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# NATIONAL ASSEMBLY

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SECOND SESSION

THIRTY-SIXTH LEGISLATURE

Bill 77

(2002, chapter 68)

**An Act to amend various legislative  
provisions concerning regional county  
municipalities**

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**Introduced 19 December 2001**

**Passage in principle 15 May 2002**

**Passage 19 December 2002**

**Assented to 19 December 2002**

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## EXPLANATORY NOTES

*This bill amends various provisions concerning regional county municipalities.*

*The bill grants to every regional county municipality no part of whose territory is situated within the territory of the Communauté métropolitaine de Montréal*

*(1) the possibility of electing its warden by universal suffrage ;*

*(2) exclusive jurisdiction with respect to the management of municipal watercourses situated within its territory ;*

*(3) the power to establish, by by-law, a plan relating to the development of its territory.*

*The bill provides that every regional county municipality no part of whose territory is situated within the territory of a metropolitan community is required to set out in its land use planning and development plan a strategic vision of economic, social, cultural and environmental development to facilitate the coherent exercise of its jurisdiction. The bill also enables such a regional county municipality to adopt a by-law to regulate or restrict the planting or felling of trees on all or part of its territory so as to ensure protection of the forest cover and promote the sustainable development of private forests.*

*The bill also makes amendments in order to grant the following powers to every regional county municipality :*

*(1) the power to order, by by-law, the financing by the regional county municipality of the sums which, pursuant to the Act respecting the Société d'habitation du Québec, must be paid by a municipality to its municipal housing bureau in respect of the low-rental housing dwellings referred to in article 1984 of the Civil Code and administered by the bureau ;*

*(2) the power to designate, by by-law, equipment, infrastructures, services and activities as being of a supralocal nature and to determine, in their regard, terms and conditions of management and financing ;*

*(3) the power to affirm, by by-law, its jurisdiction in respect of one or more local municipalities whose territories are situated within its territory with respect to all or part of the management of social housing, residual materials management, the local road system or shared passenger transportation ;*

*(4) the possibility of mentioning, in its by-law determining the location of a regional park, the local municipalities that may not exercise their right of withdrawal.*

*The bill also provides that if the budget of a regional county municipality has not been adopted by 1 January, one quarter of the appropriations provided for in the budget of the preceding fiscal year is deemed to be adopted and that the same applies on 1 April, 1 July and 1 October if, on each of those dates, the budget has not yet been adopted. Under the bill, local municipalities whose territory is situated within the territory of a regional county municipality are granted a new power as regards the delegation of jurisdiction to the regional county municipality. In addition, the bill provides that the terms and conditions relating to the exercise of the right of withdrawal by local municipalities will be required to be set out in the resolution by which the regional county municipality affirms its jurisdiction in relation to all or part of a field of jurisdiction.*

*Lastly, the bill introduces provisions requiring a regional county municipality whose territory includes that of a core city to appoint at least one representative of the core city to each committee established by the regional county municipality, unless the core city has previously waived that requirement. The bill also requires such a regional county municipality to comply with certain rules regarding the designation of the warden if the warden is not elected by universal suffrage and the designation of the warden was not made in accordance with the usual rules.*

#### **LEGISLATION AMENDED BY THIS BILL :**

- Act respecting the Agence métropolitaine de transport (R.S.Q., chapter A-7.02) ;
- Act respecting land use planning and development (R.S.Q., chapter A-19.1) ;
- Cultural Property Act (R.S.Q., chapter B-4) ;
- Charter of Ville de Gatineau (R.S.Q., chapter C-11.1) ;
- Charter of Ville de Montréal (R.S.Q., chapter C-11.4) ;

- Charter of Ville de Québec (R.S.Q., chapter C-11.5);
- Labour Code (R.S.Q., chapter C-27);
- Municipal Code of Québec (R.S.Q., chapter C-27.1);
- Act respecting the Commission municipale (R.S.Q., chapter C-35);
- Act respecting the Communauté métropolitaine de Montréal (R.S.Q., chapter C-37.01);
- Act respecting the Communauté métropolitaine de Québec (R.S.Q., chapter C-37.02);
- Act respecting the conservation and development of wildlife (R.S.Q., chapter C-61.1);
- James Bay Region Development and Municipal Organization Act (R.S.Q., chapter D-8);
- Act respecting threatened or vulnerable species (R.S.Q., chapter E-12.01);
- Act respecting municipal taxation (R.S.Q., chapter F-2.1);
- Forest Act (R.S.Q., chapter F-4.1);
- Education Act (R.S.Q., chapter I-13.3);
- Act respecting municipal territorial organization (R.S.Q., chapter O-9);
- Act respecting the preservation of agricultural land and agricultural activities (R.S.Q., chapter P-41.1);
- Watercourses Act (R.S.Q., chapter R-13);
- Act respecting mixed enterprise companies in the municipal sector (R.S.Q., chapter S-25.01);
- Act respecting the lands in the domain of the State (R.S.Q., chapter T-8.1);
- Act respecting off-highway vehicles (R.S.Q., chapter V-1.2);

- Act respecting the construction of infrastructures and equipment by Hydro-Québec on account of the ice storm of 5 to 9 January 1998 (1999, chapter 27);
- Act to reform the municipal territorial organization of the metropolitan regions of Montréal, Québec and the Outaouais (2000, chapter 56);
- Act to amend various legislative provisions concerning municipal affairs (2001, chapter 68).



## **Bill 77**

### **AN ACT TO AMEND VARIOUS LEGISLATIVE PROVISIONS CONCERNING REGIONAL COUNTY MUNICIPALITIES**

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

#### **ACT RESPECTING LAND USE PLANNING AND DEVELOPMENT**

**1.** Section 1 of the Act respecting land use planning and development (R.S.Q., chapter A-19.1) is amended by inserting the following paragraph after paragraph 9 :

“(9.1) “core city” means any local municipality whose territory corresponds to a census agglomeration defined by Statistics Canada or any local municipality whose territory is situated within such an agglomeration and whose population is the highest among those of the local municipalities whose territory is situated within that agglomeration;”.

**2.** Section 5 of the said Act is amended

(1) by adding the following subparagraph after subparagraph 8 of the first paragraph :

“(9) set out a strategic vision of cultural, economic, environmental and social development to facilitate the coherent exercise of the regional county municipality’s jurisdiction.”;

(2) by adding the following paragraph after the fourth paragraph :

“The plan of a regional county municipality all or part of whose territory is situated within the territory of a metropolitan community is not required to contain the element provided for in subparagraph 9 of the first paragraph.”

