

THE MUNICIPAL CORPORATION OF THE TOWN OF IQALUIT, N.W.T.

BY-LAW 264

A BY-LAW OF THE TOWN OF IQALUIT IN THE NORTHWEST TERRITORIES to provide for the acquisition, holding and disposal of real and personal property by the Municipal Corporation.

AND FURTHER, a By-Law to provide for the establishment, levy and collection of charges for services provided by the Municipal Corporation pursuant to the provisions of the Cities, Towns and Villages Act, R.S.N.W.T., 1988, c. C- 8, Section 131 and 169.

NOW, THEREFORE, The Council of the Town of Iqaluit at a duly convened meeting enacts as follows.

SHORT TITLE

1. This By-Law may be cited as the "PROPERTY AND REVENUE BY-LAW"

PART 1

INTERPRETATION

2. (1) In this By-Law:
 - (a) ACQUISITION: Means to acquire for the Town any property by way of purchasing, renting, leasing, trading or borrowing.
 - (b) AUCTION MANAGER: Means the individual or organization appointed by resolution to manage a public auction for the disposal of an item or items by the Town.
 - (c) BIDDER: Means the person, agent or company that has formally responded to a call for tenders by submitting a bid.
 - (d) BUDGET: Means the budget adopted by the council for the current fiscal year. This includes all capital and current expenditures together with offsetting revenue.
 - (e) CAPITAL BUDGET: Means that segment of the yearly budget which reflects estimated capital expenditures.
 - (f) CHARGES: Means those rentals, fees or prices which are levied against the use or sale of property owned by the Town. Such charges shall include any direct costs related to the provision of goods and services. Direct and indirect costs are not limited to administrative costs, security deposits, interest fees as well as any taxes or duties imposed by way of separate By-Law or Superior Legislation.
 - (g) COUNCIL: Means the Council of the Town of Iqaluit.
 - (h) CURRENT BUDGET: Means the segment of the yearly budget which reflects estimated current expenditures.
 - (i) CURRENT EXPENDITURES: Means those expenditures made on a recurring basis for personal property or services and are not defined within the meaning of capital expenditure.
 - (j) DISPOSAL: Means to dispose of any property owned by the Town by way of selling, giving, destruction or trading.
 - (k) EXPENDITURES: Means any disbursement of Town assets including liabilities incurred or transfers of property for the purpose of obtaining goods and services.
 - (l) LEASE: Means lease by agreement for a specific period.

- (m) LEASE TO PURCHASE: Means lease to purchase by the Town of any property with a life span longer than one year and a total cost of over \$ 1000.00
- (n) CAPITAL EXPENDITURE: Means those expenditures which result in the acquisition of an asset of a mobile, fixed or permanent nature. This may include improvements to an existing asset or extensions to the useful life of an asset. For greater clarity, a major capital expenditure is defined as being Five Thousand Dollars or more; and
 - (i) has an estimated useful life expectancy of five or more years or
 - (ii) improves an existing asset or
 - (iii) extends the estimated useful life of an asset by five or more years.
- (o) MERCHANDISE: Means personal property acquired by the Town primarily for the purpose of distribution or resale to the public.
- (p) PERSONAL PROPERTY: Means any property owned or held by the Town but does not include real property. This also means any documents, receipts, vouchers, instrumens, rolls, records, or papers which belong to the Town.
- (q) REAL PROPERTY: Means land or buildings owned or held by the Town. This shall include any machinery or fixtures which are affixed to and form an integral part of the property.
- (r) RENT: Means to rent semi-monthly, monthly, annually, or other terms.
- (s) RESOLUTION: Means resolution by the Council.
- (t) SIGNING AUTHORITY: Means that level of authority conferred on employees to make expenditures on behalf of the Town.
- (u) TOWN: Means the Town of Iqaluit.
- (v) TOWN MANAGER: Means the Senior Administrative Officer of the Town.

2.2 Schedules attached to this By-Law form part of this By-Law.

PART II

ACQUISITION

- 3. 1. Pursuant to the budget, the purchase of real property by the Town shall be done by way of By-Law, setting out
 - a) the name of the vendor
 - b) the legal description of the property
 - c) the total expenditure required to obtain the real property, and
 - d) the source of funds or assets to be used in making the acquisition.

