

HAMLET OF FORT MCPHERSON

BY-LAW #94-95

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BEING A BY-LAW OF THE HAMLET OF FORT MCPHERSON IN THE NORTHWEST  
TERRITORIES TO PROVIDE FOR THE ACQUISITION, HOLDING AND DISPOSAL OF  
REAL AND PERSONAL PROPERTY, PURSUANT TO THE PROVISIONS OF THE  
HAMLETS ACT, R.S.N.W.T., 1988,c.H-1, s 131.  
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AS no 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 HAMLET OF FORT MCPHERSON, in a  
meeting duly assembled, 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 Hamlet property;
  - (c) "bidder" means the person, agency or company that has formally responded to a call for tenders by submitting a bid;
  - (d) "budget" means the budget of the Hamlet 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 Hamlet;
  - (g) "disposal" means disposing of property by sale, lease, grant or donation;
  - (h) "holding" means the care and control by the Hamlet of acquired property;
  - (i) "lease" means lease by agreement for a specific period;
  - (j) "lease to purchase" means lease to purchase by the Hamlet of any property with a life span longer than one year and a total cost of over \$150.00;

- (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-qualification" means the process by which the Hamlet 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) "S.A.O." means the Senior Administrative Officer of the Hamlet;
- (s) "tender" means an offer by a bidder in accordance with this By-law;
- (t) "Hamlet" means the Hamlet of Fort McPherson;
- (u) "Hamlet property" means real or personal property belonging to the Hamlet.

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

#### **ACQUISITION**

- 4. A By-law for the acquisition of real property by the Hamlet shall specify:
  - (a) the name of the vendor,
  - (b) the legal description of the real property,
  - (c) the total price to be paid for the real property, and
  - (d) the source of funds for the acquisition.
- 5. Subject to section 5, the acquisition of personal property by the Hamlet shall be approved by the budget or by resolution and in accordance with procedures set out in Schedule 1.
- 6. 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 Hamlet may be used, lent or rented out in the manner and at the rates set out in the Use of Municipal Property and Equipment Schedule, maintained by the S.A.O. in accordance with the instructions of Council.
- 8. Hamlet property shall not be used, lent, rented out or disposed of other than in accordance with this By-law.
- 9. (1) Personal property belonging to the Hamlet that has a lifespan of over one year and a cost of over \$150.00 shall be recorded in the Hamlet asset register. The asset register may be updated every six months and for each item the register shall contain:
  - (a) as 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.

**DISPOSAL**

- 10. A By-law for the disposal of real property shall specify:
  - (a) the form of disposal,
  - (b) the name of the purchaser,
  - (c) the legal description of the property, and
  - (d) the terms and conditions of the disposal including the price to be paid.
- 11. Hamlet property shall not be disposed of except in accordance with this By-law.

**REPEAL**

- 12. By-law #61 is hereby repealed.

READ a First Time this 14 day of March, 1995

READ a Second Time this 14 day of March, 1995

Victor Lou  
Mayor

Louise Rennee  
Senior Administrative Officer

READ a Third Time and Finally Passed this 11 day of April, 1995

Victor Lou  
Mayor

Louise Rennee  
Senior Administrative Officer

THE HAMLET OF FORT MCPHERSON

BY-LAW #94-95

SCHEDULE 1

1. (1) Where an item or item(s) of personal property are acquired by the Hamlet in accordance with this By-law, the acquisition may be authorized by the S.A.O. for property costing not more than \$5,000.00.
- (2) For the acquisition of personal property costing more than \$5,000.00, Council authorization by resolution is required.
- (3) For the acquisition of property costing more than \$5,000.00 but not more than \$25,000.00, an Invitation to Tender shall be sent to qualified suppliers or contractors which may be chosen by pre-qualification.
- (4) For property ranging from \$25,000.00, a call for tenders may be published in local and regional newspapers and posted in the Hamlet office, or at Council's discretion, Invitational tenders may be utilized.
- (5) Every call for tenders shall be published for a minimum of two days and shall include:
  - (a) the name of the Hamlet calling for tenders;
  - (b) a description of the work or equipment, including quantities, required;
  - (c) the project or contract number;
  - (d) where plans and specifications may be obtained;
  - (e) the place where tenders should be sent, and the person to whom enquiries should be addressed;
  - (f) the date and time of closing for receiving tenders;
  - (g) bonding and other requirements; and
  - (h) a statement stipulating that the lowest or any bid not necessarily be accepted.
- (7) Except as otherwise provided by resolution, bonding shall be required for every tender.
- (8) Where bonding is required, every person submitting a tender shall submit with the tender a security deposit of not less than 10% of the bid in the form of a bid bond, money order, certified cheque or letter of credit.

