

**Board of Education
School District 54 (*Bulkley Valley*)**

BYLAW NO. 6

DISPOSAL OF LAND OR IMPROVEMENTS

A bylaw governing the disposal of land or improvements owned by the District.

WHEREAS School buildings and property are valuable public assets that can become centres for delivering education and community services that meet the vital needs of the community, such as early learning, child care services, adult and industry training education programs, family resource centres, seniors' centres, public libraries, health care and therapy services, local social services, and community recreation programs; and

WHEREAS in order to support the *Neighbourhoods of Learning* concept, the School Building Closure and Disposal policy has been developed by the Ministry of Education; and

WHEREAS the *School Act*, sections 96(3), 73 and 168(2)(t) prescribe legislative requirements with respect to disposal of land or improvements; and

WHEREAS Ministerial Order M193/08 dated September 3, 2008 (repealing M233/07) provides elaboration and further detail with respect to disposals; and

WHEREAS Ministerial Order M194/08 effective September 2, 2008 (repealing M320/02), provides further related requirements with respect to disposals.

NOW THEREFORE the Board of Education resolves as follows:

1. the Board may not dispose of land or improvements by sale and transfer in fee simple or by way of a lease of 10 years or more unless such disposal is to another board or an independent school for educational purposes or is approved by the Minister.
2. the Board may dispose of land or improvements by way of lease, other than a lease of 10 years or more, if such disposition is to an agency or organization for an alternative use.
3. Should the Board no longer require property it owns for educational purposes, and wishes to dispose of the property, the Board must seek the approval of the Minister prior to disposing of the property by sale and transfer or by a lease of 10 years or more

DEFINITIONS

1. "Educational purposes" means a use for delivering the k-12 educational program as well as any new educational initiatives such as early learning.
2. "Alternative community use" means a use by a community agency or organization for land or improvements, owned by a board, other than for the educational purposes of the board.
3. "A lease of 10 years or more" means a lease of 10 years or more, including the cumulative total of all options and rights to extend or renew the lease.
4. "dispose" means a board as defined in the *Interpretation Act*

APPLICATION

This Policy does not apply to grants of Crown Land described in section 99 of the *School Act*.

Board of Education
School District 54 (Bulkley Valley)

BYLAWS

A board's bylaw made pursuant to section 65(5) of the School Act relating to a disposition in accordance with sections 3, 4 or 5 must include:

- a. Confirmation that the board will not require the land or improvements for future educational purposes,
- b. The name and the facility number, if any, and
- c. The address and legal description.

A copy of the bylaw (as described above) must be provided to the Minister without delay.

NOTIFICATION

When a board disposes of land or improvements, the board must, without delay, provide the Minister with written notification of the disposition and allocation of the proceeds as required under section 100(2) of the *School Act*.

PUBLICATION

This Policy and all procedures adopted hereunder shall be made publicly available.

This bylaw may be cited as "School District No. 54 (Bulkley Valley) Disposal of Land or Improvements – Bylaw 6.

READ A FIRST TIME THE 16th DAY OF September, 2008;
READ A SECOND TIME THE 21st DAY OF October, 2008;
READ A THIRD TIME, PASSED AND ADOPTED THE 21st DAY OF October, 2008.

Chairperson of the Board

CORPORATE SEAL

Secretary Treasurer

I HEREBY CERTIFY this to be a true original of School District No.54 (Bulkley Valley) Disposal of Land or Improvements – Bylaw 6 adopted by the Board the 21st day of October, 2008.

Secretary Treasurer