**3.** The said Act is amended by inserting the following chapter after section 79 :

## **“CHAPTER II.1**

### **“OTHER BY-LAWS OF CERTAIN REGIONAL COUNTY MUNICIPALITIES**

#### **“DIVISION I**

##### **“PLANTING OR FELLING OF TREES**

**“79.1.** The council of a regional county municipality no part of whose territory is situated within the territory of a metropolitan community may, by by-law, regulate or restrict the planting or felling of trees on all or part of the territory of the regional county municipality to ensure protection of the forest cover and promote the sustainable development of private forests.

**“79.2.** The council of the regional county municipality shall adopt a draft of the by-law provided for in section 79.1.

**“79.3.** As soon as practicable after the adoption of the draft by-law, the secretary-treasurer shall transmit an authenticated copy thereof to each municipality whose territory is concerned by the draft by-law.

**“79.4.** The council of every municipality whose territory is concerned by the draft by-law may give its opinion on the draft by-law within 45 days after its transmission. The clerk or the secretary-treasurer of the municipality shall transmit to the regional county municipality, within the same time, an authenticated copy of the resolution setting out the opinion of the council.

However, the council of the regional county municipality may, by unanimous resolution, change the period of time prescribed in the first paragraph; the period of time fixed by the council shall in no case be shorter than 20 days. As soon as practicable after passage of the resolution, the secretary-treasurer shall transmit an authenticated copy thereof to every municipality whose territory is concerned by the draft by-law.

**“79.5.** The regional county municipality shall hold a public meeting in every municipality whose territory is concerned by the draft by-law and whose representative on the council so requests during the sitting at which the draft by-law is adopted.

The regional county municipality shall also hold such a meeting in any other municipality whose territory is concerned by the draft by-law and whose council so requests within 20 days after transmission of the draft by-law. The clerk or the secretary-treasurer of the municipality shall transmit to the regional county municipality, within the same time, an authenticated copy of the resolution setting out the request.

In every case, the regional county municipality shall hold at least one public meeting in its territory.



For the purposes of the first two paragraphs, where the sittings of the council of a municipality are held in the territory of another municipality, the territory is deemed to be that of the former municipality and to be situated within the territory of the regional county municipality.

**“79.6.** The regional county municipality shall hold its public meetings through a committee established by the council, composed of council members designated by the council and presided by the warden.

**“79.7.** The council of the regional county municipality shall identify any municipality in whose territory a public meeting must be held.

The council of the regional county municipality shall determine the date, time and place of every meeting; it may delegate all or part of such power to the secretary-treasurer.

**“79.8.** Not later than 15 days before the day a public meeting is to be held, the secretary-treasurer shall see to it that a notice of the date, time, place and object of the meeting is posted in the office of every municipality whose territory is concerned by the draft by-law and shall publish the notice in a newspaper circulated in the territory of every such municipality.

The notice of the meeting or the first of several meetings, as the case may be, shall include an abstract of the draft by-law and shall mention that a copy of the draft may be examined at the office of every municipality whose territory is concerned by the draft by-law.

The abstract may, however, if the council of the regional county municipality so elects, be sent by mail or otherwise delivered to every address in the territory concerned by the draft by-law, not later than 15 days before the day the meeting or the first of the meetings is to be held, as the case may be, rather than be included in the notice referred to in the second paragraph. In that case, the abstract must be accompanied with a notice of the date, time, place and object of every scheduled meeting and mention that a copy of the abstract of the draft by-law may be examined at the office of every municipality whose territory is concerned by the draft by-law.

When notice of a subsequent meeting is given separately from notice of the first meeting, it shall mention, in addition to what is prescribed in the first paragraph, that a copy of the draft by-law and of the abstract of the draft by-law may be examined at the office of every municipality whose territory is concerned by the draft by-law.

**“79.9.** At a public meeting, the committee shall explain the draft by-law.

The committee shall hear the persons and bodies wishing to be heard.

**“79.10.** After the consultation period concerning the draft by-law, the council of the regional county municipality shall adopt the by-law, with or without changes.

For the purposes of the first paragraph, the consultation period runs until the end of the last of the following days :

(1) the day the last resolution transmitted by a municipality pursuant to section 79.4 is received or, failing such a transmission by a municipality, the last day of the period applicable to it under that section ;

(2) the day the public meeting is held or, if several are held, the day the last meeting is held, or the last day of the period prescribed in the second paragraph of section 79.5.

**“79.11.** As soon as practicable after the adoption of the by-law, the secretary-treasurer of the regional county municipality shall see to it that a notice of the adoption of the by-law, explaining the rules prescribed in the first two paragraphs of section 79.12 and in the first paragraph of section 79.13, is posted in the office of every municipality whose territory is concerned by the by-law, and shall publish the notice in a newspaper circulated in the territory of every such municipality.

**“79.12.** Any qualified voter in a municipality whose territory is concerned by the by-law may apply, in writing, to the Commission for an opinion on the conformity of the by-law with the objectives of the development plan and the provisions of the complementary document.

The application must be transmitted to the Commission within 30 days after publication of the notice provided for in section 79.11.

The secretary of the Commission shall transmit to the regional county municipality a copy of every application transmitted within the prescribed period, and may receive free of charge from the municipality an authenticated copy of the development plan and the complementary document.

**“79.13.** Where the Commission receives applications from at least five qualified voters in a municipality whose territory is concerned by the by-law, filed in accordance with section 79.12 in respect of the by-law, the Commission shall, within 60 days after the expiry of the period prescribed in that section, give its opinion on the conformity of the by-law with the objectives of the development plan and the provisions of the complementary document.

An opinion stating that the by-law is not in conformity with the objectives of the plan and the provisions of the complementary document may include the suggestions of the Commission on ways to ensure conformity.

The secretary of the Commission shall transmit a copy of the opinion to the regional county municipality and to the applicants.

The secretary-treasurer of the municipality shall post a copy of the opinion in the office of the municipality whose territory is concerned by the by-law.

**“79.14.** Where the Commission does not receive applications from at least five qualified voters in a municipality whose territory is concerned by the by-law, filed in accordance with section 79.12 in respect of the by-law, the by-law is deemed to be in conformity with the objectives of the development plan and the provisions of the complementary document from the expiry of the period prescribed in section 79.12.

The by-law is also deemed to be in conformity with the objectives of the development plan and the provisions of the complementary document from the date on which the Commission gives, in accordance with section 79.13, an opinion confirming such conformity.

**“79.15.** The council of the regional county municipality must adopt a new by-law to replace a by-law that is not deemed under section 79.14 to be in conformity with the objectives of the development plan and the provisions of the complementary document, so as to ensure such conformity.

Sections 79.2 to 79.10 do not apply in respect of a new by-law differing from the by-law it replaces for the sole purpose of ensuring that it is in conformity with the objectives of the development plan and the provisions of the complementary document.

