



NATIONAL ASSEMBLY

FIRST SESSION

FORTIETH LEGISLATURE

Bill 8
(2012, chapter 30)

An Act to amend various legislative provisions concerning municipal affairs

**Introduced 14 November 2012
Passed in principle 29 November 2012
Passed 7 December 2012
Assented to 7 December 2012**

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EXPLANATORY NOTES

This Act amends the Cities and Towns Act, the Municipal Code of Québec, the Act respecting the Communauté métropolitaine de Montréal, the Act respecting the Communauté métropolitaine de Québec and the Act respecting public transit authorities to enable the municipalities and bodies governed by those Acts to reject any tender from a contractor or supplier having received an unsatisfactory performance assessment with respect to a previous contract.

The Municipal Code of Québec is amended in order to shorten the time limit for sending a notice of convocation for a special sitting of the council of a regional county municipality.

The Act respecting municipal taxation is amended to increase, for certain municipalities, the coefficient used to set the maximum rates applicable to the category of non-residential immovables and the category of industrial immovables.

Various local, ad hoc and technical measures are introduced.

LEGISLATION AMENDED BY THIS ACT:

- Charter of Ville de Québec (chapter C-11.5);
- Cities and Towns Act (chapter C-19);
- Municipal Code of Québec (chapter C-27.1);
- Act respecting the Communauté métropolitaine de Montréal (chapter C-37.01);
- Act respecting the Communauté métropolitaine de Québec (chapter C-37.02);
- Act respecting municipal taxation (chapter F-2.1);
- Act respecting public transit authorities (chapter S-30.01);
- Act to again amend various legislative provisions concerning municipal affairs (2005, chapter 50);

- Act to amend various legislative provisions respecting municipal affairs (2008, chapter 18).

ORDER IN COUNCIL AMENDED BY THIS ACT:

- Order in Council 1229-2005 (2005, G.O. 2, 5176A) concerning the urban agglomeration of Montréal.

Bill 8

AN ACT TO AMEND VARIOUS LEGISLATIVE PROVISIONS CONCERNING MUNICIPAL AFFAIRS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

CHARTER OF VILLE DE QUÉBEC

1. Section 114 of the Charter of Ville de Québec (chapter C-11.5) is amended by inserting “that the city council delegated to it under section 84.1 of Schedule C or” after “related to a power” in the third paragraph.

CITIES AND TOWNS ACT

2. Section 573 of the Cities and Towns Act (chapter C-19) is amended

(1) by inserting the following subsection after subsection 2:

“(2.0.1) A call for public tenders may provide that the municipality reserves the right to reject any tender from a contractor or supplier having received an unsatisfactory performance assessment in the two years before the tender opening date.

For the purposes of the first paragraph, a municipality may only use an unsatisfactory performance assessment if the assessment meets the following conditions:

(1) it relates to the carrying out of a contract awarded by the municipality or by the body responsible for carrying out an agreement to which the municipality is a party and which was entered into under section 29.5, 29.9.1 or 29.10;

(2) it was carried out by the person designated for that purpose by the council of the municipality or by the body;

(3) it is included in a report a copy of which was sent to the contractor or supplier not later than the 60th day after the termination of the contract concerned;

(4) the contractor or supplier was given at least 30 days after receiving a copy of the report referred to in subparagraph 3 to submit comments in writing to the municipality or body; and

(5) after comments submitted under subparagraph 4 have been examined, it is a final assessment, having been approved by the council of the municipality or by the body not later than the 60th day after receipt of those comments or, if no comments were submitted, after the expiry of the period specified in subparagraph 4 for submitting comments. A certified copy of the approved assessment must be sent to the contractor or supplier.

The Minister shall draw up a guide setting out the elements that may be considered in carrying out a performance assessment.

The guide is made available to the public in the manner determined by the Minister.”;

(2) by replacing “may stipulate” in the introductory clause of subsection 2.1 by “may also provide”.

MUNICIPAL CODE OF QUÉBEC

3. Article 156 of the Municipal Code of Québec (chapter C-27.1) is amended by replacing “10” in the first paragraph by “three”.

4. Article 935 of the Code is amended

(1) by inserting the following subarticle after subarticle 2 of the first paragraph:

“(2.0.1) A call for public tenders may provide that the municipality reserves the right to reject any tender from a contractor or supplier having received an unsatisfactory performance assessment in the two years before the tender opening date.

