



FINANCE & OPERATIONS COMMITTEE MEETING
Friday, October 3, 2014 – 2:39 p.m.
District Conference Centre – Strawberry Marsh Road

1. Call to Order

The 1st 2014-2015 regular meeting of the Finance and Operations Committee of the Newfoundland and Labrador English School Board was called to order at 2:39 p.m. on Friday, October 3, 2014.

Members Present: Eric Snow, Acting Chair, Committee Member
 Rick Martin, Committee Member
 Guy Elliott, Committee Member
 Don Brown, Committee Member
 Gary Baikie, Committee Member

NLESD Staff Present: Darrin Pike, CEO/Director of Education
 Tony Stack, Assistant Director of Education, Operations
 Larry Blanchard, Assistant Director of Education, Finance & Business
 Administration
 Susan Clarke, Administrative Assistant (Finance & Business
 Administration/Recorder)
 Heather Hillier, SAO

Absent with Regrets: Milton Peach, Board Chair
 Nada Borden, Chair
 John George, Committee Member

2. Approval of Agenda

It was moved by Rick Martin, seconded by Don Brown and carried unanimously that the agenda be adopted as presented. Carried.

3. Approval of Minutes – June 14, 2014

It was moved by Guy Elliott, seconded by Rick Martin and carried unanimously that the minutes of June 14, 2014 be adopted as presented. Carried.

4. New Business – for motion

4.1 NL Power Easement Request – Elizabeth Park Elementary School

The District has received a request from Newfoundland Power Inc. and Bell Aliant Regional Communications Inc. for an easement on the property of Elizabeth Park Elementary. The easement will be in accordance with the joint partnership formed between Newfoundland Power Inc. and Bell Aliant Regional Communications in March of 2010.

The easement is required due to the extension to Elizabeth Park Elementary, and the accommodation of new parking stalls.

Facilities Department has indicated that they have no issues with this request.

Motion:

Moved by Don Brown seconded by Guy Elliott and carried unanimously that the Finance and Operations Committee recommend to the Board, approval of the easement for the Elizabeth Park Elementary property as requested by Newfoundland Power and Bell Aliant Regional Communications.

Recommendation #1:

That the Finance and Operations Committee recommend to the Board, approval of the easement for the Elizabeth Park Elementary property as requested by Newfoundland Power and Bell Aliant Regional Communications.

4.2 NL Power Easement Request – St. Kevin’s High

The District has received a request from Newfoundland Power Inc. and Bell Aliant Regional Communications Inc. for an easement on the property of St. Kevin’s High. The easement will be in accordance with the joint partnership formed between Newfoundland Power Inc. and Bell Aliant Regional Communications in March of 2010.

The easement is required to install a power line across the back corner of St. Kevin’s High School property for a residential development adjacent to the school.

Facilities Department has indicated that they have no issues with this request.

Motion:

Moved by Don Brown seconded by Gary Baikie and carried unanimously that the Finance and Operations Committee recommend to the Board, approval of the easement for the St. Kevin’s High property as requested by Newfoundland Power and Bell Aliant Regional Communications.

Recommendation #2:

That the Finance and Operations Committee recommend to the Board, approval of the easement for the St. Kevin's High property as requested by Newfoundland Power and Bell Aliant Regional Communications.

4.3 City of St. John's Easement Request – District School

The District has received a request from the City of St. John's for an easement to construct a new water transmission line that will pass through the District School's property on Strawberry Marsh Road. The City has indicated that there will be some disruption to parking access during construction and have committed completing the work over a one week period with offered compensation of \$15,000 as payment for the easement. After completion of this work, the City has indicated that the lot will be repaved. The District will request that the City also confirm that any repairs to paving, fencing, landscaping, or other damages to the property as a result of this construction will be a condition of the requested easement.

Facilities Department has indicated that they have no issues with this request.

Motion:

Moved by Guy Elliott seconded by Don Brown and carried unanimously that the Finance and Operations Committee recommend to the Board, approval of the easement for the District School property as requested by the City of St. John's subject to receipt of \$15,000 payment.

Recommendation #3:

That the Finance and Operations Committee recommend to the Board, approval of the easement for the District School property as requested by the City of St. John's subject to receipt of \$15,000 payment.

4.4 Holy Heart of Mary Theatre – Financial Statements/Management Letter

Holy Heart of Mary Theatre operates for the benefit of the students of Newfoundland and Labrador English School District and is intended to operate on a self-sustaining basis. The fee structure is set to cover operating expenses as well as generate fees sufficient to meet capital maintenance needs.

The audit of the Holy Heart of Mary Theatre for the year ended June 30, 2013 has been completed.

Mr. Blanchard provided an overview of the financial statements as tabled and general discussion was held on the operating results and overall financial position of the theatre.