The new by-law must be adopted before the expiry of a period of 90 days after the day on which the Commission gives its opinion on the conformity of the by-law with the objectives of the development plan and the provisions of the complementary document.

**“79.16.** The by-law comes into force on the date as of which, under section 79.14, it is deemed to be in conformity with the objectives of the development plan and the provisions of the complementary document.

As soon as practicable after the adoption of the by-law, the secretary-treasurer of the regional county municipality shall see to it that a notice of the coming into force of the by-law is posted in the office of every municipality whose territory is concerned by the by-law, and shall publish the notice in a newspaper circulated in the territory of every such municipality.

**“79.17.** Upon the coming into force of the by-law, the council of a municipality whose territory is concerned by the by-law shall lose the right to include in its zoning by-law provisions regarding a matter referred to in subparagraph 12.1 of the second paragraph of section 113, and any such provision already in force shall immediately cease to have effect.

**“79.18.** Only the representatives of the municipalities whose territory is concerned by the by-law may participate in the deliberations and vote of the council of the regional county municipality as regards the exercise of the

functions arising from the by-law. Only those municipalities shall contribute to the payment of expenses resulting from such exercise.

**“79.19.** The council of the regional county municipality may, by by-law, prohibit any operation referred to in the by-law provided for in section 79.1 carried on without a certificate of authorization. In such a case, paragraphs 5, 6 and 7 of section 119 and section 120 apply, with the necessary modifications.

Only the representatives of the municipalities whose territory is concerned by the by-law provided for in section 79.1 may participate in the deliberations and vote of the council of the regional county municipality in relation to the by-law provided for in the first paragraph, both for its adoption and for the exercise of the functions arising from the by-law. Only those municipalities shall contribute to the payment of expenses resulting from such exercise.

## **“DIVISION II**

### **“TERRITORIAL DEVELOPMENT PLANS**

**“79.20.** The council of a regional county municipality no part of whose territory is situated within the territory of the Communauté métropolitaine de Montréal may, by by-law, establish a plan relating to the development of the territory of the regional county municipality, which may, in particular, mention the obligations to which the municipalities are subject for the implementation of the plan.

The plan must take into account

- (1) the objectives of the development plan ;
- (2) the local action plan developed under section 13 of the Act respecting the Ministère des Régions (chapter M-25.001) by the local development centre serving the territory of the regional county municipality ;
- (3) the strategic plan established under section 20 of the Act respecting the Ministère des Régions by the regional development council accredited for the administrative region in which the territory of the regional county municipality is situated ;
- (4) every agreement entered into under section 20 of the Act respecting the Ministère des Régions by the regional council referred to in subparagraph 3 ;
- (5) every agreement entered into by the regional committee established under Order in Council 1295-2002 dated 6 November 2002, in the administrative region in which the territory of the regional county municipality is situated.

Sections 79.2 to 79.10 apply in respect of the by-law provided for in the first paragraph, with the necessary modifications, particularly the modification

whereby “municipality whose territory is concerned by the draft by-law” is replaced by “municipality whose territory is situated within the territory of the regional county municipality”.”

**4.** Section 148.3 of the said Act is amended by adding the following sentence at the end of the second paragraph: “Where a regional county municipality whose territory includes that of a core city appoints members of the committee from among the persons eligible under subparagraph 1 of the first paragraph, one of those persons must be a representative of the core city, unless the core city has previously waived that requirement.”

**5.** Section 202 of the said Act, amended by section 7 of chapter 25 of the statutes of 2001 and by section 28 of chapter 37 of the statutes of 2002, is again amended

(1) by replacing “one vote in the council of the regional county municipality or, as the case may be” in the first paragraph by “, in the council of the regional county municipality”;

(2) by replacing “greater than” in the first line of the second paragraph by “at least”.

**6.** Section 227 of the said Act, amended by section 15 of chapter 11 of the statutes of 2002 and by section 30 of chapter 37 of the statutes of 2002, is again amended by replacing “section 116 or” in subparagraph *b* of subparagraph 1 of the first paragraph by “any of sections 79.1, 116 and 145.21”.

**7.** Section 240 of the said Act, amended by section 32 of chapter 37 of the statutes of 2002, is again amended by inserting “79.1 or” after “section” in the fourth line of the first paragraph.

**8.** Section 264.0.2 of the said Act, replaced by section 218 of chapter 25 of the statutes of 2001 and amended by section 2 of chapter 68 of the statutes of 2001, is again amended by inserting “, except Chapter II.1 of Title I,” after “Act” in the second line of the first paragraph.

## LABOUR CODE

**9.** Schedule I to the Labour Code (R.S.Q., chapter C-27), enacted by section 70 of chapter 26 of the statutes of 2001 and amended by section 36 of chapter 28 of the statutes of 2002, is again amended

(1) by replacing “section 267.0.2” in the first line of paragraph 3 by “article 267.0.2 and the third paragraph of article 678.0.2.6”;

(2) by striking out “the sixth paragraph of section 5.2,” in the first line of paragraph 11;

(3) by adding the following paragraph after paragraph 23 :

“(24) the sixth paragraph of section 57 of the Act to amend various legislative provisions concerning regional county municipalities (2002, chapter 68).”

## MUNICIPAL CODE OF QUÉBEC

**10.** Article 82 of the Municipal Code of Québec (R.S.Q., chapter C-27.1) is amended by adding the following paragraph after the second paragraph :

“Where a committee is appointed by the council of a regional county municipality whose territory includes that of a core city within the meaning of paragraph 9.1 of section 1 of the Act respecting land use planning and development (chapter A-19.1), one of those persons must be a representative of the core city, unless the core city has previously waived that requirement.”

**11.** Article 123 of the said Code is amended

(1) by replacing “not more than three other members of the council” in the third line of the first paragraph by “the number of other council members specified in the by-law” ;

(2) by replacing “The” in the first line of the second paragraph by “Subject to the third paragraph, the” ;

(3) by inserting the following paragraph after the second paragraph :

“In the case of a regional county municipality whose territory includes that of a core city within the meaning of paragraph 9.1 of section 1 of the Act respecting land use planning and development (chapter A-19.1), one of the members of the committee must be a representative of the core city, unless the core city has previously waived that requirement.”

**12.** Article 129 of the said Code is amended

(1) by replacing “The” in the first line of the second paragraph by “Subject to the third paragraph, the” ;

(2) by adding the following paragraph after the second paragraph :

“In the case of a regional county municipality whose territory includes that of a core city within the meaning of paragraph 9.1 of section 1 of the Act respecting land use planning and development (chapter A-19.1), and whose warden is not the mayor of the core city, one of the other two delegates must be a representative of the core city, unless the core city has previously waived that requirement.”

