount Funded by Ministry	Next Steps & Timing
5680	C 76 with 0 wheelchair spaces	\$138,609	Proceed to ordering the school bus(es) between March 15, 2019 and April 30, 2019 from the list of approved vendors available through the Bus Standing Offer portal on the ASTSBC website at <a href="http://www.astsbcc.org">http://www.astsbcc.org</a>

Note: An Annual Programs Funding Agreement (APFA) accompanies this Capital Plan Response Letter which outlines specific Ministry and Board related obligations associated with the approved Routine Capital projects for the 2019/20 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 Plan Bylaw No. provided at the beginning of this document) for its approved 2019/20 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 and the APFA must be signed, dated and emailed to Ministry Planning Officer Damien Crowell at [Damien.Crowell@gov.bc.ca](mailto:Damien.Crowell@gov.bc.ca) as soon as possible. At this time the Ministry will issue Certificates of Approvals as defined in the APFA.

With the 2019/20 Capital Plan process now complete, the Capital Plan Instructions for the upcoming 2020/21 Annual Five-Year Capital Plan submission process (with supplementary intake spreadsheets) will be provided within the next few weeks. These plans are to be submitted to the Ministry no later than June 30, 2019.

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,



Joel Palmer, Executive Director

**Capital Management Branch**

pc: Ryan Spillett, Director, Capital Projects Unit, Capital Management Branch  
Michael Nyikes, Director, Capital Programs Unit, Capital Management Branch  
Damien Crowell, Planning Officer, Capital Management Branch  
Rachelle Ray, Regional Director, Capital Management Branch  
Krassimir Kostov, Planning Officer, Capital Management Branch

## **ANNUAL PROGRAMS FUNDING AGREEMENT**

This Annual Programs Funding Agreement dated for reference the 1st day of March 2019, is in effect for the 2019/20 fiscal year period of April 1, 2019 to March 31, 2020.

**BETWEEN: Her Majesty the Queen in Right of the Province of British Columbia,**  
represented by the Minister of Education (the "Ministry")

OF THE FIRST PART

**AND: the Board of Education of School District No. 68 (Nanaimo-Ladysmith) (the "Board")**

OF THE SECOND PART.

The parties agree as follows:

### **1. DEFINITIONS**

1.01 In this Agreement, unless the context otherwise requires:

"Agreement" means the Annual Programs Funding Agreement;

"Board" or "Board of Education" means a board of school trustees constituted under the *School Act* [RSBC 1996] c. 412 and any person designated by the Board to act with respect to a provision of this Agreement;

"Business Day" means a day, other than a Saturday or Sunday or Statutory Holiday, on which Provincial government offices are open for normal business in British Columbia;

"Capital Funding Grant" means a funding grant authorized by the Minister of Finance in accordance with section 56.1 of the *Financial Administration Act* [RSBC1996] c. 138;

"Certificate of Approval" means the Certificate of Approval described in paragraph 3.04;

"Eligible Expenditure(s)" means those expenditure(s) areas more particularly described in paragraph 3.01;

"Event of Force Majeure" means invasion, rebellion, hostilities, sabotage, government regulations or controls, acts of God, strikes, lockouts or labour disputes that are a major disabling event or circumstance in relation to the normal operations of the party concerned as a whole that is beyond the reasonable control of the party directly affected and results in a material delay, interruption or failure by such party in carrying out its duties, covenants or obligations under this Agreement;

"Minister" means the Minister of Education, and includes the Deputy Minister of Education and any person designated by either of them to act with respect to a provision of this Agreement;

"Ministry" means the Ministry of Education of the Province of British Columbia;



*2019/20 Annual Programs Funding Agreement for School District No. 68 (Nanaimo-Ladysmith)*

"Project" means the project(s) described in paragraph 3.01;

"Schools Protection Program" means the risk management program administered and delivered by the Risk Management Branch of the Ministry of Finance in conjunction with the Ministry of Education, and includes the "Schools Protection Program Reference Manual" and all amendments and updates to the program and manual;

"Treasury Board" means the Treasury Board established under the *Financial Administration Act* [RSBC 1996] c. 138.