2. These conditions shall also apply to any real property that the Town intends to use, hold, lease, or occupy on a permanent basis.
3. The acquisition of personal property by the Town shall be
 - a) pursuant to the budget, and
 - b) in accordance with those policies and procedures established by resolution of Council.
4. Subject to Sub-section 3.3, capital and current expenditures:
 - a) may be authorized by supervisors who are not heads of departments for those items or groups of items costing not more than \$2,000.00. or
 - b) may be authorized by heads of departments for those items or groups of items costing not more than \$ 5,000.00, or
 - c) may be authorized by the Town Manager for those items or group of items costing not more than \$50,000.00, and
 - d) must be authorized by resolution of Council for those items or groups of items costing more than \$50,000.00
5. Notwithstanding Sub-sections 3.3 and 3.4, the acquisition of any property not reflected in either the capital or current budget must be authorized by resolution of council. Such authorization is subject to the identification of funds or assets to be used in making the acquisition.
6. Subject to Sub-section 3.3, 3.4 and 3.5 the renting, leasing, or borrowing of real or personal property for Town purpose for a period extending beyond the end of the current fiscal year must be authorized by resolution of council.

PART III

HOLDING

4. 1. Any property owned or held by the Town shall not be used lent, rented out or disposed of other than in accordance with this By-Law.
2. Pursuant to this By-Law the council shall by resolution establish;
 - (i) policies and procedures to govern, and
 - (ii) where applicable, to establish, charges to be levied against the use of lending, renting, out or disposal of property owned or held by the Town.
3. Pursuant to this By-Law the council may at any time by resolution amend, alter, discontinue, defer, or approve new policies, procedures and charges related to the use, lending, renting out or disposal of property owned or held by the Town.

4. Except by resolution of council, property owned or held by the Town shall not be used, lent , rented out or sold in a manner which would compete against private individuals, groups or companies who hold Business Licenses with the Town.

PART IV

DISPOSAL

5. 1. The disposal of real property owned or held on a permanent basis by the Town shall be done by way of By-Law, setting out
 - a) the name of the purchaser or receiver,
 - b) the legal description of the real property, and
 - c) the total price to be paid for the real property, or
 - d) the legal description of the asset to be received in exchange for the real property.
2. Personal property owned by the Town shall not be disposed of in part or in whole except in accordance with the conditions set out in Schedule 1, attached to and forming part of this By-Law.
3. Notwithstanding Sub-section 5.2 the Council shall by resolution establish policies, procedures and charges for the distribution of merchandise.

PART V

ADMINISTRATION

6. 1. Policies, procedures and charges established pursuant to this By-Law shall be maintained by the Town Manager in the following manner:
 - (a) in written form which is current with instructions received from Council, and
 - (b) kept in a procedural manual entitled: MUNICIPAL PROPERTY (REVENUE AND EXPENDITURES)
 2. The procedural manual referred to in Subsection 6.1(b) shall be maintained in sufficient number to ensure ready access by Council and Town employees.
 3. The aforesaid manual shall also contain any directives, policies, procedures or charges pertaining to the acquisition, holding or disposal of Town owned or held property as may be imposed by way of separate By-Law or Superior Legislation.
6. 4. Pursuant to Sub-section 3.4 of this By-Law the Town Manager shall maintain an up to date list of employees authorized to make expenditures on behalf of the Town along with their designated levels of signing authority.
 5. The provisions of this By-Law are separable and invalidity of any part of this By-Law shall not affect the rest of the By-Law.

PART VII

EFFECTIVE DATE

7. 1. This By-Law shall come into force upon the Third and Final Reading.

