

THE CORPORATION OF THE TOWN OF IQALUIT, NT

BY-LAW #404

PROPERTY PROCEDURES BY-LAW

A By-Law of the Municipal Corporation of the Town of Iqaluit, in the Northwest Territories to provide for the acquisition, holding and disposal of real and personal property;

PURSUANT to Section 131(2) and 132(3) of the *Cities, Towns and Villages Act*, R.S.N.W.T., 1988, c.C-8;

WHEREAS no real and personal property may be acquired by, held or disposed of by the Municipal Corporation except in accordance with a procedural by-law;

NOW THEREFORE, THE COUNCIL OF THE MUNICIPAL CORPORATION OF THE TOWN OF IQALUIT, in regular session duly assembled, hereby enacts as follows:

SHORT TITLE

- 1. This by-law may be cited as the "Property Procedures By-Law".**

INTERPRETATION

- 2. In this by-law:**

- a) "acquisition" means acquiring property by purchase, lease to purchase, lease, construction or foreclosure;
- b) "auction manager" means the individual or organization appointed by Resolution to manage a public auction for the disposal of Town property;
- 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 of the Town for the current fiscal year;
- e) "cost" means the actual historical cost, including freight and installation, construction cost or the appraised value;
- f) "Council" means the Council of the Municipal Corporation of the Town of Iqaluit;
- g) "disposal" means disposing of property by sale, lease, grant or donation;
- h) "holding" means the care and control by the Town of acquired property;
- i) "lease" means lease by agreement for a specific period;
- j) "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 not exceeding the amount as specified in the *Cities, Towns and Villages Act*;
- k) "local" means within the municipality;
- l) "officer" means a by-law officer appointed by by-law;
- m) "personal property" means property other than real property;

- n) "pre-qualifications" means the process by which the Town selects bidders to be invited to submit tenders;
- o) "real property" means land and buildings, other than mobile units, and includes fixtures that are permanently attached to buildings and cannot be removed without damaging the building;
- p) "rent" means rent semi-monthly, monthly, annually, or other terms;
- q) "resolution" means a resolution by the Council;
- r) "SAO" means the Senior Administrative Officer of the Town;
- s) "tender" means an offer by a bidder in accordance with this by-law;
- t) "Town" means the Municipal Corporation of the Town of Iqaluit in the Northwest Territories;
- u) "Town Property" means real or personal property belonging to the Town.

3. Schedules attached to this by-law form part of this by-law.

ACQUISITION

- 4. The acquisition of real property by the Town shall be in accordance with Schedule I of this By Law.
- 5. The renting or leasing of personal property for municipal purposes for a period extending beyond the end of the current fiscal year must be authorized by resolution.

HOLDING

- 7. Real and personal property belonging to the Town may be used, lent or rented out in the manner as may be authorized by the SAO in accordance with the instructions of Council.
- 8. Town property shall not be used, lent, rented out or disposed of other than in accordance with this by-law.
- 9. Personal property belonging to the Town that has a life span of over one year and a cost of over five thousand dollars (\$5,000.00) shall be recorded in the Town asset register. The asset register may be updated every year and for each item the register shall contain:
 - a) an asset item identification number;
 - b) a description of the item;
 - c) the date of acquisition of the item;
 - d) either the actual historical cost or the appraised value.
- 10. Town property shall be insured in accordance with Council direction.

DISPOSAL

- 11. A by-law for the disposal of real property shall be in accordance with Schedule II of this By law.
- 12. This by-law shall come into effect upon receiving Third Reading.

THIS BY-LAW READ a First Time this 9th day of December, 1997 A.D.

J. KIVABUK
Mayor

[Signature]
Senior Administrative Officer

THIS BY-LAW READ a Second Time this 8th day of December, 1998 A.D.

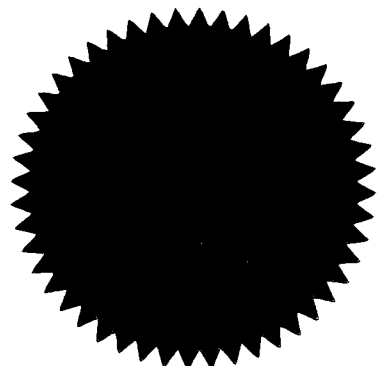
J. KIVABUK
Mayor

[Signature]
Senior Administrative Officer

THIS BY-LAW READ a Third and Final Time this 8th day of December,
1998 A.D.