Professional audit standards require that items noted by the external auditor during the course of an audit, which may be of interest to management, be documented in the

form of a management letter. Proper practice requires management to prepare a response outlining management's intended course of action for each of the items noted.

The June 17, 2014 management letter pertaining to the audit of the theatre's financial statements for the year ending June 30, 2013 contains four recommendations for enhancement of internal controls. Receipt of the auditor's management letter was delayed pending completion of the June 2013 audit, which was delayed for transition reasons.

The draft response outlines management's intended course of action on each of the recommendations contained in the June 17, 2014 management letter.

Motion:

Moved by Rick Martin seconded by Gary Baikie and carried unanimously that the Finance and Operations Committee recommend to the Board:

- approval of the audited financial statements of the Holy Heart of Mary Theatre for the year ended June 30, 2013;
- acceptance of the Management letter as issued to Holy Heart of Mary Theatre by its external auditor Byron D. Smith, CA; and
- approval of the management response as tabled at the October 3, 2014 meeting of the Finance and Operations Committee.

Recommendation #4:

That the Finance and Operations Committee recommend to the Board:

- approval of the audited financial statements of the Holy Heart of Mary Theatre for the year ended June 30, 2013;
- acceptance of the Management letter as issued to Holy Heart of Mary Theatre by its external auditor Byron D. Smith, CA; and
- approval of the management response as tabled at the October 3, 2014 meeting of the Finance and Operations Committee.

4.5 Draft Policy: Email

A draft email policy was tabled by Mr. Blanchard outlining the terms and conditions under which Trustees, District staff, and other users may be provided access to the District's email system, FirstClass.

The draft policy is representative of:

- policies and administrative regulations in place at predecessor Boards,
- best practice in other jurisdictions and other Provincial bodies, and
- Provincial privacy legislation (ATIPPA) and OCIO standards.

The preparation process included consultation with select district staff and District executive, and all school principals had the opportunity to review and provide feedback on the draft policy through Member Services. Questions were also fielded at recent Regional Administrative Council meetings with school principals. No adverse feedback was received at either the RAC sessions or through Member Services.

A key purpose of this draft policy is to help ensure that users of the District email system are aware that email is a business tool for communicating and sharing information for business purposes. Incidental personal use is acceptable, however users should have no expectation of privacy in anything that they create, store, send or receive on the district-owned email system. The District does not routinely inspect or monitor email or internet usage, however, where warranted, emails may be searched by authorized district staff. For example:

- part of a legal proceeding or investigation
- reason to believe there has been policy breach or inappropriate use
- ATIPP request

The policy is recommended for adoption by the Newfoundland and Labrador English School Board.

Motion:

Moved by Don Brown seconded by Gary Baikie and carried unanimously that the Finance and Operations Committee recommend to the Board, approval of the Email Policy as tabled at the October 3, 2014 meeting of the Finance and Operations Committee of the Board.

Recommendation #5

That the Finance and Operations Committee recommend to the Board, approval of the Email Policy as tabled at the October 3, 2014 meeting of the Finance and Operations Committee of the Board.

4.6 Draft Policy: Weather or Facilities Related School Closure

A draft policy and regulations was tabled by Mr. Stack. They have been reviewed and updated from previous guidelines in place for last year and are now at the stage for consideration as formal policy. They have been presented at recent Regional Leadership meetings with all Principals in the District and have been amended based on immediate feedback at those meetings or in subsequent electronic feedback. Policy holds with being very conscious of instructional time but maintaining a balance with safety. If a school remains open, it is up to the parent to make a decision based on the safety of their own child. There was an incorporation of previous Labrador Board policy. The policy may be adjusted depending on consultations with regard to windchill factors.

In discussions with Labrador principals, there was not ample consensus to adjust the windchill criteria at this time. Wider consultation is required before any changes are contemplated.

Motion:

Moved by Don Brown seconded by Guy Elliott and carried unanimously that the Finance and Operations Committee recommend to the Board, approval of the

Weather or Facilities Related School Closure policy as tabled at the October 3, 2014 meeting of the Finance and Operations Committee of the Board.

Recommendation #6

That the Finance and Operations Committee recommend to the Board, approval of the Weather or Facilities Related School Closure policy as tabled at the October 3, 2014 meeting of the Finance and Operations Committee of the Board.

4.7 Coley's Point Primary – Site Selection

Coley's Point Primary is a K-3 school with a population of approximately 350 students serving the Bay Roberts area and feeding Amalgamated Academy (4-9) and ultimately Ascension Collegiate (L1-L3). The existing building was constructed in 1964, with extensions/renovations in 1972 and 1991; it is currently approximately 25,000 sq. ft. The replacement of Coley's Point Primary with a new school has been on the predecessor Eastern School District's capital request list, and this was affirmed by the current Newfoundland and Labrador English School District (NLESD). In Budget 2013, Government of Newfoundland and Labrador appointed a consultant to perform an assessment of the current building to determine the best path to meet the needs of the learners in the school community. Essentially the consultant was tasked with determining which was more effective and efficient – an extension/renovation of the current building, or replacement by a new school. The outcome of this consultant's assessment was that a new school was recommended, and this was approved by Government in Budget 2014. The existing site is very constrained, and it would be impossible to build a new school on this site concurrent with the operation of the existing school.