THIS BY-LAW NO. READ A FIRST TIME before the Council of the Town of Iqaluit this 17th day of MARCH, A.D. 1992

THIS BY-LAW NO. READ A SECOND TIME before the Council of the Town of Iqaluit this 1st day of APRIL, A.D. 1992

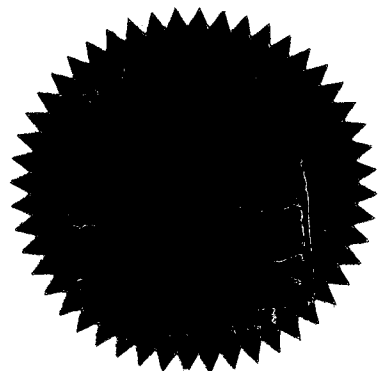
THIS BY-LAW NO. READ A THIRD TIME before the Council of the Town of Iqaluit this 1st day of APRIL, A.D. 1992



MAYOR



SENIOR ADMINISTRATIVE OFFICER



THE CORPORATION OF THE TOWN OF IQALUIT

BY-LAW NO. _____

SCHEDULE 1

- 1.00 Pursuant to Sub-section 5.2 of this By-Law, the conditions outlined in this schedule shall be adhered to in the disposal of personal property owned by the Town.
- 2.00 The following procedures shall apply to the disposal of personal property belonging to the Town but does not include documents or merchandise.
- 2.01 The Town Manager shall provide Council with a description of the item or items to be disposed of including a recommendation for disposal, and recommended means of disposal.
- 2.02 a) The Council shall by resolution decide:
i) whether or not the property is to be disposed of, and
ii) the manner of disposal
- b) Where a majority of the members of Council present so resolve, the minimal sale price of any item(s) may be discussed in private. Those members who have declared an interest shall be required to leave the Council Chambers during such discussions.
- 2.03 Where pursuant to Subsection 2.02 (a) Council decides in the affirmative it may instruct that:
- a) the property be sold by way of proposal call, sealed tender or public auction, or
- b) where the property is of minimal use or resale value that it be disposed of by way of charitable donation for a fee of \$ 1.00 to a benefactor (s) approved by Council; or
- c) where the property is damaged or otherwise beyond use or appreciable value, that it be disposed of by whatever means deemed to be the most feasible and practical.
- 2.04 a) Where pursuant to Subsection 2.03 (a) the property is to be sold by sealed tender, the Town Manager shall cause public notice to be made of the intended sale. Such notice may be issued in whatever manner deemed appropriate but shall be posted in at least five prominent locations within the Municipality no less than two weeks before the closing of bids.
- b) The notice referred to in Subsection 2.04 (a) shall include:
- i) a description of the item(s) to be disposed of including, where applicable, the make, model, serial number, year of manufacture and any special features,
- ii) the times, dates, and at what location(s) the item(s) may be viewed,

3. b)
 - iii) the place, date and time for the submission of sealed bids,
 - iv) the place, date and time for the public opening of bids,
 - v) notice that the condition of the item(s) is "as is where is", unless otherwise authorized by resolution of council,
 - vi) notice regarding the required removal of any item(s) within a specified time,
 - vii) notice that Council may not necessarily accept the highest or any bid
 - viii) notice that the bidder may bid on any or all items offered for sale,
 - ix) notice of any required deposit
 - x) notice that deposits and payments for items purchased must be by cash, certified cheque or money order payable to the Town of Iqaluit.
 - c) At the appointed time, or at such later time as the Town Manager may determine and give public notice of, the Town Manager or designated Town Employee shall hold a public meeting to open the sealed bids. The name of the bidder and the amount(s) of their bids) shall be duly recorded for presentation to Council.
 - d) At a time no later than its next regularly scheduled meeting the Council shall make a final decision regarding the bids received and announce that decision in an open meeting.
 - e) Where at least the majority of the members of Council present so resolve, the bids may be discussed in private. Those members who have declared an interest shall exclude themselves from any discussion concerning the bids.
- 2.05
- a) Where pursuant to Subsection 2.03 (a) the property is to be sold by public auction, the Council shall by resolution appoint an individual or recognized organization to manage the auction.
 - b) The Council may by resolution establish such terms, conditions or rates of payment considered appropriate for the Auction Manager
 - c) The Auction Manager shall cause public notice to be made of the intended auction. The style and manner of posting such notice shall be similar to that referred to in Section 2.04. The content of the notice shall reflect that a public auction is being held to sell item(s) of personal property owned by the Town and shall be posted no later than two weeks prior to the date of the auction.
 - d) Bidders wishing to make reserved bids on any item(s) may do so by submitting to the Auction Manager a deposit of not less than ten percent of the bid. Such deposits and all other payments shall be payable to the Town of Iqaluit. Reserved bids shall remain private until the opening of bids on the particular item(s).
 - e) Immediately following the closing of bids on any item, the successful bidder must pay to the Auction Manager a minimum deposit of not less than ten percent of the bid. All deposits and payments shall be payable to the Town of Iqaluit by way of cash, certified cheque or money order.

