



The following Motions and Documents were considered by the Board Finance and Property Committee by electronic vote on June 12, 2013:

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Agenda Title: **St. Joseph's College (SJC) – Women's Residence: Land Transfer Resolution and Order in Council**

APPROVED MOTION 1: THAT the Board Finance and Property Committee rescind the following motion approved by the Committee at its meeting of May 28, 2013:

*Motion 3: THAT the Board Finance and Property Committee recommend that the Board of Governors:*

- a) *approve the transfer back of the land legally described as Lot 3 Block 3 Plan 221 E.T. containing approximately 0.475 hectares to St. Joseph's College for the nominal amount of one dollar (\$1.00), to be completed upon St Joseph's College paying to the university sufficient funds, pursuant to the land lease, to permit the university to pay in full and discharge the mortgage granted by the university to the Alberta Capital Finance Authority to fund the development and construction of the residence; and*
- b) *make application to the Minister of Infrastructure for the required approval of the Lieutenant Governor in Council for the granting of the transfer outlined in a) of Motion 3.*

APPROVED MOTION 2: THAT the Board Finance and Property Committee recommend that the Board of Governors:

- a) execute a Land Transfer Resolution to approve the transfer back of the land legally described as Lot 3 Block 3 Plan 221 E.T., subject to the prior approval of the Lieutenant Governor in Council under section 67 of the Post-secondary Learning Act, containing approximately 0.475 hectares to St. Joseph's College for the nominal amount of one dollar (\$1.00), to be completed upon St Joseph's College paying to the university sufficient funds, pursuant to the land lease, to permit the university to pay in full and discharge the mortgage granted by the university to the Alberta Capital Finance Authority to fund the development and construction of the residence; and
- b) make application to the Minister of Infrastructure for the required approval of the Lieutenant Governor in Council for the granting of the transfer outlined in a) of Motion 3, as set forth in Attachment 1.

Final Recommended Item: 1

**OUTLINE OF ISSUE**

Agenda Title: **St. Joseph’s College (SJC) – Women’s Residence: Land Transfer Resolution and Order in Council**

**Motion 1:** THAT the Board Finance and Property Committee rescind the following motion approved by the Committee at its meeting of May 28, 2013:

*Motion 3: THAT the Board Finance and Property Committee recommend that the Board of Governors:*

- a) *approve the transfer back of the land legally described as Lot 3 Block 3 Plan 221 E.T. containing approximately 0.475 hectares to St. Joseph’s College for the nominal amount of one dollar (\$1.00), to be completed upon St Joseph’s College paying to the university sufficient funds, pursuant to the land lease, to permit the university to pay in full and discharge the mortgage granted by the university to the Alberta Capital Finance Authority to fund the development and construction of the residence; and*
- b) *make application to the Minister of Infrastructure for the required approval of the Lieutenant Governor in Council for the granting of the transfer outlined in a) of Motion 3.*

**Motion 2:** THAT the Board Finance and Property Committee recommend that the Board of Governors:

- a) **execute a Land Transfer Resolution** to approve the transfer back of the land legally described as Lot 3 Block 3 Plan 221 E.T., **subject to the prior approval of the Lieutenant Governor in Council under section 67 of the Post-secondary Learning Act**, containing approximately 0.475 hectares to St. Joseph’s College for the nominal amount of one dollar (\$1.00), to be completed upon St Joseph’s College paying to the university sufficient funds, pursuant to the land lease, to permit the university to pay in full and discharge the mortgage granted by the university to the Alberta Capital Finance Authority to fund the development and construction of the residence; and
- b) make application to the Minister of Infrastructure for the required approval of the Lieutenant Governor in Council for the granting of the transfer outlined in a) of Motion 3, **as set forth in Attachment 1.**

**Item**

Action Requested	<input checked="" type="checkbox"/> Approval <input checked="" type="checkbox"/> Recommendation <input type="checkbox"/> Discussion/Advice <input type="checkbox"/> Information
Proposed by	Don Hickey, Vice-President, Facilities and Operations
Presenters	Don Hickey, Vice-President, Facilities and Operations
Subject	Land Transfer Resolution

**Details**

Responsibility	Facilities and Operations
The Purpose of the Proposal is (please be specific)	The Minister of Infrastructure is responsible for land disposition. The Alberta Public Post-Secondary Institution Land Disposition Guidelines, dated February 2013, require a Land Transfer Resolution to proceed through governance.  The attached Land Transfer Resolution, similar to a Borrowing Resolution, requires the approval of the Board of Governors, based on the recommendation of Board Finance and Property Committee. An Order in Council will be required from the Government of Alberta prior to undertaking construction of the facility.
The Impact of the Proposal is	Institutional programming – related to student accommodation

Item No. 1

Replaces/Revises	n/a
Timeline/Implementation Date	n/a
Estimated Cost	n/a
Sources of Funding	n/a
Notes	<p>On May 28<sup>th</sup>, 2013 the <i>St. Joseph's College (SJC) – Women's Residence: Land Transfer</i> received an approved recommendation to proceed to the Board of Governors by the Board Finance and Property Committee.</p> <p>The attached memo, dated June 11, 2013, from Vice-President Don Hickey to the Chair, Board Finance and Property Committee, outlines the rationale and, therefore, updated requirements of the Board of Governors, from the Minister of Infrastructure.</p>