The Department of Education's School Planning Manual sets guidelines for new school sites as follows: "An 8 to 10 acre site is required for school construction and associated site facilities (sports field, parking, drop-offs, traffic lanes, and access from adjacent roadways)."

Mr. Stack provided an overview of the site selection process outlining the three choices as noted:

1. Property adjacent to existing school
2. Land off Veteran's Memorial Highway
3. Land between Ascension Collegiate and Amalgamated Academy

It was determined that #3 was the optimal location for the new Coley's Point School.

Motion:

Moved by Guy Elliott seconded by Don Brown and carried unanimously that the Finance and Operations Committee recommend to the Board, that site #3 be approved for the new Coley's Point Primary, pending Ministerial approval.

Recommendation #7:

That the Finance and Operations Committee recommend to the Board, that site #3 be approved for the new Coley's Point Primary, pending Ministerial approval.

Note:

It is further recommended that staff conclude negotiations within a two month period, at which time, if needed, this will revert back to Board for further review and recommendation.

4.8 Clarenville Property

The Town of Clarenville has expressed interest in acquiring a portion of land on the west end of the Clarenville Intermediate/High School complex – located between the Clarenville Middle School and the Clarenville Events Centre. The Town has requested that NLESD donate the desired parcel of land to the Town for purposes of constructing a new town hall and an aquatic centre. While the exact dimensions have not been outlined in the form of a survey, the Town estimates that it would require approximately 60m from the Events Centre, running along the existing property boundary.

The former Vista School District had previously donated land to Town, which was used to construct the existing Events Centre. In this case, in lieu of monetary compensation, the Town has expressed a willingness to negotiate compensation in the form of reduced rates for District access to Town facilities. Such an arrangement would be beneficial for both regional professional development and programming needs.

Given that the school facility is fully developed, with two significant green spaces, the proposed conveyance would not adversely impact school operations. Construction of an aquatic centre adjacent to the school complex would further enhance healthy living capacity within the school catchment, as well regionally for other schools.

Final approval and execution would be dependent upon:

- completion of the necessary survey,
- completion of the title search
- agreement on what would represent appropriate non-monetary compensation,
- completion of the appropriate Purchase and Sale Agreement and the related Deed of Conveyance, and
- any other due diligence procedures the Town and District may consider appropriate.

The Town currently maintains the softball field and soccer field located on the school property, and has also expressed interest in documenting the existing maintenance and usage arrangements in the form of an operating agreement. Such an agreement would be beneficial to both the District and the Town as it would articulate the rights and obligations of both parties.

Motion:

Moved by Gary Baikie seconded by Rick Martin and carried unanimously that the Finance and Operations Committee recommend to the Board, approval “in principle” to:

- 1. convey District land bordering the Events Center to the Town of Clarendville, in return for non-monetary consideration to be negotiated, with final approval further subject to Ministerial approval, and**
- 2. enter into a formal agreement with the Town of Clarendville regarding maintenance and operation of the softball field and soccer field.**

Recommendation #8:

That the Finance and Operations committee recommend to the Board, approval “in principle” to:

- 1. convey District land bordering the Events Center to the Town of Clarendville, in return for non-monetary consideration to be negotiated, with final approval further subject to Ministerial approval, and**
- 2. enter into a formal agreement with the Town of Clarendville regarding maintenance and operation of the softball field and soccer field.**

New Business - discussion purposes

4.9 Disposition of St. Theresa’s – Port Aux Choix

The District has worked closely with the Corner Brook Episcopal Lands Corporation regarding disposition of the former St. Theresa’s Elementary in Port Aux Choix, and is now prepared to issue the disposal tender.

The CBELC has insisted on inclusion of a restrictive covenant in the disposal tender that would prevent sale to an entity with a “primarily” sexual purpose.

The CBELC has a right of consent under clause 13.1 of the section 84 agreement. Legal counsel for the District has raised the question of whether NLESD could be accused of placing a restriction based on moral reasons. The District’s position is that a disposition process has been negotiated with the CBELC, who requested the restriction and the District agreed to meet the CBELC’s requirements for disposition.

The CBELC has been reasonable in their proposed language and how they would interpret the matter, if an entity such as the one referenced above were to bid on the property and has offered to provide a letter of interpretation that can be referred to should the need arise.

Recommendation:

No recommendation. This item is for information purposes only.

5. Date of Next Meeting

The next meeting will be held at the call of the Chair.

6. Adjournment

It was moved by Don Brown, and carried unanimously to adjourn at 3:35p.m.