- 2.06 Where a successful bidder is announced either by way of tender or by auction, the bidder must within seven days of the announcement pay the full amount of the submitted bid.
- 2.07 A successful bidder shall not take possession of the item(s) purchased until such time as the offered purchased price is paid in full. All purchases are "As is When is" and there are no stated or implied warranties.
- 2.08 All purchases made pursuant to this schedule shall be deemed to be final.
- 2.09 Except by resolution of Council, a successful bidder who fails to comply with any condition set forth in this Schedule will be deemed to have forfeited their deposit and any right to purchase the item(s) previously awarded to them for sale.
- 2.10 Within two business days of the announcement of the results of a sale by tender or public auction the Town Manager shall, as far as possible, return the deposits of unsuccessful bidders.
- 2.11 Council by resolution shall determine the manner for disposing of any item(s) remaining unsold following a sale by tender or public auction.
- 2.12 Where pursuant to Subsection 2.03(b) the property is to be disposed of by way of charitable donation to an approved benefactor, the Town Manager shall, by whatever means deemed feasible and practical, cause for the benefactor to take delivery of the item(s) in accordance with any instruction that may be received from Council.
- 2.13 All transactions which are finalized pursuant to Sections 2.04, 2.05, and 2.12 shall be documented by receipt, bill of sale or such other instrument which denotes transfer of ownership from the Town to the new owner.
- 2.14 Where pursuant to Subsection 2.03(c) the property is to be disposed of by the most feasible and practical means, the Town Manager shall:
- a) cause for the disposal of the item(s) in accordance with any instructions that may be received from Council,
 - b) ensure that the manner and date of disposal of the item(s) is verified in writing, and
 - c) ensure that the disposal of the item(s) is witnessed by the Town Manager or his/her designate.
- 3.00 The following procedure shall apply to the retention and disposal of documents, receipts, vouchers, instruments, rolls, records or papers belonging to the Town.
- 3.01 The Town Manager shall ensure the safe keeping of all documents referred to in Section 3.00

3.02 The Town Manager may cause for the destruction of such documents provided that they have been retained in accordance with the retention schedule outlined below and in accordance with superior legislation where applicable:

<u>Subject</u>	<u>Retention (Year)</u>
Accounts Receivable Ledger	Permanent
Assessment Rolls	Permanent
Bank Statements	Ten
By-Laws	Permanent
Cancelled Cheques	Ten
Contracts(Expired)	Ten
Council Agendas	Permanent
Council Committee Agendas	Permanent
Council Committee Minutes	Permanent
Council Minutes	Permanent
Council Motions	Permanent
Deeds	Permanent
Employee Records:	
General	Five (After termination)
Payroll	Ten (After termination)
Fines (tickets issued)	Ten
General Correspondence	Five (After final transmittal)
General Ledger	Permanent
Insurance Certificates	Two
Insurance Claims(Closed)	Ten
Journal Entries	Ten
Judgements	Permanent
Land Records	Permanent
Leases (Not Land)	Ten (After Expiry)
Licenses	Ten (After Expiry)
Permits	Permanent
Petitions & Plebiscites	Permanent
Purchase Orders	Ten
Taxes:	
Certificate Applications	Fifteen
Certificate Copies	Permanent
Receipts	Ten
Rolls & Registry Cards	Permanent
Sale Records	Permanent
Tenders	Ten
Water Tickets, Vouchers, etc.	Five

- 4.00 The following conditions shall apply to the disposal of merchandise belonging to the Town by way of sale to the public.
- 4.01 Merchandise shall be sold for the purpose of either promoting the image of the Town or enhancing a service provided by the Municipal Corporation.
- 4.02 Except by resolution of Council no merchandise will be sold which could otherwise be provided in similar quality and equivalent price by the private sector.
- 4.03 Those procedures and rates established pursuant to Sub-section 5.3 of this By-Law shall be adhered to in regard to the distribution or sale of merchandise. These procedures and rates shall be maintained in the Municipal Property (Revenue and Expenditures) manual.