## **2. SCHEDULES**

2.01 The following Schedule(s) form an integral part of this Annual Programs Funding Agreement:

- A. Communications Protocol Agreement on Capital Projects between the Ministry of Education and School Districts

## **3. PROVINCIAL FUNDING CONTRIBUTIONS AND OBLIGATIONS**

3.01 The Ministry will provide to the Board capital funding to be used for the purposes of the following Project:

Facility Name	Program Project Description	Amount Funded by Ministry	Next Steps & Timing
Cinnabar Elementary	SEP - Mechanical Upgrades - Boiler Upgrades	\$425,000	Proceed to design, tender & construction. To be completed by March 31, 2020.
Park Avenue Elementary	SEP - Mechanical Upgrades - HVAC Upgrades (Phase 2)	\$600,000	Proceed to design, tender & construction. To be completed by March 31, 2020.
Gabriola Elementary	PEP - New - Universally Accessible Playground Equipment	\$105,000	Proceed to design, tender & construction. To be completed by March 31, 2020.

*2019/20 Annual Programs Funding Agreement for School District No. 68 (Nanaimo-Ladysmith)*

Existing Bus Fleet #	New Bus Type	Amount Funded by Ministry	Next Steps & Timing
5680	C 76 with 0 wheelchair spaces	\$138,609	Proceed to ordering the school bus(es) between March 15, 2019 and April 30, 2019 from the list of approved vendors available through the Bus Standing Offer portal on the ASTSBC website at <a href="http://www.astsbc.org">http://www.astsbc.org</a>

- 3.02 The Ministry will, in no event, provide more than the amount listed above.
- 3.03 The Ministry will provide the capital funding in paragraph 3.01 in the form of a Capital Funding Grant.
- 3.04 Payment of a Capital Funding Grant is subject to the Ministry issuing a Certificate of Approval for the Project in paragraph 3.01 in accordance with Treasury Board policies and directives and to the following conditions:
- a) in no case may the Board make a draw against funds available under a Certificate of Approval, unless the draw is reimbursement for Eligible Expenditure(s) properly incurred by the Board in connection with the Project;
  - b) the Ministry may modify or withhold a Capital Funding Grant and applicable Certificate of Approval, or any portion thereof, in the event the Board fails to observe, perform and comply with any provision of this Agreement or if, in the opinion of the Ministry, there has been a material change in the Project;
  - c) the Board will comply with all applicable policies and directives of the Treasury Board respecting Capital Funding Grants.
- 3.05 Notwithstanding any other provision of this Agreement, the payment of funds by the Ministry to the Board, pursuant to this Agreement, is subject to the provisions of the *Financial Administration Act* ("the Act"), which makes that payment obligation subject to:
- a) there being sufficient monies available in an appropriation, as defined in the Act, to enable the Ministry, in any fiscal year or part thereof when any payment of money by the Ministry to the Board falls due pursuant to this Agreement, to make that payment;

- b) Treasury Board, as defined in the Act, not having controlled or limited, pursuant to the Act, expenditure(s) under any appropriation referred to in this subparagraph a).

#### **4. BOARD OBLIGATIONS**

##### **4.01 The Board will:**

- a) carry out the Project in a manner that ensures:
  - i) delivery within budget;
  - ii) completion by March 31, 2020;
  - iii) scope details are fully met upon completion;
  - iv) accrued cost-savings realized from completed capital projects as approved in this Agreement are reported to the Ministry and transferred into the school district's Minister-Restricted Capital account, unless otherwise agreed to in writing by the Ministry.
- b) comply with all policies and best practices related to Capital Project Procurement, as documented in the Capital Asset Management Framework and Capital Procurement Checklist published by the Ministry of Finance;
- c) procure the Project in accordance with the Capital Asset Management Framework;
- d) include in any contracts all standard insurance and indemnification clauses required by the Schools Protection Program;
- e) all communication related to the Capital Project conforms to the "Communications Protocol Agreement on Capital Projects between the Ministry of Education and School Districts" (provided as Schedule A). Note this protocol may be amended from time to time by the Ministry, with the most current version of the protocol being used.

4.02 Provide written notice to the Ministry of Education immediately upon completion of each Project. (Note: the Ministry will be following up with school districts regarding delayed and/or incomplete projects in early January, at which time the Ministry may choose to reallocate associated funds depending on the status of the Project).

4.03 At the request of the Ministry, prepare additional reports relating to the Project.

4.04 Notify the Ministry immediately, in writing, should any Event of Force Majeure arise that could materially affect the scope, costs or schedule of the Project.

4.05 Indemnify and save harmless the Province of British Columbia and its employees and agents from and against any losses, claims, damages, actions, causes of action, costs and expenses that the Province of British Columbia or any of its employees or agents may sustain, incur, suffer or be put to at any time, either before or after this agreement ends, which are based upon, arise out of or occur, directly or indirectly, by reason of, any act or

omission by the Board or by any of its agents, employees, officers, directors, or contractors with respect to the Project.