For the purposes of the first paragraph, a municipality may only use an unsatisfactory performance assessment if the assessment meets the following conditions:

(1) it relates to the carrying out of a contract awarded by the municipality or by the body responsible for carrying out an agreement to which the municipality is a party and which was entered into under article 14.3, 14.7.1 or 14.8;

(2) it was carried out by the person designated for that purpose by the council of the municipality or by the body;

(3) it is included in a report a copy of which was sent to the contractor or supplier not later than the 60th day after the termination of the contract concerned;

(4) the contractor or supplier was given at least 30 days after receiving a copy of the report referred to in subparagraph 3 to submit comments in writing to the municipality or body; and

(5) after any comments submitted under subparagraph 4 have been examined, it is a final assessment, having been approved by the council of the municipality or by the body not later than the 60th day after receipt of those comments or, if no comments were submitted, after the expiry of the period specified in subparagraph 4 for submitting comments. A certified copy of the approved assessment must be sent to the contractor or supplier.

The Minister shall draw up a guide setting out the elements that may be considered in carrying out a performance assessment.

The guide is made available to the public in the manner determined by the Minister.”;

(2) by replacing “may stipulate” in the introductory clause of subarticle 2.1 of the first paragraph by “may also provide”;

(3) by striking out the second paragraph.

ACT RESPECTING THE COMMUNAUTÉ MÉTROPOLITAINE DE MONTRÉAL

5. Section 107 of the Act respecting the Communauté métropolitaine de Montréal (chapter C-37.01) is amended by replacing “sixth, seventh and eighth” in the second paragraph by “eighth, ninth and tenth”.

6. Section 108 of the Act is amended

(1) by inserting the following paragraphs after the fourth paragraph:

“A call for public tenders may provide that the Community reserves the right to reject any tender from a contractor or supplier having received an unsatisfactory performance assessment in the two years before the tender opening date.

For the purposes of the fifth paragraph, the Community may only use an unsatisfactory performance assessment if the assessment meets the following conditions:

(1) it relates to the carrying out of a contract awarded by the Community;

(2) it was carried out by the person designated for that purpose by the council;

(3) it is included in a report a copy of which was sent to the contractor or supplier not later than the 60th day after the termination of the contract concerned;

(4) the contractor or supplier was given at least 30 days after receiving a copy of the report referred to in subparagraph 3 to submit comments in writing to the Community; and

(5) after any comments submitted under subparagraph 4 have been examined, it is a final assessment, having been approved by the council of the Community not later than the 60th day after receipt of those comments or, if no comments were submitted, after the expiry of the period specified in subparagraph 4 for submitting comments. A certified copy of the approved assessment must be sent to the contractor or supplier.”;

(2) by replacing “may stipulate” in the introductory clause of the fifth paragraph by “may also provide”.

7. The Act is amended by inserting the following section after section 108:

“108.1. The Minister shall draw up a guide setting out the elements that may be considered in carrying out a performance assessment referred to in the sixth paragraph of section 108.

The guide is made available to the public in the manner determined by the Minister.”

8. Section 109 of the Act is amended by replacing “eighth” in the fourth paragraph by “tenth”.

9. Section 109.1 of the Act is amended

(1) by replacing “seventh” in subparagraph *d* of subparagraph 3 of the first paragraph by “ninth”;

(2) by replacing “eighth” in the fourth paragraph by “tenth”.

10. Section 110 of the Act is amended by replacing “fifth” in the second paragraph by “seventh”.

11. Section 112 of the Act is amended by replacing “fifth and eighth” by “seventh and tenth”.

12. Section 112.1 of the Act is amended by replacing “eighth” in the second paragraph by “tenth”.

13. Section 118.2 of the Act is amended by replacing “sixth” in the first paragraph by “eighth”.

ACT RESPECTING THE COMMUNAUTÉ MÉTROPOLITAINE DE
QUÉBEC

14. Section 100 of the Act respecting the Communauté métropolitaine de Québec (chapter C-37.02) is amended by replacing “sixth, seventh and eighth” in the second paragraph by “eighth, ninth and tenth”.

15. Section 101 of the Act is amended

(1) by inserting the following paragraphs after the fourth paragraph:

“A call for public tenders may provide that the Community reserves the right to reject any tender from a contractor or supplier having received an unsatisfactory performance assessment in the two years before the tender opening date.

For the purposes of the fifth paragraph, the Community may only use an unsatisfactory performance assessment if the assessment meets the following conditions:

(1) it relates to the carrying out of a contract awarded by the Community;

(2) it was carried out by the person designated for that purpose by the council;

(3) it is included in a report a copy of which was sent to the contractor or supplier not later than the 60th day after the termination of the contract concerned;

(4) the contractor or supplier was given at least 30 days after receiving a copy of the report referred to in subparagraph 3 to submit comments in writing to the Community; and

(5) after any comments submitted under subparagraph 4 have been examined, it is a final assessment, having been approved by the council of the Community not later than the 60th day after receipt of those comments or, if no comments were submitted, after the expiry of the period specified in subparagraph 4 for submitting comments. A certified copy of the approved assessment must be sent to the contractor or supplier.”;

(2) by replacing “may stipulate” in the introductory clause of the fifth paragraph by “may also provide”.

