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NATIONAL ASSEMBLY

SECOND SESSION THIRTY-SIXTH LEGISLATURE

Bill 24
(2001, chapter 23)

An Act respecting public transit authorities

Introduced 15 May 2001
Passage in principle 21 June 2001
Passage 21 June 2001
Assented to 21 June 2001

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EXPLANATORY NOTES

This bill replaces the five existing public transit authorities and four intermunicipal transportation enterprises by nine new public transit authorities governed by the same legal framework. The primary mission of the new transit authorities will be to enhance the mobility of persons. They consequently will have all the powers necessary to operate a public bus transportation enterprise and to offer various specialized public transportation services. The transit authorities will be under an obligation to provide services designed to meet the transportation needs of handicapped persons.

The property of the transit authorities will form part of the municipal domain and all revenues are to be used to meet obligations. The municipalities will adopt the budgets of the transit authorities and will be garantors of the transit authorities' obligations. The new transit authorities are authorized to establish certain funds and will be required to adhere to the rules that govern their borrowings. The contribution of motorists to public transit and the funds made available by the municipalities in their area of jurisdiction will be used to finance transportation services. In the Montréal area, however, that contribution will continue to devolve to the Agence métropolitaine de transport. The new transit authorities will be required to establish a strategic development plan and to submit the reports of their treasurer and their auditor to the municipalities and to the Minister.

The new transit authorities will be managed by a board of directors composed of seven to nine members designated by the municipalities in their area of jurisdiction, two of whom will represent the users of public transportation and the services adapted for handicapped persons.

The bill provides for special rules that, for the Montréal area, take into account the particularities of the transit authorities, among other things, by entrusting the Société de transport de Montréal with the operation of the subway and making the operation of bus transportation services outside the areas of jurisdiction of the three transit authorities conditional on obtaining the authorization of the Agence métropolitaine de transport. For the other areas, the special rules take into account the status of the dissolved enterprise, municipal reorganization and certain commitments of the former transportation enterprises.

The bill contains transitional rules protecting employees and other persons employed by a former public transportation enterprise, their certified associations, collective agreements, pension plans and employment benefits. The bill also provides for the succession of the rights, obligations, property and assets of the former public transportation enterprises it dissolves.

Lastly, the bill includes consequential amendments, grants certain additional powers to the Agence métropolitaine de transport and allows the grouping of intermunicipal councils in the Montréal area.

LEGISLATION AMENDED BY THIS BILL:

– Act respecting the Agence métropolitaine de transport (R.S.Q., chapter A-7.02);

– Act respecting intermunicipal boards of transport in the area of Montréal (R.S.Q., chapter C-60.1);

– Fuel Tax Act (R.S.Q., chapter T-1);

– Transport Act (R.S.Q., chapter T-12);

– Act respecting the Communauté métropolitaine de Montréal (2000, chapter 34).

LEGISLATION REPEALED BY THIS BILL:

– Act respecting municipal and intermunicipal transit authorities (R.S.Q., chapter S-30.1);

– Act respecting the Société de transport de la Ville de Laval (1984, chapter 42);

– Act respecting the Société de transport de la rive sud de Montréal (1985, chapter 32).

Bill 24

AN ACT RESPECTING PUBLIC TRANSIT AUTHORITIES

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

TITLE I

RULES GOVERNING PUBLIC TRANSIT AUTHORITIES

CHAPTER I

ESTABLISHMENT, ORGANIZATION AND MANAGEMENT

DIVISION I

ESTABLISHMENT

1. The following public transit authorities are hereby constituted as legal persons established in the public interest:

(1) the "Société de transport de Montréal", whose area of jurisdiction corresponds to that of Ville de Montréal;

(2) the "Société de transport de Québec", whose area of jurisdiction corresponds to that of Ville de Québec;

(3) the "Société de transport de l'Outaouais", whose area of jurisdiction corresponds to that of Ville de Hull-Gatineau;

(4) the "Société de transport de Longueuil", whose area of jurisdiction corresponds to that of Ville de Longueuil;

(5) the "Société de transport de Lévis", whose area of jurisdiction corresponds to that of Ville de Lévis;

(6) the "Société de transport de Laval", whose area of jurisdiction corresponds to that of Ville de Laval;

(7) the "Société de transport des Forges", whose area of jurisdiction corresponds to that of the following municipalities: Cap-de-la-Madeleine, Trois-Rivières and Trois-Rivières-Ouest;

(8) the "Société de transport du Saguenay", whose area of jurisdiction corresponds to that of the following municipalities: Chicoutimi, Jonquière and La Baie;

(9) the "Société de transport de Sherbrooke", whose area of jurisdiction corresponds to that of the following municipalities: Ascot, Fleurimont, Lennoxville, Rock Forest and Sherbrooke.