**13.** The said Code is amended by inserting the following article after article 569 :

**“569.0.1.** Every local municipality may make with any other local municipality, regardless of the law governing it, an agreement whereby they delegate to the regional county municipality whose territory includes their territories the exercise of all or part of a field within their jurisdiction.

However, the making of an agreement under the first paragraph must be preceded

(1) by the tabling of a draft agreement at a sitting of the council of the regional county municipality ;

(2) by the sending, by the secretary-treasurer of the regional county municipality, of a copy of the draft agreement to each local municipality whose territory is situated within that of the regional county municipality, together with a notice mentioning that each local municipality interested in making an agreement having the same content as that of the draft agreement must, within 60 days following receipt of those documents, transmit a resolution expressing its interest to the regional county municipality.

The agreement made by the local municipalities having expressed their interest in accordance with subparagraph 2 of the second paragraph binds, without further formality, the regional county municipality insofar as every expenditure arising from the implementation of the agreement is assumed entirely by the local municipalities.

Only the representatives of the local municipalities who have made the delegation provided for in the first paragraph are empowered to participate in the deliberations and vote of the council of the regional county municipality as regards the exercise of the delegated functions.”

**14.** Article 678.0.2 of the said Code is amended

(1) by replacing “adapted as required” in the second line of the first paragraph by “with the necessary modifications, in particular the following modifications :

(1) the resolution provided for in the second paragraph of article 10 must also set out the administrative and financial terms and conditions relating to the application of articles 10.1 and 10.2 ;

(2) the administrative and financial terms and conditions relating to the application of articles 10.1 and 10.2 must be set out in the resolution by which the regional county municipality affirms its jurisdiction, and the resolution may, in addition to what is expressly mentioned in article 10.3, specify the time limit within which a local municipality subject to its jurisdiction may avail itself of article 10.1.”;

(2) by inserting the following paragraph after the first paragraph :

“Where the administrative and financial terms and conditions set out in the resolution referred to in subparagraph 2 of the first paragraph are not consistent with those prescribed in the by-law adopted under article 10.3, the former shall prevail.”

**15.** Article 678.0.2.1 of the said Code, enacted by section 19 of chapter 2 of the statutes of 2002, is replaced by the following articles :

**“678.0.2.1.** A regional county municipality may, by by-law, affirm its jurisdiction in respect of one or more local municipalities whose territories are situated within its territory, with respect to all or part of the management of social housing, residual materials management, the local road system or shared passenger transportation.

**“678.0.2.2.** A regional county municipality shall, if it wishes to affirm its jurisdiction under article 678.0.2.1, adopt a resolution announcing its intention to do so. The resolution must mention in particular the local municipalities in respect of which the regional county municipality wishes to affirm its jurisdiction and the matter or part of a matter with respect to which the regional county municipality would acquire jurisdiction. An authenticated copy of the resolution must be transmitted by registered mail to each of the local municipalities whose territory is situated in the territory of the regional county municipality.

**“678.0.2.3.** The clerk or secretary-treasurer of the local municipality in respect of which the regional county municipality wishes to affirm its jurisdiction shall, in a document transmitted by the clerk or secretary-treasurer to the regional county municipality, identify any officer or employee all of whose working time is devoted exclusively to all or part of the matter with respect to which the regional county municipality has announced, in the resolution provided for in article 678.0.2.2, its intention to affirm its jurisdiction, and whose services will no longer be required because the local municipality has lost its jurisdiction with respect to that matter.

Besides identifying any officer or employee concerned, the document referred to in the first paragraph must specify the nature of the officer’s or employee’s employment relationship with the municipality, the conditions of employment of the officer or employee and, where applicable, the date on which the officer’s or employee’s employment relationship with the municipality would normally have ended. Where the employment relationship results from a written contract of employment, an authenticated copy of the contract must accompany the document.

The clerk or secretary-treasurer shall also, in the document referred to in the first paragraph, identify any equipment or material that will become useless because the municipality has lost its jurisdiction.

The document referred to in the first paragraph must be transmitted to the regional county municipality not later than 60 days following service of the resolution provided for in section 678.0.2.2.



**“678.0.2.4.** Where the document referred to in the first paragraph of article 678.0.2.3 identifies equipment or material, the regional county municipality shall, not later than 60 days following the transmission of the document, enter into an agreement with the local municipality establishing, in the case of the acquisition of jurisdiction by the regional county municipality, the conditions for the transfer to the latter of the equipment or material identified in the document.

Failing an agreement within the time limit determined in the first paragraph, the regional county municipality may, not later than 15 days following the expiry of the time limit, request that the Commission municipale du Québec establish the conditions mentioned in that paragraph. The decision of the Commission applies, in the case of the acquisition of jurisdiction by the regional county municipality, as if the municipalities had entered into an agreement under the first paragraph.

**“678.0.2.5.** From the service of the resolution provided for in article 678.0.2.2 to the tenth day following the expiry of the time limit determined in any of paragraphs 1 to 3 of article 678.0.2.7, a local municipality may not, without the authorization of the regional county municipality, increase expenditures relating to the remuneration and employee benefits of any officer or employee all of whose working time is devoted exclusively to a matter mentioned in the resolution, or hire such an officer or employee, unless the increase or hiring results from the application of a clause of a collective agreement or a contract of employment in force on the date on which the resolution is served. Nor may a local municipality make an expenditure relating to equipment or material that has been or may be identified in the document referred to in the first paragraph of article 678.0.2.3 without such an authorization.

**“678.0.2.6.** No officer or employee of a local municipality may be dismissed solely as a result of the loss of jurisdiction of the municipality following the coming into force of a by-law adopted under article 678.0.2.1.

From the tenth day following the coming into force of such a by-law, every officer or employee identified in the document referred to in the first paragraph of article 678.0.2.3 shall become, without salary reduction, an officer or employee of the regional county municipality and shall retain his or her seniority and employee benefits.

An officer or employee dismissed by a local municipality who is not identified in a document referred to in the first paragraph of article 678.0.2.3 may, if the officer or employee believes that the document should provide that identification, file a complaint in writing within 30 days of being dismissed with the Commission des relations du travail requesting it to make an inquiry and dispose of the complaint. The provisions of the Labour Code (chapter C-27) relating to the Commission, its commissioners, their decisions and the exercise of their jurisdictions apply, with the necessary modifications.

**“678.0.2.7.** The regional county municipality may adopt and put into force the by-law provided for in article 678.0.2.1

(1) between the ninetieth and the one hundred and eightieth day following service of the resolution provided for in article 678.0.2.2, where no equipment or material is identified in the document referred to in the first paragraph of article 678.0.2.3 ;

(2) between the day on which it entered into the agreement provided for in the first paragraph of article 678.0.2.4 and the two hundred and tenth day following service of the resolution provided for in article 678.0.2.2 ;

(3) between the day on which the Commission municipale du Québec rendered its decision following a request under the second paragraph of article 678.0.2.4 and the sixtieth day thereafter.

