

DAT September 23, 2020**FILE:** 0340-50**TO:** Chair and Directors
Regional District Board**FROM:** Russell Dyson
Chief Administrative OfficerSupported by Russell Dyson
Chief Administrative Officer*R. Dyson***RE: Property Acquisition Policy****Purpose**

To present a proposed policy concerning property acquisition.

Recommendations from the Chief Administrative Officer

THAT the Property Acquisition Policy, as attached to the staff report dated September 23, 2020, be approved.

Executive Summary

- At the November 26, 2019 Board meeting, direction was provided to develop a corporate land acquisition policy to help define and provide guidance within the context of acquiring property. This direction stemmed from the Comox Valley Regional District's (CVRD) efforts at that time to acquire properties for service related needs.
- The CVRD does not currently possess a dedicated service or personnel responsible for the acquisition and disposition of the CVRD's real estate assets. As such, this work is undertaken in a decentralized manner by the sponsoring department under the direction of the Chief Administrative Officer (CAO).
- The purpose of the Property Acquisition Policy (Policy) is to ensure that a consistent and equitable framework is followed in acquiring property in support of CVRD approved projects, programs and policies.
- The Policy provides guidelines respecting a number of aspects of the process, including:
 - an initial briefing of the CAO concerning the rationale, risks, benefits and costs;
 - completion of due diligence including pre-screening and a current market value appraisal;
 - Board approval process; and
 - confirmation of various roles and responsibilities for staff and elected officials.
- While the proposed Policy provides guidelines and procedures for how CVRD resources are used to acquire real property, the intent is to provide some flexibility, at the discretion of the Chief Administrative Officer, in the acquisition process to address unique circumstances involving emergencies or otherwise. Further, clear direction in the policy will enable staff to act on Board interests in a more timely manner, which is often required in real estate transactions, while preserving the Board's role in ultimately determining the property acquisition.

Prepared by:

J. Martens

Jake Martens
General Manager of Corporate Services

Concurrence:

J. Warren

James Warren
Deputy Chief Administrative
Officer**Government Partners and Stakeholder Distribution (Upon Agenda Publication)**

N/A	
-----	--

Attachment: Schedule A - Draft Property Acquisition Policy

Policy Title: Property Acquisition Policy		Policy Number: To be issued by Legislative Services
Policy Category: Land Administration		
Approval Date:	Policy Owner: Deputy CAO	
Approved by: CVRD Board	File Reference: 0340-50	

PRINCIPLES

1. The Comox Valley Regional District (CVRD) acquires property for a variety of purposes consistent with CVRD mandated programs, projects, policies and strategic plans. The Property Acquisition Policy provides a procedural framework based on the principles of respect and integrity, fiscal responsibility and good government to ensure the best interests of the CVRD are met.

PURPOSE

2. To establish and maintain a consistent process to be followed when the CVRD is involved in the acquisition of property.

SCOPE

3. The Property Acquisition Policy is intended to cover all land acquisitions except for park and/or school site dedications undertaken as part of the subdivision process.

POLICY

4. Prior to initiating an acquisition of any property, the Chief Administrative Officer shall be briefed by the sponsoring member of the Executive Management Team on the proposed acquisition, including:
 - the justification and rationale;
 - an estimate of the total cost of purchase and ownership and the respective sources of funding;
 - potential risks and benefits of the acquisition;
 - the identification of any unique factors that are applicable to the acquisition; and the proposed timeline for negotiations and Board/Committee approval.
5. Subject to briefing the Chief Administrative Officer, contact with a property owner or their agent regarding the sale of property shall only be made by a member of the CVRD executive team or designate where a property is identified for sale and/or where a pre-existing long range plan, strategic priority or Board policy indicates an interest in the CVRD acquiring the property.
6. As soon as practical, a staff report will be presented to the appropriate Board/Committee/Commission meeting that is closed to the public in order to:
 - a) Provide information about the property in question, including the location, potential purchase/sale price, CVRD financial situation (available reserves, ability to pay) and reason for the CVRD's interest in the property (reference to long range plan, strategic priority or Board policy)

- b) Determine direction to pursue the property acquisition, including if possible the parameters to be followed for acquiring the property and/or the means and timing of reporting back to the Board or Committee.
- 7. Staff reports on property acquisition proposals will be presented to the appropriate Board/Committee/Commission meetings that are closed to the public.
- 8. All property acquisitions shall be supported with a current market value appraisal and will be identified as a requirement in the staff report seeking approval to proceed with property negotiations.
- 9. The CVRD shall complete a pre-screening on all property to be acquired to identify potential contamination issues associated with the property (for example through the BC registry of environmental remediation sites) near areas with industrial use history such as railways, old forestry mill/camp sites, possibility of oil storage or heavy agricultural use or obtain a seller's property disclosure in areas of lesser informed concern.
- 10. Contact between the CVRD and the property owner on property acquisition matters will be limited to the designated staff person, and/or the CVRD's solicitors assigned to the negotiations.
- 11. Staff will, as required, provide updates to the appropriate Board/Committee/Commission meeting that is closed to the public regarding the status of property negotiations.
- 12. Staff will, at the outset of the project and as required, provide updates to the CVRD executive team including specifically to the CAO, Deputy CAO, and Chief Financial Officer.
- 13. Staff will report at the completion of property acquisition negotiations to a Board/Committee/Commission meeting that is closed to the public and seek final approval on the terms of the proposed acquisition. If required, final consideration will be given at the next available closed Board meeting.
- 14. In situations where greater urgency applies, such as under emergency, urgent or critical scenarios or to protect environmental or infrastructure conditions, the Chief Administrative Officer may adjust the procedures described in this policy to expedite land acquisition, subject to a final decision to purchase the property being made by the Board.

ROLES AND RESPONSIBILITIES

- 15. Unless otherwise provided for by Bylaw, CVRD Board/Committee/Commission approval is required for the acquisition of real property. Elected officials, appointed officers and employees shall not knowingly cause or permit anything to be done or communicated to anyone in a manner which is likely to cause any person to have an unfair advantage or disadvantage respecting the acquisition of real property from the CVRD.

Individual elected officials shall separate themselves from the property purchase process and have no direct involvement. Elected officials who receive inquiries from suppliers or other individuals related to any specific property purchase shall immediately direct those inquiries to the Chief Administrative Officer.

REVISION HISTORY

Approval Date	Approved By	Description of Change