

School District No. 63 (Saanich)

Policy Name: Disposal of School Board Land and/or Improvements **No.** 2480

Preamble

The Board recognizes that declining and shifting student populations and changing facility needs may result in the need to dispose of any unused Board land or improvements by lease, sale or land exchange, easement or right of way in whole or in part.

Definitions

In this policy Facility means land and/or improvements. Improvements mean any building, fixture, structure or similar thing constructed or placed on the land. Disposal means sale or lease as defined in the Interpretation Act, easement or right of way.

Policy Statement

When disposing of land or improvements through either sale or lease, the Board will ensure that it does not conflict with or detract from regular or extracurricular programming or the current or future needs of the school district. The disposal shall comply with the School Act and regulations. Disposals to the public shall be through a public tender or other competitive bidding process to ensure fair market value is obtained. The Board may dispose directly to a local government or community partner for an alternative community use and may consider disposal at less than fair market value.

Statutory References: School Act, Section 96 and Ministerial Order M193/08

Policy Reference: Policy 2470 (School Closures)

Date of Initial Board Approval: September 2004 **Amendments:**

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Guiding Principles

1. Each facility will be considered on its own merit.
2. No part of a facility shall be made available for rent or lease during regular school hours if it is felt that to do so would interfere with the district's educational program being offered in the facility.
3. Consideration will be given to the current and future educational needs of the district and possible alternative uses of the facility.
4. For disposal of a lease of 10 years or more or a sale of the land or improvements, the board will engage in broad consultation with the community and local government to determine preferred uses of the site after disposal.
5. Community use and community partnerships will be considered.
6. When the board has decided that a facility is no longer required to serve the needs of the district and will not be required for future educational purposes, unless guiding principle No. 4 applies, the board shall dispose of the facility through a public process as outlined in the administrative procedures.
7. The board is not required to dispose of the facility through a public process if the board proposes to dispose of the facility for an alternative community use:
 - a. To a partner not-for-profit organization;
 - b. To a public authority;
 - c. To a person who, as part of the consideration for disposition, will exchange land or an improvement with the board;
 - d. To a person under a partnering or lease agreement that has been the subject of a process involving the solicitation of competitive proposals; or
 - e. To an owner of adjoining land for the purpose of consolidating the lands.
8. Any proposed transferee or lessee of a facility must satisfy the board that it has the ability to meet its financial obligations to the board and the board must be satisfied that the disposition of the facility is at fair market value.
9. Any school closure will comply with Policy 2470.

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Administrative Procedures

1. Any school closure will follow administrative procedures contained in Policy 2470 prior to initiating these procedures.
2. The board will determine any approval required by the Minister of Education under the School Act and Associated Orders prior to proceeding with the disposal.
3. The Board will seek approval of the Minister, if required, prior to offering the land and/or improvements for disposal.
4. For a sale or lease over 10 years, the board will undertake consultation on the disposal:
 - a. A committee will be appointed for a period of consultation of not less than five months:
 - i. The committee may include:
 - The Superintendent or designate;
 - The Secretary-Treasurer or designate;
 - Up to three members of the Board of School Trustees;
 - Council and staff representatives of the local municipality;
 - Citizen/neighbour representatives;
 - Others as appropriate.
 - ii. The committee's terms of reference will include:
 - Analysis of information gathered and feedback from public meetings or surveys including neighbourhood and municipal input;
 - Preparation of a final report that includes recommendations to the board.
5. An independent appraisal or evaluation will be undertaken to determine the fair market value of the property for disposal.

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Administrative Procedures (cont'd)

6. The public process for the disposal of a facility will be as follows:
 - a. If the disposition is to a person referred to in No. 4 of the Guiding Principles, the board may proceed with the disposal after it has passed approval at a public meeting of the board, provided the board has published, on its publicly accessible website or in some other public manner, notice of its agenda at least seven (7) days prior to the meeting and the notice includes:
 - i. A description of the land or improvements;
 - ii. The person or public authority who is to acquire the property under the proposed disposition;
 - iii. The nature, and if applicable, the term of the proposed disposition; and
 - iv. The consideration to be received by the board for the disposition.
 - b. For all other dispositions, the board shall post at the facility, a sign visible from a public street indicating the nature of the proposed disposition, and the board shall publish the disposal terms and conditions on BC Bid and a notice in a local newspaper for at least two (2) consecutive weeks that includes:
 - i. A description of the land or improvements;
 - ii. The nature and, if applicable, the term of the proposed disposition;
 - iii. The process by which the land or improvements may be acquired or leased.
7. The board will approve the disposal of the facility in a public meeting with the disposal by sale approved by bylaw.

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