**“678.0.2.8.** As soon as practicable after the coming into force of a by-law adopted under article 678.0.2.1, the secretary-treasurer of the regional county municipality shall transmit an authenticated copy of the by-law

(1) where the matter concerned is the management of social housing, to the Société d’habitation du Québec and to every municipal housing bureau constituted on the application of a local municipality in respect of which the regional county municipality has affirmed its jurisdiction ;

(2) where the matter concerned is the local road system or shared passenger transportation, to the Minister of Transport.

**“678.0.2.9.** A local municipality in respect of which a regional county municipality has affirmed its jurisdiction under article 678.0.2.1 may not exercise the right of withdrawal granted by the third paragraph of section 188 of the Act respecting land use planning and development (chapter A-19.1).

Only the representative of such a municipality may participate in the deliberations and vote of the council of the regional county municipality as regards the exercise of the acquired jurisdiction.”

**16.** Article 678.0.3 of the said Code is amended

(1) by replacing “article 678.0.1” in the second line of the first paragraph by “article 678.0.1 or 678.0.2.1” ;

(2) by replacing “article 678.0.1” in the fourth line of the second paragraph by “article 678.0.1 or 678.0.2.1” ;

(3) by replacing “article 678.0.1” in the second line of the third paragraph by “article 678.0.1 or 678.0.2.1”.

**17.** Articles 678.0.5 to 678.0.10 of the said Code are repealed.

**18.** The said Code is amended by inserting the following articles after article 681 :

**“681.1.** Subject to the fourth paragraph of section 157.1 of the Act respecting the Communauté métropolitaine de Montréal (chapter C-37.01) and the fourth paragraph of section 149 of the Act respecting the Communauté métropolitaine de Québec (chapter C-37.02), any regional county municipality may, by by-law, designate equipment as being of a supralocal nature within the meaning of section 24.5 of the Act respecting the Commission municipale (chapter C-35) and establish the rules applicable to the management of the equipment, the financing of the expenditures related thereto and the sharing of the revenue it generates.

The first paragraph does not apply in respect of equipment that the Communauté métropolitaine de Montréal or the Communauté métropolitaine de Québec has designated as being of metropolitan scope pursuant to section 157.1 of the Act respecting the Communauté métropolitaine de Montréal or section 149 of the Act respecting the Communauté métropolitaine de Québec, as the case may be. Nor does it apply in respect of equipment for which an order made pursuant to section 24.13 of the Act respecting the Commission municipale applies as long as the order has not been repealed.

Every intermunicipal agreement relating to equipment, in force on the date of the coming into force of the by-law of the regional county municipality designating the equipment as being of a supralocal nature, ends on the date determined by the regional county municipality. Where the agreement provided for the constitution of an intermunicipal board, that board shall, not later than three months after that date, apply for its dissolution to the Minister, and section 618 applies, with the necessary modifications, to the application.

The first, second and third paragraphs apply, with the necessary modifications, in respect of an infrastructure, a service or an activity. If the activity is carried on or the service is supplied in relation to an event, it makes no difference whether the event is organized by one of the local municipalities whose territory is situated within the territory of the regional county municipality or by a third person.

A local municipality may not, in respect of a function provided for in the first paragraph, exercise the right of withdrawal provided for in the third paragraph of section 188 of the Act respecting land use planning and development (chapter A-19.1).

**“681.2.** Any regional county municipality may, by by-law, provide for the financing by the regional county municipality of the sums which, pursuant to the Act respecting the Société d’habitation du Québec (chapter S-8), must be paid by a local municipality to its municipal housing bureau in respect of the low-rental housing dwellings referred to in article 1984 of the Civil Code and administered by the bureau.

As soon as practicable after the coming into force of the by-law, the secretary-treasurer shall transmit an authenticated copy of the by-law to the Société d'habitation du Québec and to every municipal housing bureau constituted on the application of a local municipality whose territory is situated within the territory of the regional county municipality.

A local municipality may not, in respect of a function provided for in the first paragraph, exercise the right of withdrawal provided for in the third paragraph of section 188 of the Act respecting land use planning and development (chapter A-19.1).”

**19.** Article 688 of the said Code, amended by section 102 of chapter 37 of the statutes of 2002, is again amended by replacing “A regional county municipality designated as a rural regional county municipality” in the first line of the second paragraph by “The regional county municipality”.

**20.** Article 713 of the said Code, amended by section 50 of chapter 25 of the statutes of 2001, is again amended

(1) by replacing “designated as a rural regional county municipality” in the second paragraph by “no part of whose territory is situated within the territory of the Communauté métropolitaine de Montréal”;

(2) by replacing “designated as a rural regional county municipality” in the third paragraph by “no part of whose territory is situated within the territory of the Communauté métropolitaine de Montréal”.

**21.** Article 722 of the said Code is amended by adding the following paragraph at the end:

“The first paragraph also applies to a regional county municipality no part of whose territory is situated within the territory of the Communauté métropolitaine de Montréal or to a board of delegates in relation to any local watercourse that is under the jurisdiction of such a municipality.”

**22.** Article 819 of the said Code is amended

(1) by inserting “or, in the case of a regional county municipality no part of whose territory is situated within the territory of the Communauté métropolitaine de Montréal, in relation to local work” after “work” in the second line;

(2) by adding the following paragraph at the end:

“However, the regional county municipality that has jurisdiction in respect of the work may appoint an inspector. In such a case, for the purposes of the provisions relating to municipal watercourses, the inspector is considered to be the municipal inspector.”

**23.** Article 975 of the said Code is amended

(1) by replacing “twelfth” in the first line of the seventh paragraph by “quarter”;

(2) by replacing “at the beginning of each subsequent month if, at that time” in the fourth line of the seventh paragraph by “on 1 April, 1 July and 1 October if, on each of those dates”.

ACT RESPECTING THE COMMISSION MUNICIPALE

**24.** Section 24.16.1 of the Act respecting the Commission municipale (R.S.Q., chapter C-35), replaced by section 130 of chapter 56 of the statutes of 2000, is amended by adding the following paragraph at the end:

“Nor does this division apply in respect of equipment, an infrastructure, a service or an activity which the regional county municipality has designated as being of a supralocal nature under article 681.1 of the Municipal Code of Québec (chapter C-27.1).”

ACT RESPECTING THE COMMUNAUTÉ MÉTROPOLITAINE DE MONTRÉAL

**25.** Section 127 of the Act respecting the Communauté métropolitaine de Montréal (R.S.Q., chapter C-37.01) is amended by striking out subparagraph 1 of the first paragraph.