A transit authority that chooses to use an acronym to refer to itself shall transmit a copy of the resolution to that effect to the Inspector General of Financial Institutions.

2. The head office of each transit authority shall be situated in its area of jurisdiction, at such place as it determines.

Notice of the location of the head office and of any change in its location shall be published in the *Gazette officielle du Québec* and in a newspaper distributed in its area of jurisdiction.

3. The mission of a transit authority is to provide various shared transportation services to ensure the mobility of persons within its area of jurisdiction and, to such extent as is provided for in a legislative provision, outside its area of jurisdiction.

For that purpose, the transit authority shall support public transportation and, where applicable, foster the integration of its various modes of shared transportation with those of any other legal person established in the public interest empowered by law or constituting act to operate a public transportation enterprise.

4. In the pursuit of its objects, a transit authority shall operate a public passenger transportation enterprise, providing in particular public bus transportation and shared taxi services.

5. A transit authority may also offer specialized services including

(1) services adapted to the needs of mobility impaired persons;

(2) services adapted to the needs of elementary and secondary school students;

(3) services enabling a person to charter a bus or minibus; and

(4) services enabling a person to conduct guided tours.

A transit authority shall offer the services referred to in subparagraph 1 of the first paragraph in the case of handicapped persons. For such purpose, it may ensure the mobility of persons outside its area of jurisdiction, including in the area of jurisdiction of a transit authority with which it occupies the territory of a metropolitan community.

DIVISION II

ORGANIZATION

§1. — *Composition of the board of directors*

6. The powers of a transit authority shall be exercised by its board of directors which is composed of seven to nine members.

7. Sections 304 to 307 of the Act respecting elections and referendums in municipalities (chapter E-2.2) apply, with the necessary modifications, to the members of a board of directors.

8. Ville de Montréal shall designate the members of the board of directors of the Société de transport de Montréal from among the members of its council except for two members that it shall choose from among its residents, one of whom shall be a user of the public transportation services and the other a user of services adapted to the needs of handicapped persons.

9. Ville de Québec shall designate the members of the board of directors of the Société de transport de Québec from among the members of its council except for two members that it shall choose from among its residents, one of whom shall be a user of the public transportation services and the other a user of services adapted to the needs of handicapped persons.

10. Ville de Hull-Gatineau shall designate the members of the board of directors of the Société de transport de l'Outaouais from among the members of its council except for two members that it shall choose from among its residents, one of whom shall be a user of the public transportation services and the other a user of services adapted to the needs of handicapped persons.

11. Ville de Longueuil shall designate the members of the board of directors of the Société de transport de Longueuil from among the members of its council except for two members that it shall choose from among its residents, one of whom shall be a user of the public transportation services and the other a user of services adapted to the needs of handicapped persons.

12. Ville de Lévis shall designate the members of the board of directors of the Société de transport de Lévis from among the members of its council except for two members that it shall choose from among its residents, one of whom shall be a user of the public transportation services and the other a user of services adapted to the needs of handicapped persons.

13. Ville de Laval shall designate the members of the board of directors of the Société de transport de Laval from among the members of its council except for two members that it shall choose from among its residents, one of whom shall be a user of the public transportation services and the other a user of services adapted to the needs of handicapped persons.

14. The municipalities of Cap-de-la-Madeleine, Trois-Rivières and Trois-Rivières-Ouest shall designate the members of the board of directors of the Société de transport des Forges from among the members of their municipal councils.

15. The municipalities of Chicoutimi, Jonquière and La Baie shall designate the members of the board of directors of the Société de transport du Saguenay from among the members of their municipal councils.

16. The municipalities of Ascot, Fleurimont, Lennoxville, Rock Forest and Sherbrooke shall designate the members of the board of directors of the Société de transport de Sherbrooke from among the members of their municipal councils.

17. No member of a board of directors may attend a meeting before a copy of the resolution appointing the member has been received by the secretary of the transit authority.