J. KIVABUK
Mayor

[Signature]
Senior Administrative Officer



**Municipality of Iqaluit
By-Law #404**

SCHEDULE 1

- 1. Where an item or item(s) of personal property are acquired by the Town in accordance with this by-law, the acquisition may be authorized by the SAO for property costing not more than as outlined in the SAO's signing authority limits as established.**
- 2. For the acquisition of personal property costing more than as outlined in the SAO's signing authority limits as established, Council authorization by resolution is required.**
- 3. For the acquisition of personal property, Council shall follow the policies "as applicable", established in By Law no. 318, Contract Procedures By Law.**
- 4. For the acquisition of land, Council shall follow the policies established in By Law no. 365, Land Administration By Law.**

**Municipality of Iqaluit
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SCHEDULE 2

Municipal Property for Disposal

- 1. Notwithstanding any provision of the By law to the contrary, where an item or item(s) of personal property are disposed of by the Town in accordance with this by-law, the disposal may be authorized by the SAO for property with an estimated value of not more than Five Thousand (\$5000.00) dollars, and such disposal shall be reported to Council.**
- 2. For the disposal of personal property with an estimated value of more than Five Thousand (\$5000.00) dollars, Council authorization by resolution is required.**
- 3. For the disposal of personal property, Council shall follow the policies established in By Law no. 318, Contract Procedures By Law.**
- 4. For the disposal of land, Council shall follow the policies established in By Law no. 365, Land Administration By Law.**
- 5. The SAO shall provide Council with a description of any item(s) of Town personal property to be disposed of, including reasons for disposal.**
- 6. Where any item of Town property is to be disposed of, Council may instruct that:
 - a) the property be sold by way of invitational tender, 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 to beneficiaries approved by Council; or**
 - c) where the property is damaged or otherwise beyond use or appreciable value, that the SAO dispose of the property in a specified manner or by whatever means the SAO considers to be appropriate.****
- 7. Where two-thirds of the members of Council present so resolve, the suggested minimal sale price recommended by the SAO of any item(s) may be discussed in closed session.**
- 8. Every member of Council who has declared an interest in the matter being discussed under Section 4 shall be required to leave the Council Chambers during such discussions in closed session.**
- 9. Where pursuant to paragraph 6. a) of this Schedule the property is to be sold by sealed tender, notice of the intended disposal of the item(s) shall be posted in at least five prominent locations in the Town for at least two weeks before the closing of bids, and shall include:
 - a) a description of the item(s) to be disposed of, including make, model, serial number, year of manufacture and any special features;**
 - b) at what times and dates and at what location(s) the item(s) may be viewed;**
 - c) the place, date and time for submission of sealed bids;**
 - d) notice that the condition of the item is “as is, where is”, unless otherwise authorized by Resolution;**
 - e) notice regarding the required removal of any item(s), within a specified time;**
 - f) notice that Council may not necessarily accept the highest or any bid;**
 - g) notice that a bidder may bid on any or all the items offered for sale;**
 - h) notice that every sealed bid must contain a deposit of not less than 10% of the amount of the bid;**
 - i) notice that deposits and payments for items purchased must be by cash, certified cheque or money order, payable to the “Municipality of Iqaluit”.****

10. The final decision to choose the successful bidder shall follow the procedures detailed in By Law no. 318, Contract Procedures By Law.
11. Where pursuant to paragraph 6. a) of this Schedule the property is to be sold by public auction, the Council shall by Resolution appoint an Auction Manager.
12. The Council may by Resolution establish such terms, conditions or rates of payment considered appropriate for the Auction Manager.
13. The Auction Manager shall cause public notice to be given of the intended auction. The style and manner of posting such notice shall be similar to that referred to in Sections 6 of this Schedule.
14. 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 "Municipality of Iqaluit". Reserved bids shall remain private until the opening of bids on the particular item(s).
15. Immediately following the closing of bids on any item, the successful bidder must pay to the Auction Manager a further deposit of not less than ten percent of the bid. All deposits and payments shall be payable to the "Municipality of Iqaluit" by cash, certified cheque or money order.
16. 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.
17. A successful bidder shall not take possession of the item(s) purchased until such time as the offered purchase price is paid in full.
18. All purchases made pursuant to this Schedule shall be deemed final.
19. 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 his deposit and any right to purchase the item(s) previously awarded to him for sale.
20. Within forty-eight hours of the announcement of the results of a sale by tender or public auction, the SAO shall, as far as possible, return the deposits of unsuccessful bidders.
21. Council by Resolution shall determine the manner for disposing of any item(s) remaining unsold following a sale by tender or public auction.
22. Where pursuant to paragraph 6. b) of this Schedule the property is to be disposed of by way of charitable donation to an approved beneficiary, the SAO shall provide for the beneficiary to take delivery of the item(s) in accordance with any instruction that may be received from Council.
23. All transactions which are finalized pursuant to Sections 9, and 11 through 22 of this Schedule shall be documented by receipt, bill of sale or such other instrument which denotes transfer of ownership from the Town to the new owner.
24. Where property is to be disposed pursuant to paragraph 9. c) of this Schedule, the SAO shall:
 - a) provide 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 noted in writing; and
 - c) ensure that the disposal of the item(s) is witnessed by at least one officer.