**Alignment/Compliance**

Alignment with Guiding Documents	Dare to Discover, Academic Plan (Dare to Deliver), Long Range Development Plan
Compliance with Legislation, Policy and/or Procedure Relevant to the Proposal (please <u>quote</u> legislation and include identifying section numbers)	<p><u><i>Post-Secondary Learning Act</i></u></p> <p><i>The Post-Secondary Learning Act, Section 67(1.1)(a) A board shall not, without the prior approval of the Lieutenant Governor in Council,(a) sell or exchange any interest in land, other than donated land, that is held by and being used for the purposes of the board.</i></p> <p><u>BFPC Terms of Reference – Sections 3 and 4 state:</u></p> <p>3. <u>MANDATE OF THE COMMITTEE</u></p> <p><i>Except as provided in paragraph 4 and in the Board's General Committee Terms of Reference, the Committee shall monitor, evaluate, advise and make decisions on behalf of the Board with respect to all strategic and significant financial and property matters and policies of the University. The Committee shall also consider any other matter delegated to the Committee by the Board.</i></p> <p><i>Without limiting the generality of the foregoing, the Committee shall:</i></p> <p><i>h) approve the acquisition or disposal of real property, provided always that any such decision of the Committee shall be reported to the Board and shall only be effective or implemented a minimum of 24 hours following the conclusion of the Board meeting at which the decision of the Committee is reported, and provided the Board has not resolved otherwise</i></p> <p>4. <u>LIMITATIONS ON DELEGATION BY THE BOARD</u></p> <p><i>The general delegation of authority by the Board to the Committee shall be limited as set out in this paragraph. Notwithstanding the general delegation of authority to the Committee set out in paragraph 3, the Board shall:</i></p> <p><i>g) review all decisions of the Committee with respect to the acquisition or disposal of real property; after any such review the Board may resolve to overturn or vary any such decision.</i></p> <p><b>UAPPOL; Real Property Compliance Policy, Real Property Acquisition Procedure, Real Property Disposition Procedure:</b>  <a href="https://policiesonline.ualberta.ca/PoliciesProcedures/Policies/Real-Property-Compliance-Policy.pdf">https://policiesonline.ualberta.ca/PoliciesProcedures/Policies/Real-Property-Compliance-Policy.pdf</a></p>

**Routing** (Include meeting dates)

Consultative Route (parties who have seen the proposal and in what capacity)	<ul style="list-style-type: none"><li>• Strategic Initiatives Group – April 16, 2013</li><li>• President’s Executive Committee - Operations – May 9, 2013</li></ul>
Approval Route (Governance) (including meeting dates)	Board Finance and Property Committee – May 28, 2013 (for recommendation to Board of Governors) Board Finance and Property Committee – June 13 electronic vote (revised motion) (for recommendation to Board of Governors) Board of Governors – June 21, 2013 (for approval)
Final Approver	Board of Governors

Attachments:

1. Land Transfer Resolution (1 page)
2. Memo to Chair, Board Finance and Property Committee, from Vice-President, Facilities and Operations, dated June 11, 2013 (1 page)

*Prepared by:*

Craig Moore

Director, Real Estate Services

University of Alberta

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**RESOLUTION OF THE GOVERNORS OF THE UNIVERSITY OF ALBERTA**  
**(“Board of Governors”)**

**IT IS HEREBY RESOLVED:**

1. THAT The Governors of the University of Alberta authorize the Vice-President (Facilities and Operations) to enter into the necessary agreements for the Board of Governors to acquire the St. Joseph’s College land, legally described as Block 3 Plan 221ET.
2. THAT The Governors of the University of Alberta authorize the Vice-President (Facilities and Operations) to take the steps necessary to subdivide the St. Joseph’s College land, legally described as Block 3 Plan 221ET, into three parcels to be legally described as Lots 1, 2 and 3 Block 3 Plan 221ET.
3. THAT The Governors of the University of Alberta authorize the Vice-President (Facilities and Operations), without the Board of Governors taking beneficial ownership, to transfer ownership to St. Joseph’s College land legally described as Lots 1 and 2 Block 3 Plan 221ET.
4. THAT, subject to the prior approval of the Lieutenant Governor in Council under section 67 of the Post-secondary Learning Act, The Governors of the University of Alberta authorize and approve to sell its interest (as acquired pursuant to resolutions 1 – 3 above) in the St. Joseph’s College women’s student residence and the land it is constructed on, which is surplus to the needs of the University of Alberta and legally described as Lot 3 Block 3 Plan 221ET to St. Joseph’s College for the nominal amount of one dollar (\$1.00), to be completed, within thirty-five years.

I hereby certify that this resolution has full force and effect on the      day of      , 2013.

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Chair, The Governors of the University of Alberta



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Date: Tuesday, June 11, 2013

To: Dick Wilson, Chair, Board Finance and Property Committee

From: Don Hickey, P. Eng., Vice-President Facilities and Operations

Cc: Juli Zinken, Assistant Board Secretary

Re: Resolution required by Government of Alberta in connection with St. Joseph's College Land Transfer

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Facilities and Operations was unaware of the latest requirements of the Alberta Public Post-Secondary Institution Land Disposition Guidelines, which Alberta Enterprise and Advanced Education (EAE) posted in February of 2013.

The new set of guidelines requires a Land Transfer Resolution for approval by the Board of Governors, in order to obtain an Order in Council for a land transfer to occur.

Facilities and Operations has worked closely with the Office of Alberta Enterprise and Advanced Education in order to clarify our understanding of their requirements.

I respectfully request your consideration in asking BFPC members to respond to an e-vote in connection with the St. Joseph's College Land Transfer Resolution, so that this item can move forward to the Board of Governors for approval at their June 21, 2013 meeting.

Yours truly,

Don Hickey

DLH:sem