18. The term of office of a member of a board of directors shall not exceed four years. The term may be renewed.

Except in the case of resignation, a member shall remain in office, notwithstanding the expiry of the member's term, until replaced or reappointed.

A member resigning shall sign a writing to that effect and send it to the secretary of the transit authority on whose board of directors the member sits and to the clerk of the city or the secretary-treasurer of the municipality that designated the member. The resignation shall take effect from the date on which the secretary receives the writing or on any later date specified in the writing as the date on which the resignation is to take effect. The resignation of a member entails a vacancy in the office of that member.

19. A member of a board of directors ceases to be a member when he or she ceases to be a member of the council of the city or municipality that made the designation.

A member who fails to attend two consecutive meetings shall also cease to be a member. The member's term of office is then deemed to terminate at the close of the third meeting, unless the absence is excused by the board of directors at that meeting. If the member's absence is not excused, the secretary of the transit authority shall notify the clerk of the city or the secretary-treasurer of the municipality that made the designation.

20. A member of a board of directors also ceases to be a member if the city or the municipality revokes the member's designation. The clerk of the city or, as the case may be, the secretary-treasurer of the municipality concerned shall without delay notify the secretary of the transit authority of the revocation.

The office of the member is vacant as of the day of the revocation.

21. Upon the vacancy of the office of a member of the board of directors, the city or the municipality that designated the member shall designate a new member within 60 days of the vacancy. The term of office of the new member shall not exceed the term of office of the member being replaced.

22. The board of directors of a transit authority comprises the offices of chair and vice-chair. The holders of those offices shall be appointed, as the case may be, by the cities or municipalities referred to in sections 8 to 16.

Except in the case of resignation, the chair and the vice-chair shall remain in office, notwithstanding the expiry of their term of office, until replaced or reappointed.

Section 18 applies to the resignation of the chair or vice-chair.

§2. — *Meetings of the board of directors*

23. The chair shall preside at meetings of the board of directors and ensure that they are properly conducted. The chair shall maintain order and decorum at the meetings and may cause any person who disturbs order at a meeting to be expelled therefrom.

The chair shall ensure compliance with the laws that apply to the transit authority.

The chair is the representative of the transit authority.

24. The vice-chair presides, at the chair's request, at meetings of the board of directors.

The vice-chair shall replace the chair if the chair is absent or unable to act in accordance with the internal by-laws. The by-laws may also provide for the replacement of the vice-chair if the vice-chair is absent or unable to preside at a meeting of the board of directors.

25. The board of directors may meet at any place in the transit authority's area of jurisdiction.

26. The board of directors shall hold regular meetings at least ten times every year.

The board shall at its first meeting of the year adopt the schedule of its meetings for the whole year.

The secretary shall, within 15 days after the first meeting of the year, cause a notice to be published in a newspaper distributed in the transit authority's area of jurisdiction indicating the dates, hours and place of the board's regular meetings.

27. The meetings of the board of directors shall be convened by the secretary.

The secretary shall send the notice of convocation and the agenda to every member of the board at least 72 hours before the meeting is held by the means of transmitting information authorized by the internal by-laws.

A member present at a meeting of the board is presumed to waive the notice of convocation and is deemed to attend the entire meeting.

28. The board of directors shall also hold a special meeting at the written request of the chair, director general or at least three members.

The notice of convocation shall state the matters to be considered and be sent by the secretary to every member of the board at least 24 hours before the meeting is held.

29. Meetings are public.

30. The agenda for each meeting shall be prepared by the secretary and contain the matters referred by the chair, by the director general or by at least three members of the board, within the time fixed by the internal by-laws.

31. The secretary shall place the subject of a request signed by at least 250 residents in the transit authority's area of jurisdiction on the agenda of the first meeting to be held after the request is received. The request shall be delivered to the secretary at least 15 days before the meeting is held.

Persons present at the meeting may address the members of the board of directors concerning that matter. A member may, however, surrender the right to reply to another member of the board.

32. The board of directors shall provide a question period at the beginning of every meeting during which persons present at the meeting may address oral questions to the members.

A transit authority may, in its internal by-laws, make rules to limit the number of questions per intervenor, their length and the total duration of the question period, which may not be less than one hour unless all the matters have been dealt with.

33. The secretary shall publish a prior notice of the holding of each regular meeting of the board of directors in a newspaper distributed in the transit authority's area of jurisdiction. The notice shall be made at least five days before the meeting.