- 4.06 Purchase school buses through the Request for Standing Offer (RFSO) arranged by the Association of School Transportation Services of BC (ASTSBC).
- 4.07 Reserve two (2) percent of the Total Funding amount provided under the Bus Acquisition Program in paragraph 3.01 as fee payment for ASTSBC's administration services. The ASTSBC will invoice the Board once buses have been ordered. This fee is included in the Capital Funding Grant and is not an additional cost to the Board.

## **5. EVENT OF FORCE MAJEURE**

### **5.01 In the Event of Force Majeure:**

- a) the Board will immediately notify the Ministry, in writing, describing the Event of Force Majeure.
- b) within five (5) Business Days of being notified of the Event of Force Majeure, the Ministry will communicate with the Board to explore what steps are to be taken to mitigate the Event of Force Majeure, determine an appropriate course of action, and establish an estimated cost related to the Event of Force Majeure.
- c) the course of action must be agreed to by the Ministry and the Board.
- d) either party may request the assistance of an independent cost consultant appointed by mutual agreement of the parties.
- e) the Ministry will not approve any expenditure(s) incurred prior to the agreed course of action unless the costs were demonstrably incurred for the preservation of life and/or safety.

## **6. PUBLIC ANNOUNCEMENTS**

- 6.01 Any public announcement relating to the Project will be in accordance with the "Communications Protocol Agreement on Capital Projects between the Ministry of Education and School Districts" (provided as Schedule A).

## **7. NOTICE**

- 7.01 Any notice or communication required or permitted to be given under this Agreement will be in writing and will be considered to have been sufficiently given if delivered by hand or electronic transmission to the physical address or electronic mail address of each party set out below:

- a) if to the Board:

School District No. 68 (Nanaimo-Ladysmith)

*2019/20 Annual Programs Funding Agreement for School District No. 68 (Nanaimo-Ladysmith)*

395 Wakesiah Ave, Nanaimo, BC, V9R 3K6  
Attention: Carrie McVeigh, Secretary-Treasurer  
Email: [carrie.mcveigh@sd68.bc.ca](mailto:carrie.mcveigh@sd68.bc.ca)

- b) if to the Ministry:

Ministry of Education  
PO Box 9151 Stn Prov Govt, Victoria, BC, V8W 9H1  
Attention: Damien Crowell  
Email: [Damien.Crowell@gov.bc.ca](mailto:Damien.Crowell@gov.bc.ca)

7.02 Any such notice or communication will be considered to have been received:

- a) if delivered by hand during business hours (and in any event, at or before 4:00pm local time in the place of receipt) on a Business Day, upon receipt by a responsible representative of the receiver, and if not delivered during business hours, upon the commencement of business hours on the next Business Day;
- b) if sent by electronic transmission during business hours (and in any event, at or before 4:00pm local time in the place of receipt) on a Business Day, upon receipt by a responsible representative of the receiver, and if not delivered during business hours, upon the commencement of business hours on the next Business Day, provided that:
  - i) the receiving party has, by electronic transmission or by hand delivery, acknowledged to the notifying party that it has received such notice; or
  - ii) within twenty-four (24) hours after sending the notice, the notifying party has also sent a copy of such notice to the receiving party by hand delivery.

7.03 Delivery by mail will not be considered timely notice under this Agreement.

7.04 In the event a contact name changes for either the Ministry or for the Board, then parties must be notified within five (5) Business Days.

IN WITNESS WHEREOF the parties have executed this Agreement, in duplicate, as of the day and year first above written.

SIGNED on behalf of Her Majesty the Queen )  
in Right of the Province of British Columbia )  
by a duly authorized designate of the )  
Minister of Education )

\_\_\_\_\_  
Authorized Signatory (For the Minister of Education)

\_\_\_\_\_  
Name (Print)

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date Signed (Month/Day/Year)

SIGNED on behalf of **the Board** )  
**of Education of School District** )  
**No. 68 (Nanaimo-Ladysmith)** by its duly )  
authorized signatories )

\_\_\_\_\_  
Signatory (Secretary Treasurer)

\_\_\_\_\_  
Name (Print)

\_\_\_\_\_  
Date Signed (Month/Day/Year)

**SCHEDULE A**

**COMMUNICATIONS PROTOCOL AGREEMENT ON CAPITAL PROJECTS BETWEEN THE  
MINISTRY OF EDUCATION AND SCHOOL DISTRICTS**

**PROJECT AGREEMENT STAGE**

**News Release**

After the Minister or designate signs a funding agreement with the school district for a capital project the Ministry of Education may issue a news release. In all such news releases, the school district may have a quote from a designated representative.