**26.** Section 131 of the said Act is amended by replacing “1 of the first paragraph of section 127” in the third line of the first paragraph by “9 of the first paragraph of section 5 of the Act respecting land use planning and development (chapter A-19.1)”.

**27.** Section 157.1 of the said Act, amended by section 212 of chapter 25 of the statutes of 2001, is again amended

(1) by replacing the first and second paragraphs by the following paragraphs:

**“157.1.** The Community may, by a by-law adopted by a two-thirds majority of the votes cast, designate as being of metropolitan scope equipment belonging to a local municipality whose territory is situated within the territory of the Community or to a mandatary of that local municipality, and establish the rules applicable to the management of the equipment, to the financing of the expenditures related thereto and to the sharing of the revenue it generates.

The first paragraph does not apply in respect of equipment to which an order made pursuant to section 24.13 of the Act respecting the Commission municipale (chapter C-35) applies, as long as the order has not been repealed.”;

(2) by inserting the following paragraph after the third paragraph:

“Every by-law designating equipment as being of a supralocal nature adopted by a regional county municipality, in force on the date of coming into force of the by-law of the Community designating the equipment as being of metropolitan scope, shall cease to have effect on the date determined by the Community.”;

(3) by replacing “and third” in the first line of the fourth paragraph by “, third and fourth”.

## ACT RESPECTING THE COMMUNAUTÉ MÉTROPOLITAINE DE QUÉBEC

**28.** Section 119 of the Act respecting the Communauté métropolitaine de Québec (R.S.Q., chapter C-37.02) is amended by striking out paragraph 1.

**29.** Section 123 of the said Act is amended by replacing “paragraph 1 of section 119” in the third line of the first paragraph by “subparagraph 9 of the first paragraph of section 5 of the Act respecting land use planning and development (chapter A-19.1)”.

**30.** Section 138 of the said Act is amended by inserting “Division II of Chapter II.1 of its Title I and” after “except” in the fifth line of the first paragraph.

**31.** Section 149 of the said Act is amended

(1) by inserting the following paragraph after the first paragraph :

“The first paragraph does not apply in respect of equipment to which an order made pursuant to section 24.13 of the Act respecting the Commission municipale (chapter C-35) applies, as long as the order has not been repealed.”;

(2) by inserting the following paragraph after the second paragraph :

“Every by-law designating equipment as being of a supralocal nature adopted by a regional county municipality, in force on the date of coming into force of the by-law of the Community designating the equipment as being of metropolitan scope, shall cease to have effect on the date determined by the Community.”;

(3) by replacing “and second” in the first line of the third paragraph by “, second, third and fourth”.

## JAMES BAY REGION DEVELOPMENT AND MUNICIPAL ORGANIZATION ACT

**32.** Section 39.3 of the James Bay Region Development and Municipal Organization Act (R.S.Q., chapter D-8), enacted by section 9 of chapter 61 of the statutes of 2001, is amended by striking out “including a rural regional county municipality” in the second line of subparagraph 2 of the first paragraph.

## ACT RESPECTING MUNICIPAL TAXATION

**33.** Section 5.1 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1), enacted by section 109 of chapter 25 of the statutes of 2001 and amended by section 220 of chapter 37 of the statutes of 2002, is again amended

(1) by replacing the first paragraph by the following paragraph :

**“5.1.** Notwithstanding any provision of a general law or special Act and subject to the third paragraph, a regional county municipality that has been designated as rural has jurisdiction in matters of assessment in respect of any local municipality whose territory is situated within its own territory.”;

(2) by replacing “On the date mentioned in the first paragraph, the regional county municipality shall succeed to the rights and obligations of the local municipality for the purposes of the exercise of jurisdiction in matters of assessment, and the local municipality” in the second paragraph by “The local municipality”;

(3) by replacing the second sentence of the third paragraph by the following sentence: “Only a local municipality that, on the day before the date fixed for the coming into force of the order designating the regional county municipality as rural, was a municipal body responsible for assessment whose assessor is an officer, may be a party to such an agreement.”

**34.** Section 5.2 of the said Act, enacted by section 109 of chapter 25 of the statutes of 2001 and amended by section 119 of chapter 26 of the statutes of 2001, is repealed.

## ACT RESPECTING MUNICIPAL TERRITORIAL ORGANIZATION

**35.** Section 125.29 of the Act respecting municipal territorial organization (R.S.Q., chapter O-9), enacted by section 143 of chapter 25 of the statutes of 2001, is amended by striking out the last sentence.

**36.** Section 210.25 of the said Act, replaced by section 150 of chapter 25 of the statutes of 2001, is amended by inserting “or section 210.26.1, as the case may be” after “210.26” in the third line.

**37.** Section 210.26 of the said Act is amended

(1) by replacing “The” in the first line of the first paragraph by “Subject to section 210.26.1, the”;

(2) by replacing “according to the order constituting the regional county municipality” in the first and second lines of the third paragraph by “, as provided for in section 202 of the Act respecting land use planning and development (chapter A-19.1)”;

(3) by replacing “ascribed by the order to the members of the council” in the fifth line of the fourth paragraph by “ascribed to the members of the council according to section 202 of the Act respecting land use planning and development”;

(4) by adding the following paragraph after the fourth paragraph :

“However, at the beginning of the sitting, the council may determine the circumstances in which a drawing of lots, rather than another round of voting, will be held in the case of a tie vote following a ballot. If such circumstances arise, the secretary-treasurer shall establish the procedure for the drawing of lots, hold the draw and declare the mayor who is favoured by the drawing of lots to be the warden.”

**33.** The said Act is amended by inserting the following section after section 210.26:

**“210.26.1.** Where, at the first sitting held after 18 December 2002 for the election of the warden of a regional county municipality whose territory includes that of a core city within the meaning of paragraph 9.1 of section 1 of the Act respecting land use planning and development (chapter A-19.1), the warden could not be elected according to the rules prescribed in section 210.26, the holder of the office shall be determined in accordance with the rules prescribed in the following paragraphs.

The secretary-treasurer shall hold a drawing of lots at the following sitting to determine if the holder of the office is to be the mayor of the core city or if the holder of the office is to be elected from among the mayors of the other local municipalities. The result of the drawing of lots is valid for a period of two years.

If the drawing of lots determines that the holder of the office is to be the mayor of the core city, the latter shall be the warden by virtue of office unless he or she renounces the office immediately.

If the drawing of lots determines that the holder of the office is to be elected from among the mayors of the other local municipalities or if the mayor of the core city renounces the office of warden, the holder of the office shall be elected in accordance with the rules prescribed in section 210.26, having regard to the modification whereby the warden is chosen from among the mayors of the local municipalities other than the core city.

