

DISPOSAL OF SURPLUS PROPERTY

Background

The District recognizes the merits of retaining or disposing of land or improvements (property), in the best interests of the District.

Where the Board determines that real property and improvements owned by the District are to be disposed of, the Secretary-Treasurer shall table with the Board procedures to be followed that are

2. Not Applicable to Crown Grants

This Administrative Procedure does not apply to a disposal of property originally acquired by way of a Crown grant that is subject to a trust for educational purposes.

3. Consent of the Minister

In accordance with the Orders of the Minister, the Board must obtain approval of the Minister of Education for a fee simple sale or a lease of 10 years or more (including all options and rights of renewal) (a “long term lease” in this Administrative Procedure) of land, improvements or both, unless the disposal is to another Board or an independent school for educational purposes.

4. Delegation

The Board may not delegate to staff the responsibility to finally approve disposals of real property or to deem property to be no longer required for educational purposes and the Board must authorize disposals by bylaw as required by the *School Act*. Subject to this requirement, the Secretary-Treasurer is authorized to act on behalf of the Board and to enter into agreements on behalf of the Board, except where this Administrative Procedure refers to approval or waiver or consideration by the Board.

5. Consideration for Disposals

The Board recognizes its responsibility for stewardship of educational assets. When educational assets are disposed of (including temporary disposals by lease), the Board is responsible for ensuring that the value of those assets will be available for other educational use in the District. In determining value, the Board may take into consideration any compensating benefits to the Board or a specific school.

6. Consultation

The Board may undertake consultation of the nature and to the extent that it considers appropriate to the property concerned before entering into a fee simple sale or a long-term lease of property no longer required for the Board’s educational use, or may dispense with

13.4.1.2. Establishes allocation of the proceeds from the sale of the disposed property to the appropriate capital reserve in accordance with the *School Act*;

13.4.1.3. If required, requests the Minister of Education to approval disposal of the property;

13.4.1.4. Carries out other preliminary matters.

13.5. Step 5: Disposal Process

13.5.1. Subject to exceptions provided for in this Administrative Procedure, the Secretary-Treasurer implements a disposal process that is likely in his or her judgment to provide a fair opportunity for members of the public to acquire the property and for the District to obtain a fair market value for the property.

13.5.2. The Secretary-Treasurer or designate proceeds to negotiate with potential purchasers; the Secretary-Treasurer may enter into an interim agreement of sale (or lease as the case may be) on behalf of the District, provided that it includes a condition precedent for passage of an authorizing bylaw.

13.6. Step 6: Disposal Bylaw

13.6.1. The Board enacts a bylaw to authorize the disposal of the property on the agreed terms and conditions. This normally follows removal of all other subject clauses and conditions precedent. The bylaw must include:

13.6.1.1. Confirmation that the Board will not require the property for future educational purposes (or, for a long term lease, that the Board will not require the property for future educational use for the term of the lease);

13.6.1.2. The name and facility number of the property;

13.6.1.3. The address and legal description of the property, and site plan if required to identify the property;

13.6.1.4. The agreed terms and conditions; and

13.6.1.5. Authority to the Secretary-Treasurer to execute on behalf of the District all related documentation required to complete the terms of the agreements.)

13.6.2. If enacted in closed meeting, the disposal shall be reported at the Board's next open meeting.

13.7. Step 7: Execution of Documentation and completion of transaction; allocation of proceeds.

13.8. Step 8: Notice to the Minister

13.8.1. Upon disposal of the property, the Secretary-Treasurer promptly provides the

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