2. (1) At the appointed time, or at such time as Council may determine and give public notice of, the sealed bids shall be opened at a meeting open to the public.
- (2) Where at least two-thirds of the members of Council present so resolve, the bids may be discussed in private, those members who have declared an interest being required to leave the Council Chambers.
- (3) Council shall make its decision as soon as practicable and announce the results in open meeting.
- (4) Within forty-eight hours of the announcement of the results, the S.A.O. shall, as far as possible return the deposits of unsuccessful bidders.

HAMLET OF FORT MCPHERSON  
BY-LAW #94-95

SCHEDULE 2

Hamlet Property for Disposal

1. (1) The S.A.O. shall provide Council with a description of any item or items of Hamlet personal property to be disposed of, including reasons for disposal.
  - (2) The Council shall determine by resolution whether an item or items of Hamlet personal property shall be disposed of and the manner of disposal.
  - (3) Where any item of Hamlet property is to be disposed of, Council may instruct that:
    - (a) the property be sold by way of either 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 S.A.O. dispose of the property in a specified manner or by whatever means the S.A.O. considers to be appropriate.
  - (4) Where two-thirds of the members of Council present so resolve, the minimal sale price of any item(s) may be discussed in private.
  - (5) Every member of Council who has declared an interest in the manner being discussed under subsection (4) shall be required to leave the Council Chambers during such discussions in private.
2. (1) Where pursuant to paragraph 1(3)(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 Hamlet for at least two weeks before the closing of bids.
  - (2) The notice referred to in subsection (1) 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 items(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 items(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 "Hamlet of Fort McPherson".

3      The final decision to choose the successful bidder shall follow the procedures detailed in section 2 of Schedule 1 of this By-law.

- 4.
- (1) Where pursuant to paragraph 1(3)(a) of this Schedule the property is to be sold by public auction, the Council shall by resolution appoint an Auction Manager.
  - (2) The Council may by resolution establish such terms, conditions or rates of payment considered appropriate for the Auction Manager.
  - (3) The Auction Manager shall cause public notice to be given of the intended auction. The style and manner of posting shall be similar to that referred to in subsection 2(1) and 2(2) of this schedule.
  - (4) Bidders wishing to make reserved bids on any items(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 "Hamlet of Fort McPherson". Reserved bids shall remain private until the opening of bids on the particular item(s).
  - (5) 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 payment shall be payable to the "Hamlet of Fort McPherson" by cash, certified cheque or money order.
  - (6) 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.
  - (7) A successful bidder shall not take possession of the items(2) purchase until such time as the offered purchase price is paid in full.
  - (8) All purchases made pursuant to this Schedule shall be deemed final.

- (9) 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.
  - (10) Within forty eight hours of the announcement of the results of a sale by tender or public auction, the S.A.O. shall as far as possible, return the deposits of unsuccessful bidders.
  - (11) Council by resolution shall determine the manner for disposing of any item(s) remaining unsold following a sale by tender or public auction.
5. Where pursuant to paragraph 1(3)(b) of this schedule the property is to be disposed of by way of charitable donation to an approved beneficiary, the S.A.O. shall provide for the beneficiary to take delivery of the item(s) in accordance with any instruction that may be received from Council.
6. All transactions which are finalized pursuant to sections 2,4 and 5 of this schedule shall be documented by receipt, bill of sale or such other instrument which denotes transfer of ownership from the Hamlet to the new owner.
7. Where property to be disposed pursuant to paragraph 1(3)(c), the S.A.O. 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.