Upon the expiry of the period of two years, the successor of the holder of the office determined under the third or fourth paragraph shall be the mayor of the core city, where the warden whose term of office is ending is the mayor of a local municipality other than the core city, or be elected from among the mayors of the other local municipalities, where the warden whose term of office is ending is the mayor of the core city.



Upon the expiry of the period of two years following the period referred to in the fifth paragraph, the successor of the warden determined under that paragraph shall be elected in accordance with the rules prescribed in section 210.26. However, if, at the first sitting held for the election, a warden could not be elected, the rules prescribed in this section again apply.”

**39.** Section 210.28 of the said Act is amended

(1) by inserting “, subject to the second paragraph,” after “end” in the second line of the first paragraph;

(2) by replacing “third” in the third line of the first paragraph by “fourth”;

(3) by inserting the following paragraph after the first paragraph:

“The mayor of the core city within the meaning of paragraph 9.1 of section 1 of the Act respecting land use planning and development (chapter A-19.1), when he or she is warden by virtue of office, may not resign or be removed from office under the fourth paragraph.”;

(4) by adding the following sentence at the end of the third paragraph: “However, where a warden who has been removed from office was elected as a result of the rules prescribed in section 210.26.1 being applied, the new warden must be elected, for the unexpired portion of the two-year period, in accordance with the rules prescribed in section 210.26, having regard to the modification whereby the warden is elected from among the mayors of the local municipalities other than the core city.”

**40.** Section 210.29 of the said Act is amended

(1) by replacing “When” in the first line by “Subject to the second paragraph, when”;

(2) by adding the following paragraph at the end:

“When the office of warden for which the holder was determined under the third paragraph of section 210.26.1 becomes vacant by reason of the holder ceasing to be mayor of the core city, the succeeding mayor shall become the new warden until the two-year period has expired. When the office of warden for which the holder was determined under the fourth paragraph of section 210.26.1 becomes vacant by reason of the holder ceasing to be mayor of a local municipality, the new warden shall be elected, for the unexpired portion of the two-year period, in accordance with the rules prescribed in section 210.26, having regard to the modification whereby the warden is elected from among the mayors of the local municipalities other than the core city.”

**41.** Section 210.29.1 of the said Act, enacted by section 151 of chapter 25 of the statutes of 2001 and amended by section 77 of chapter 68 of the statutes of 2001, is again amended by replacing “designated as a rural regional county municipality” in the first and second lines of the first paragraph by “no part of whose territory is situated within the territory of the Communauté métropolitaine de Montréal”.

**42.** Chapter V.1 of Title II.1 of the said Act, enacted by section 152 of chapter 25 of the statutes of 2001, is repealed.

#### ACT RESPECTING MIXED ENTERPRISE COMPANIES IN THE MUNICIPAL SECTOR

**43.** Section 10 of the Act respecting mixed enterprise companies in the municipal sector (R.S.Q., chapter S-25.01) is amended by inserting “, even after the expiry of the time prescribed, if any, in the resolution referred to in subparagraph 2 of the first paragraph of article 678.0.2 of that Code” after “paragraphs” in the sixth line of the first paragraph.

#### ACT TO REFORM THE MUNICIPAL TERRITORIAL ORGANIZATION OF THE METROPOLITAN REGIONS OF MONTRÉAL, QUÉBEC AND THE OUTAOUAIS

**44.** Section 248 of the Act to reform the municipal territorial organization of the metropolitan regions of Montréal, Québec and the Outaouais (2000, chapter 56), amended by section 228 of chapter 25 of the statutes of 2001, by section 113 of chapter 68 of the statutes of 2001 and by section 263 of chapter 37 of the statutes of 2002, is again amended by inserting “, except Division II of Chapter II.1 of Title I” after “(R.S.Q., chapter A-19.1)” in the fourth line of the first paragraph.

**45.** Section 250 of the said Act, amended by section 230 of chapter 25 of the statutes of 2001, by section 115 of chapter 68 of the statutes of 2001 and by section 265 of chapter 37 of the statutes of 2002, is again amended by inserting “, except Division II of Chapter II.1 of Title I” after “(R.S.Q., chapter A-19.1)” in the fourth line of the first paragraph.

#### ACT TO AMEND VARIOUS LEGISLATIVE PROVISIONS CONCERNING MUNICIPAL AFFAIRS

**46.** Section 253 of the Act to amend various legislative provisions concerning municipal affairs (2001, chapter 68) is amended by inserting “, except Chapter II.1 of Title I,” after “(R.S.Q., chapter A-19.1)” in the second line of the first paragraph.

#### OTHER AMENDING PROVISIONS

**47.** Section 51 of Order in Council 841-2001 dated 27 June 2001, concerning Ville de Saguenay, is amended by inserting “, except Chapter II.1 of Title I,” after “Act” in the second line of the second paragraph.

**48.** Section 48 of Order in Council 850-2001 dated 4 July 2001, concerning Ville de Sherbrooke, is amended by inserting “, except Chapter II.1 of Title I,” after “Act” in the second line of the second paragraph.

**49.** Section 25 of Order in Council 851-2001 dated 4 July 2001, concerning Ville de Trois-Rivières, is amended by inserting “, except Chapter II.1 of Title I,” after “(R.S.Q., c. A-19.1)” in the first paragraph.

**50.** Section 24 of Order in Council 1043-2001 dated 12 September 2001, concerning Municipalité des Îles-de-la-Madeleine, is amended by inserting “, except Chapter II.1 of Title I,” after “(R.S.Q., c. A-19.1)” in the first paragraph.

**51.** Section 12 of Order in Council 1478-2001 dated 12 December 2001, concerning Ville de Rouyn-Noranda, is amended by inserting “, except Chapter II.1 of Title I,” after “(R.S.Q., c. A-19.1)” in the first paragraph.