16. The Act is amended by inserting the following section after section 101:

“**101.1.** The Minister shall draw up a guide setting out the elements that may be considered in carrying out a performance assessment referred to in the sixth paragraph of section 101.

The guide is made available to the public in the manner determined by the Minister.”

17. Section 102 of the Act is amended by replacing “eighth” in the fourth paragraph by “tenth”.

18. Section 102.1 of the Act is amended

(1) by replacing “seventh” in subparagraph *d* of subparagraph 3 of the first paragraph by “ninth”;

(2) by replacing “eighth” in the fourth paragraph by “tenth”.

19. Section 103 of the Act is amended by replacing “fifth” in the second paragraph by “seventh”.

20. Section 105 of the Act is amended by replacing “fifth and eighth” by “seventh and tenth”.

21. Section 105.1 of the Act is amended by replacing “eighth” in the second paragraph by “tenth”.

22. Section 111.2 of the Act is amended by replacing “sixth” in the first paragraph by “eighth”.

ACT RESPECTING MUNICIPAL TAXATION

23. Section 244.40 of the Act respecting municipal taxation (chapter F-2.1) is amended

(1) by replacing “2.35” in the first paragraph by “2.65”;

(2) by replacing “3.15” in subparagraphs 2 to 5 of the second paragraph by “3.55”;

(3) by replacing “2.65” in subparagraphs 6 to 9 of the second paragraph by “3.05”.

ACT RESPECTING PUBLIC TRANSIT AUTHORITIES

24. Section 94 of the Act respecting public transit authorities (chapter S-30.01) is amended by replacing “sixth, seventh and eighth” in the second paragraph by “eighth, ninth and tenth”.

25. Section 95 of the Act is amended

(1) by inserting the following paragraphs after the fourth paragraph:

“A call for public tenders may provide that the transit authority reserves the right to reject any tender from a contractor or supplier having received an unsatisfactory performance assessment in the two years before the tender opening date.

For the purposes of the fifth paragraph, the transit authority may only use an unsatisfactory performance assessment if the assessment meets the following conditions:

- (1) it relates to the carrying out of a contract awarded by the transit authority;
- (2) it was carried out by the person designated for that purpose by the board of directors;
- (3) it is included in a report a copy of which was sent to the contractor or supplier not later than the 60th day after the termination of the contract concerned;
- (4) the contractor or supplier was given at least 30 days after receiving a copy of the report referred to in subparagraph 3 to submit comments in writing to the transit authority; and
- (5) after any comments submitted under subparagraph 4 have been examined, it is a final assessment, having been approved by the board of directors of the transit authority not later than the 60th day after receipt of those comments or, if no comments were submitted, after the expiry of the period specified in subparagraph 4 for submitting comments. A certified copy of the approved assessment must be sent to the contractor or supplier.”;

(2) by replacing “may stipulate” in the introductory clause of the fifth paragraph by “may also provide”.

26. The Act is amended by inserting the following section after section 95:

“95.1. The Minister of Municipal Affairs, Regions and Land Occupancy shall draw up a guide setting out the elements that may be considered in carrying out a performance assessment referred to in the sixth paragraph of section 95.

The guide is made available to the public in the manner determined by the Minister.”

27. Section 96 of the Act is amended by replacing “eighth” in the fourth paragraph by “tenth”.

28. Section 96.1 of the Act is amended

(1) by replacing “seventh” in subparagraph *d* of subparagraph 3 of the first paragraph by “ninth”;

(2) by replacing “eighth” in the fourth paragraph by “tenth”.

29. Section 97 of the Act is amended by replacing “fifth” in the second paragraph by “seventh”.

30. Section 99 of the Act is amended by replacing “fifth and eighth” by “seventh and tenth”.

31. Section 100 of the Act is amended by replacing “eighth” in the second paragraph by “tenth”.

32. Section 108.2 of the Act is amended by replacing “sixth” in the first paragraph by “eighth”.

ACT TO AGAIN AMEND VARIOUS LEGISLATIVE PROVISIONS CONCERNING MUNICIPAL AFFAIRS

33. Section 133 of the Act to again amend various legislative provisions concerning municipal affairs (2005, chapter 50), amended by section 37 of chapter 19 of the statutes of 2008, section 102 of chapter 18 of the statutes of 2010 and section 27 of chapter 33 of the statutes of 2011, is again amended by replacing “2012” in the second paragraph by “2013”.

