

The Corporation Of The City Of North Bay

By-Law No. 2016-05

**Being A By-Law to Adopt The
Asset Transfer Policy**

Whereas section 10.(2)(4) of the *Municipal Act, 2001*, as amended, provides that a municipality may adopt a By-Law with respect to public assets of the municipality;

And Whereas Council passed Resolution 2015-583 at its Meeting held on Monday, December 14, 2015, authorizing that the Asset Transfer Policy be adopted.

Now Therefore the Council of the Corporation of the City of North Bay
Hereby Enacts as Follows:

1. That the Asset Transfer Policy attached as Schedule "A" hereto is hereby adopted.
2. This by-law shall take force and effect upon being passed.

Read a First Time in Open Council This 11th day of January, 2016.

Read a Second Time in Open Council This 11th day of January, 2016.

Read a Third Time in Open Council and Enacted and Passed This 11th day of January, 2016.

Mayor Allan McDonald
SIRE\C01\ASSET TRANSFER POLICY

Deputy City Clerk Karen McIsaac

**Schedule "A" to By-Law 2016-05
Of the Corporation of the City of North Bay**

The Corporation of the City of North Bay

Policies & Procedures

Approved:

Subject: Asset Transfer Policy

Review: Every 4 years

Policy Statement

This policy is intended to address asset transfers to Municipal Service Corporations as required under the *Ontario Municipal Act* and Regulation 599/06.

Purpose

This policy is to permit and facilitate the transfer of municipally owned and controlled assets to corporations owned or controlled by the Municipality in accordance with applicable legislation.

Application

Assets owned by the Corporation of the City of North Bay, may be transferred to a Municipal Service Corporation at any time, and from time to time, as authorized by City Council, on such terms, conditions, guidelines and/or restrictions as determined by Council.

Definitions

1. Act: *Municipal Act, 2001* including the associated regulations.
2. Assets: Real property, equipment, materials and personal property of the municipality and its agencies, boards, commissions and corporations.
3. Municipal Services Corporation: A corporation incorporated in accordance with the Municipal Act.
4. Fair Market Value: The present value of an asset that the present market will bear or that has been appraised within the past 2 years by a qualified appraiser.
5. Asset Ledger: The book of record for the City's Tangible Assets containing historical value, change in values and accumulated depreciation.
6. City: The Corporation of the City of North Bay.

Performance Standards

The Chief Financial Officer (CFO) shall ensure all applicable legislation, including but not limited to the Municipal Act, 2001, c 25 is adhered to in any asset transfers.

The CFO shall determine the current fair market value of the assets prior to transfer of City owned assets.

The CFO shall record the disposition or transfer of the City asset in accordance with applicable Public Sector Accounting Board (PSAB) and City accounting policies.

The CFO shall prepare a statement of the value of any grant to a corporation or an estimate of the fair market value of any other assistance provided at less than fair market value to a corporation.

Procedure

The City may transfer such municipally owned assets as it sees fit to a Municipal Services Corporation on the following terms:

- a) The City shall ensure all applicable legislation, including but not limited to the Municipal Act, 2001, c 25 is adhered to in any asset transfers.
- b) Prior to transfer of City owned assets, staff shall determine the current fair market value of the assets, which determination may involve use of an appraiser, but such an appraisal shall not necessarily be required where staff is of the opinion a fair market value can otherwise be accurately determined.
- c) Any asset transfer must be approved by City Council in advance of the transfer.
- d) City Council may attach any term, condition, guideline, restriction or such to any asset transfer as it deems necessary or appropriate, including but not limited to:
 - i. Specifying the permitted use of the asset(s);
 - ii. Providing for an obligation on the Municipal Services Corporation to transfer back the asset upon the happening of an event or events;
 - iii. Restricting or prohibiting further transfer, sale or lease of the asset(s);
 - iv. Attaching a purchase price of the asset, to be paid or owed to the City by the Municipal Services Corporation;
 - v. Any repayment or conditional payment terms; and
 - vi. Such other terms or conditions as deemed advisable.
- e) Where any asset transfer or assistance is made below market value, or where any grant is given to the Municipal Services Corporation, the City's CFO shall prepare a statement of the value of any grant to a corporation or an estimate of the fair market value of any other assistance provided at less than fair market value to a corporation.
- f) The CFO shall record the disposition of or transfer of the City asset in accordance with applicable PSAB and City accounting policies.
- g) Where the Province of Ontario has contributed funds to any asset being transferred, the City shall give notice to every Minister that made part of the contribution if such notice is required by the Provincial Legislation or otherwise by law or agreement.
- h) Where the Province of Ontario has granted a right in an agreement with the City, the City shall obtain the consent of the Province before transferring the right.