



**POLICY 5.9
DISPOSAL OF LAND OR IMPROVEMENTS**

Adopted:	2003-02-26
Reviewed:	2008-05-15, 2009-04-30
Revised:	2008-06-10, 2008-09-25, 2008-06-10

The Board of School District No. 20 (Kootenay-Columbia) recognizes that some existing facilities may become available for disposal due to school closures resulting from declining enrolment, or a change in demographics throughout the district.

In order to reduce operating costs and manage the delivery of education services effectively, the Board of School District No. 20 (Kootenay-Columbia) will consider the sale or lease of its surplus properties in accordance with Ministry policy, orders and regulations, provided that they will not be required for future educational and/or operational purposes.

The method of disposition of surplus properties will be through a public process and will comply with legislative requirements.

The Board will apply established criteria in making any decision to dispose of property and reserves the right to not accept any offers made on the property in favour of an anticipated future use.

**REGULATION 5.9.1-R
DISPOSAL OF LAND OR IMPROVEMENTS**

Adopted:	2003-02-26
Reviewed:	2008-05-15
Revised:	2008-05-10, 2008-09-25, 2008-11-20, 2008-06-10

1. Prior to the disposition of surplus property (including leases of 10 years or more but not leases for shorter periods unless they include options to or rights to renew or extend that could result in a term of 10 years or more and not including other dispositions such as easements that do not involve a transfer of fee simple), the following will be done:
 - consideration of future enrolment growth in the District, including Kindergarten to Grade 12, adult programs, and early learning
 - consideration of alternative community use of surplus space in school buildings and other facilities
 - a fair consideration of the community's input and adequate opportunity for the community to respond to the Board's plans for the property
 - full title search
 - statement of environmental issues relating to the property
 - independent appraisal of the property.
 - approval from the Minister will be obtained as required.

2. The method of disposition of surplus properties will be through a public process; this may include:
 - public advertising
 - public tender
 - public auction
 - request for proposals
 - listing with real estate agencies.

3. The Board will apply the following criteria regarding disposals:
 - the decision to sell or lease the property is consistent with Ministry policy, orders and regulations
 - the business case for selling the property is demonstrable and supportable after consideration of future enrolment growth, alternative community use and input, environmental issues, title searches, independent appraised value, and offers.
 - the disposition will be at fair market value, except as set out below. Fair market value means the amount, price, consideration or rent that would be obtained by the Board in an arm's length transaction in the open market between willing parties acting in good faith.
 - that fair market value and/or highest and best use represents the most likely criteria for producing the greatest net return.
 - that considerations regarding market value and highest and best use could be superseded at the discretion of the Board if:
 - a. The property could generate ongoing funding for the district through an educational partnership, or the property could generate ongoing funding, savings, or provide shared services to the district through partnership with other public bodies (e.g. lease arrangement with BC Transit).
 - b. The property has a history of a community relationship and past-usage with a committed organization in the community.
 - c. The property is the only public facility in the community that is suitable for community use.
 - d. The planned use of the property would have significant positive effect on a large number of the citizens that could not be gained in other ways.
 - e. The property would be used by another Board (including the Conseil Scolaire Francophone) or independent school for educational purposes; or local government or community organization for alternative community use.
4. The Board will adopt a by-law approving the disposition.
5. The Board will provide the Minister of Education with a copy of the Disposition By-law and written notification of the disposition and allocation of the proceeds.
6. Proceeds from the sale of properties are to be deposited in the Capital Reserve Account of the District, in accordance with Ministry policy, orders and regulations, except for proceeds from properties that can be clearly identified as having been acquired through local funds. These proceeds are to be deposited to the Local Capital Reserve Account of the District.