**Signage**

All construction projects approved in the Ministry of Education's Capital Plan must be identified by a construction sign prominently displayed at the site. Signs must conform to Government of B.C.'s Infrastructure Sign Specifications and be produced by Government Communications and Public Engagement (GCPE) graphics department. In addition to the BC logo, school districts and other funding partners will be identified with their logos on signage. They are to be installed as soon as possible after announcement of the project, and amended to include the amount of investment and date of completion after award of the construction contract and preferably before the start of work. The signs are to remain on the site until the work is completed and after any completion ceremonies where applicable. A digital picture of the sign is to be sent to GCPE after it has been installed. Cost of the sign is to be funded from the approved construction budget. School districts are responsible for installing the signs. Sign design and installation steps are included in the Ministry of Education's School Construction Project Sign Protocol.

**GROUNDBREAKING STAGE**

**Public Announcements, Official Events or Ceremonies**

An official ceremony may be held to commemorate the ground-breaking for a project. No public announcement of a project under this protocol shall be made by either party without the prior consent of the other party.

The Ministry of Education shall receive **at least four (4) weeks' notice** of any proposed public announcement or official ceremony related to the ground-breaking for a capital project. The Provincial Minister or designated representative shall participate in such announcements or ceremonies, to take place at a mutually agreed upon date and location.

The parties shall co-operate in the organization of announcements or ceremonies. Messages and public statements for such events should be mutually agreed upon.

**News Release**

On the day of a ground-breaking ceremony the Ministry of Education may issue a news release. In all such news releases, the school district may have a quote from a designated representative.

**OFFICIAL OPENING STAGE**

**Public Announcements, Official Events or Ceremonies**

## ***2019/20 Annual Programs Funding Agreement for School District No. 68 (Nanaimo-Ladysmith)***

A ceremony may be held to commemorate the official opening of a project. No public announcement of a project under this protocol shall be made by either party without the prior consent of the other party.

The Ministry of Education shall receive **at least six (6) weeks' notice** of any proposed public announcement or official ceremony related to the opening of a capital project. The Provincial Minister or designated representative shall participate in such announcements or ceremonies, to take place at a mutually agreed date and location.

The parties shall co-operate in the organization of announcements or ceremonies. Messages and public statements for such events should be mutually agreed upon.

### **News Release**

**On the day of an official opening ceremony**, the Ministry of Education may issue a news release. In all such news releases, the school district may have a quote from a designated representative.

### **Plaques**

The Ministry of Education may request the district provide and install, upon completion of major capital projects, a plaque bearing an appropriate inscription. The design, wording and specifications of such plaques must be approved by the Ministry of Education. Cost of the plaque is to be funded from the approved construction budget.

## **SCHOOL CONSTRUCTION PROJECT SIGN PROTOCOL**

All construction projects approved in the Ministry of Education's Capital Plan must be identified by a construction sign prominently displayed at the site. Signs must conform to Government of B.C.'s Infrastructure Sign Specifications and be produced by Government Communications and Public Engagement (GCPE) graphics department. In addition to the BC logo, school districts and other funding partners will be identified with their logos on signage. Sign production must only be handled by Queens Printer.

Signs are to be installed as soon as possible after announcement of the project, and amended to include the amount of investment and date of completion after award of the construction contract and preferably before the start of work. The signs are to remain on the site until the work is completed and after any completion ceremonies where applicable.

A digital picture of the sign is to be sent to GCPE after it has been installed. Cost of the sign is to be funded from the approved construction budget. These are the standard small sign size: 1951 mm x 1220 mm (C035\_u\_1951x1220). The school districts are responsible for installing the signs.

The steps from design to installation are as follows:

1. Project is announced;



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2. Government Communications and Public Engagement (GCPE) will have their graphics department create a construction sign;
3. The GCPE graphics department will create and send the approved file to Queens Printer for print production;
4. Queens Printer will notify GCPE when the sign is ready;
5. GCPE will notify the district when the sign is ready to be ordered and provide them with the online requisition form: <http://brokerage.qp.gov.bc.ca/submit-print/print-form.aspx> ;
6. The school district orders, pays and arranges for the sign to be installed. (signs are to be post mounted in a visible location);
7. District will notify GCPE when the sign is installed and send photo as confirmation.