ACT TO AMEND VARIOUS LEGISLATIVE PROVISIONS RESPECTING MUNICIPAL AFFAIRS

34. Section 135 of the Act to amend various legislative provisions respecting municipal affairs (2008, chapter 18) is amended by replacing “two” in the first paragraph by “three”.

OTHER AMENDING PROVISIONS

35. Section 67 of Order in Council 1229-2005 (2005, G.O. 2, 5176A) concerning the urban agglomeration of Montréal, amended by section 130 of chapter 60 of the statutes of 2006, section 33 of chapter 19 of the statutes of 2008, section 111 of chapter 18 of the statutes of 2010 and section 28 of chapter 33 of the statutes of 2011, is again amended by replacing “2012” in the second paragraph by “2013”.

36. Section 68 of the Order in Council, replaced by section 34 of chapter 19 of the statutes of 2008 and amended by section 112 of chapter 18 of the statutes of 2010 and section 29 of chapter 33 of the statutes of 2011, is again amended by replacing “2012” in the fifth paragraph by “2013”.

MISCELLANEOUS PROVISIONS

37. The property assessment rolls of Municipalité de Béarn, Municipalité de Duhamel-Ouest, Municipalité de Laverlochère, Municipalité de Lorrainville, Municipalité de Saint-Bruno-de-Guigues, Municipalité de Saint-Eugène-de-Guigues, Paroisse de Saint-Édouard-de-Fabre and Ville de Ville-Marie, in force from 1 January 2013, will remain in force until the end of the fiscal year 2013. The fiscal year 2013 is considered to be the third year of application of those rolls.

The rolls referred to in the first paragraph are deemed to have been drawn up for the fiscal years 2011, 2012 and 2013 for the purpose of determining the three consecutive fiscal years for which the subsequent rolls must be drawn up under section 14 of the Act respecting municipal taxation (chapter F-2.1).

38. The property assessment rolls of Cantons-Unis de Latulipe-et-Gaboury, Municipalité de Fugèreville, Municipalité de Laforce, Municipalité de Moffet and Ville de Belleterre, in force from 1 January 2013, will remain in force until the end of the fiscal year 2014. The fiscal year 2014 is considered to be the third year of application of those rolls.

The rolls referred to in the first paragraph are deemed to have been drawn up for the fiscal years 2012, 2013 and 2014 for the purpose of determining the three consecutive fiscal years for which the subsequent rolls must be drawn up under section 14 of the Act respecting municipal taxation.

39. The property assessment roll of Ville de Plessisville, in force from 1 January 2013, will remain in force until the end of the fiscal year 2014. The fiscal year 2014 is considered to be the third year of application of that roll.

The roll referred to in the first paragraph is deemed to have been drawn up for the fiscal years 2012, 2013 and 2014 for the purpose of determining the three consecutive fiscal years for which the subsequent roll must be drawn up under section 14 of the Act respecting municipal taxation.

40. The property assessment roll of Canton de Hemmingford, in force from 1 January 2011, will remain in force until the end of the fiscal year 2014. The fiscal year 2014 is considered to be the third year of application of that roll.

The roll referred to in the first paragraph is deemed to have been drawn up for the fiscal years 2012, 2013 and 2014 for the purpose of determining the three consecutive fiscal years for which the subsequent roll must be drawn up under section 14 of the Act respecting municipal taxation.

41. The property assessment rolls of Municipalité de Saint-Édouard, Municipalité de Saint-Patrice-de-Sherrington, Paroisse de Saint-Bernard-de-Lacolle and Village de Hemmingford, in force from 1 January 2013, will remain in force until the end of the fiscal year 2016. The fiscal year 2016 is considered to be the third year of application of those rolls.

The rolls referred to in the first paragraph are deemed to have been drawn up for the fiscal years 2014, 2015 and 2016 for the purpose of determining the three consecutive fiscal years for which the subsequent rolls must be drawn up under section 14 of the Act respecting municipal taxation.

42. The division of the territory of Municipalité des Îles-de-la-Madeleine into electoral districts for the purposes of the 2013 general election and any by-election held before the 2017 general election is the division that applied for the purposes of the 2009 general election.

FINAL PROVISION

43. This Act comes into force on 7 December 2012, except section 23, which comes into force on 1 January 2013, and sections 2, 4 to 22 and 24 to 32, which come into force on the date to be set by the Government.

