



April 2, 2014

VIA EMAIL
Ref: 173220

His Worship
Mayor Ted Schaffer
City of Langley
20399 Douglas Cres
Langley BC V3A 4B3

Dear Mayor Schaffer:

Thank you for your letter, dated March 18, 2014, regarding the new School Site Acquisition Charge (SSAC) for School District No. 35 (Langley).

I fully understand and can appreciate the City Council's reaction to the new SSAC, which will be brought into effect on behalf of the Langley Board of Education by both the City of Langley and the Township of Langley, given the City's longstanding concerns around the abilities of a non-local government agency to collect development cost like-charges. I would, however, like to clarify some of the legislative and procedural details of SSACs.

The Ministry has always understood the Eligible School Site Proposal to be the key document in the consultation process between a board and local government. It is clearly referenced in the *Local Government Act* under Division 10.1 – School Site Acquisition Charges, in that this written proposal sets out the proposed eligible school site requirements based on the projected number development units; the projected number of new students; the size and number of required school sites; and the approximate location and value of those school sites. Most critically, these projections are based on consultations between the board and local government. Given the importance of the proposal, the Implementation Guide suggests that school district officials should ask local government officials to review a draft of the Eligible School Site Proposal prior to its submission to the board of education for formal approval. Ultimately, it is the number of projected development units and the number and value of school sites that allows the calculation of the school site acquisition charge per unit.

The *Local Government Act* sets out two specific options for local government, neither of which was duly exercised by the City of Langley after its consideration of the Langley Board of Education's written eligible school site requirement proposal, namely:

- Pass a resolution accepting the proposed eligible school site requirements for a school district; or
- In writing, do not accept the proposed school site requirements for the school district specifically indicating two things:
 - each proposed eligible school site requirement to which it objected; and
 - the reasons for the objection.

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In the matter of calculating different SSACs for the City of Langley and the Township, I must inform you that an enactment of such a regulation for any multi-jurisdictional school districts has never occurred since the *Local Government Act* was first amended to include school site acquisition charges. As described in the Implementation Guide, the SSAC scheme in the Langley School District has been kept simple and applies uniformly across its entire jurisdiction, which is appropriate for an urbanized school district that remains compact, is part of one essential continuous urban region, and has secondary school catchment areas that cross local government boundaries. As you know, the Langley School District is even more open regarding catchments for middle and elementary students, from both communities, which also cross City and Township boundaries to attend a number of well-regarded magnet schools.

I know that an expectation was established, due to past experiences, that a SSAC facilitator could be appointed to resolve any disputes between the Board of Education and the City of Langley. Again, the appointment of a facilitator is limited to the objections cited above, and not for any of the other issues forwarded by the City. Just as your staff are concerned about time and costs that would be incurred in pursuing these issues, I too, am hesitant to recommend the further expenditures on a matter – based on the previous facilitator’s final recommendations under similar circumstances – that will likely end up with a recommendation for ministerial approval of the Eligible School Site Proposal (ESSP), as currently adopted by the Langley Board of Education.

As you know, I truly understand the City’s current and past desires that a distinction be made between the City of Langley and the Township of Langley, due to differing rates of residential growth and numbers of students generated, and divergent demands for either elementary or secondary schools. However, these factors are simply not of consequence under the *Local Government Act*, which allows the Langley Board of Education to duly collect a school site acquisition charge from residential developers within the entirety of its legal jurisdiction, without particular regard to local government boundaries.

Sincerely,



Peter Fassbender
Minister

pc: Honourable Coralee Oakes, Minister of Community, Sport and Cultural Development
Mayor Jack Froese, Township of Langley
Wendy Johnson, Chair, Langley Board of Education
Suzanne Hoffman, Superintendent of Schools, School District No. 35 (Langley)
David Green, Secretary-Treasurer, School District No. 35 (Langley)