#### TRANSITIONAL AND FINAL PROVISIONS

**52.** “Development plan” and “development plans” are replaced by “land use planning and development plan” and “land use planning and development plans”, as the case may be, if and wherever they appear in the following provisions :

(1) section 30 of the Act respecting the Agence métropolitaine de transport (R.S.Q., chapter A-7.02) ;

(2) sections 2, 3, 5, 6, 7, 8, 8.1, 32, 33, 34, 36, 38, 39, 40, 42, 45, 46, 47, 48, 54, 56.3, 56.6, 57.1, 61, 70, 71, 72, 75.1, 75.9, 75.10, 76, 77, 82, 85.1, 86, 98, 102, 109.6, 112.7, 123, 136.0.1, 137.1, 137.16, 145.38, 150, 151, 152, 153, 154, 155, 156, 157, 221, 227, 234.1, 237.2, 240, 244, 246, 264, 264.0.1, 264.0.2, and 265 and the headings of Chapter I of Title I, Division I of Chapter I of Title I and subdivision 3 of Division V of Chapter IV of Title I of the Act respecting land use planning and development (R.S.Q., chapter A-19.1) ;

(3) section 113 of the Cultural Property Act (R.S.Q., chapter B-4) ;

(4) section 88 of and section 21 of Schedule B to the Charter of Ville de Gatineau (R.S.Q., chapter C-11.1) ;

(5) section 163 of Schedule C to the Charter of Ville de Montréal (R.S.Q., chapter C-11.4) ;

(6) section 114 of Schedule C to the Charter of Ville de Québec (R.S.Q., chapter C-11.5) ;

(7) sections 126, 130, 146, 147, 265 and 265.1 of the Act respecting the Communauté métropolitaine de Montréal (R.S.Q., chapter C-37.01) ;

(8) sections 118, 122, 138, 228 and 229 of the Act respecting the Communauté métropolitaine de Québec (R.S.Q., chapter C-37.02);

(9) section 128.5 of the Act respecting the conservation and development of wildlife (R.S.Q., chapter C-61.1);

(10) section 15 of the Act respecting threatened or vulnerable species (R.S.Q., chapter E-12.01);

(11) sections 124.18, 124.20, 124.21, 124.22 et 124.23 of the Forest Act (R.S.Q., chapter F-4.1);

(12) sections 211 and 520 of the Education Act (R.S.Q., chapter I-13.3);

(13) sections 58.4, 59, 62, 65.1, 67, 69.1, 69.4, 79.1, 79.12 and 98 of the Act respecting the preservation of agricultural land and agricultural activities (R.S.Q., chapter P-41.1);

(14) section 8 of the Watercourses Act (R.S.Q., chapter R-13);

(15) sections 23 and 77 of the Act respecting the lands in the domain of the State (R.S.Q., chapter T-8.1);

(16) section 12 of the Act respecting off-highway vehicles (R.S.Q., chapter V-1.2);

(17) section 8 of the Act respecting the construction of infrastructures and equipment by Hydro-Québec on account of the ice storm of 5 to 9 January 1998 (1999, chapter 27);

(18) sections 247, 248, 249 and 250 of the Act to reform the municipal territorial organization of the metropolitan regions of Montréal, Québec and the Outaouais (2000, chapter 56).

Unless the context indicates otherwise, in any other Act, any statutory instrument of such an Act and any other document, a reference to a development plan is a reference to a land use and development plan.

**53.** Every regional county municipality subject to the requirement under subparagraph 9 of the first paragraph of section 5 of the Act respecting land use planning and development (R.S.Q., chapter A-19.1), enacted by section 2, must comply therewith not later than during the first period of revision of its development plan which begins after 18 December 2002.

**54.** Every resolution passed by a regional county municipality under article 678.0.1 of the Municipal Code of Québec (R.S.Q., chapter C-27.1) following a permission granted by the Government pursuant to article 678.0.5 of that Code as it read before its repeal, is deemed to be a by-law adopted under article 678.0.2.1 of that Code, enacted by section 15.

**55.** Every regional county municipality no part of whose territory is situated within the territory of the Communauté métropolitaine de Montréal shall succeed, for the purposes of the exercise of jurisdiction in matters of municipal watercourses, to the rights and obligations of every local municipality whose territory is situated within its own territory.

**56.** Subject to the second paragraph, section 5.1 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1), as amended by section 33, has effect from 1 January 2003 and section 300 of the Act to amend various legislative provisions concerning municipal affairs (2002, chapter 37) continues to apply.

In the case of Municipalité régionale de comté de Montmagny, that section 5.1 has effect from 1 January 2004.

On the date mentioned in the first or the second paragraph, as the case may be, the regional county municipality shall succeed, for the purposes of the exercise of its jurisdiction in matters of assessment, to the rights and obligations of every local municipality whose territory is situated within its own territory.

**57.** No officer or employee of a local municipality may be dismissed solely as a result of the loss of jurisdiction of the municipality in matters of assessment because of section 56.

The clerk or secretary-treasurer of the municipality shall, in a document transmitted by the clerk or secretary-treasurer to the regional county municipality, identify any officer or employee all of whose working time is devoted exclusively to matters of assessment, and whose services will no longer be required because the local municipality has lost its jurisdiction with respect to that matter.

Besides identifying any officer or employee concerned, the document referred to in the second paragraph shall specify the nature of the officer's or employee's employment relationship with the municipality, the conditions of employment of the officer or employee, the date on which the officer's or employee's services will no longer be required and, as the case may be, the date on which the officer's or employee's employment relationship with the municipality would normally have ended. Where the employment relationship results from a written contract of employment, an authenticated copy of the contract must accompany the document.

The document referred to in the second paragraph must be sent to the regional county municipality not later than 30 days before the date on which, according to the document, the services of the officer or employee identified in the document are no longer required. Different documents may be successively sent, according to the different dates on which the services of the various officers or employees concerned will no longer be required.

From the date on which, according to the document, the services of the officer or employee are no longer required by the municipality, the officer or employee shall become, without reduction in salary, an officer or employee of the regional county municipality and shall retain his or her seniority and employee benefits.

An officer or employee dismissed by a local municipality who is not identified in a document referred to in the second paragraph may, if the officer or employee believes that the document should provide that identification, file a complaint in writing within 30 days of being dismissed with the Commission des relations du travail requesting it to make an inquiry and dispose of the complaint. The provisions of the Labour Code (R.S.Q., chapter C-27) relating to the Commission, its commissioners, their decisions and the exercise of their jurisdictions apply, with the necessary modifications.

The local municipality may not, without the authorization of the Minister of Municipal Affairs and Greater Montréal, increase expenditures relating to the remuneration and employee benefits of any officer or employee likely to be identified in the document referred to in the second paragraph, or hire such an officer or employee, unless the increase or hiring results from the application of a clause of a collective agreement or a contract of employment in force on the date of coming into force of the order designating the regional county municipality as a rural regional county municipality.

**58.** Every regional county municipality no part of whose territory is situated within the territory of the Communauté métropolitaine de Montréal may, by by-law, prescribe that an election to the office of warden must be held in 2003 in accordance with section 210.29.2 of the Act respecting municipal territorial organization (R.S.Q., chapter O-9), with the following modifications :

(1) for the purposes of that section, the year 2003 is considered to be the year in which the general election is to be held in all the local municipalities to which Title I of the Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2) applies ;

(2) the by-law is considered to be the by-law provided for in section 210.29.1 of the Act respecting municipal territorial organization if the by-law is in force on 1 May 2003.

The holding of an election in 2003 does not remove the requirement to hold an election in 2005.

**59.** This Act comes into force on 19 December 2002.