34. The quorum for meetings is a majority of the members.

35. Every member has one vote and is required to vote on every matter put to a vote, unless disqualified to vote; sections 361 and 362 of the Act respecting elections and referendums in municipalities apply, with the necessary modifications, to the members of a board of directors because of an interest in the matter concerned.

The chair, however, has a casting vote in the event of a tie-vote.

36. Decisions shall be made by a majority of the votes cast.

37. Members may take part in any meeting by means of electronic communication equipment.

However, the communications equipment must enable every person using the equipment or attending the meeting to hear clearly everything that is said by another person in an audible and intelligible voice.

38. The minutes of the proceedings and votes shall be entered in a book kept for such purpose by the secretary. They must be signed by the secretary and the meeting chair.

The minutes of a meeting shall be read by the secretary and approved by the board of directors at a subsequent meeting which may not be later than the second meeting following. However, the secretary is dispensed from reading the minutes if a copy has been given to every member of the board.

39. The members of a board of directors may not be prosecuted by reason of official acts performed in good faith in the exercise of their functions.

Except on a question of jurisdiction, no extraordinary recourse under articles 834 to 850 of the Code of Civil Procedure (chapter C-25) may be exercised and no injunction may be granted against any transit authority or against any of the members of its board of directors in the exercise of their functions.

A judge of the Court of Appeal may, upon a motion, annul summarily any writ, order or injunction issued or granted contrary to the second paragraph.

§3. — *Remuneration of the members of the board of directors*

40. The board of directors shall fix, by by-law, the remuneration or indemnity of its members and the additional remuneration or indemnity of the chair and vice-chair of the transit authority. The by-law may have retroactive effect to 1 January of the year in which it was adopted and vary according to whether participation is at the meetings of the board or at one of its committees.

The indemnity shall be paid as reimbursement for the part of the expenses attached to the office which are not reimbursed pursuant to sections 43 and 44. The compensation may not exceed one-half of the remuneration.

However, the application of section 23 of the Act respecting the remuneration of elected municipal officers (chapter T-11.001) may prohibit a transit authority from paying remuneration or an indemnity or compel it to reduce the amount thereof. As well, contravening the Act respecting elections and referendums in municipalities may entail, for a member, the loss of remuneration or an indemnity if that person loses the right to attend the meetings of the board as a member.

41. The board of directors may, by by-law, prescribe the conditions under which the failure of a member to attend a meeting or to fulfil the obligation to vote at a meeting entails a reduction in the member's remuneration or indemnity, and prescribe the rules for computing the reduction.

However, as regards salary, the pension plan, employment benefits and other conditions of employment, the chair or vice-chair of a transit authority who is replaced temporarily owing to absence or inability to act is deemed not to cease holding office while being replaced.

42. A member must, to perform an act committing the appropriations of a transit authority, be so authorized by by-law or resolution. The member may only spend up to the amount fixed.

43. A member who has incurred an expense in the exercise of the member's functions that is chargeable to the transit authority is entitled, on presentation of a statement and vouchers, to be reimbursed by the transit authority up to, where applicable, the maximum amount fixed in the authorization.

44. The board of directors may, by by-law, establish a tariff that applies where expenses chargeable to the transit authority are incurred for any class of act performed in Québec for a purpose other than travel outside Québec, and prescribe the voucher that must be presented to prove that such an act was performed.

45. Notwithstanding section 44, the board of directors may fix the maximum amount of expenses allowed where it authorizes one of its members to perform an act covered by the tariff or, where applicable, in a class for which appropriations are provided in the budget.

§4. — *Secretary and treasurer*

46. The board of directors shall, on the recommendation of the director general, appoint the secretary of the transit authority and fix the secretary's remuneration, employment benefits and conditions of employment.

The secretary may not be a member of the board.

The secretary shall have custody of the documents and records of the transit authority. The secretary shall attend all the meetings of the board and draw up the minutes.

The secretary shall perform such other function as the board may entrust to the secretary.

Section 39 applies to the secretary, with the necessary modifications.

47. The board of directors shall, on the recommendation of the director general, appoint the treasurer of the transit authority and fix the treasurer's remuneration, employment benefits and conditions of employment.

The treasurer may not be a member of the board.

The treasurer shall have custody of the transit authority's accounting records.

The treasurer shall perform such other function as the board may entrust to the treasurer.

Section 39 applies to the treasurer, with the necessary modifications.

§5. — *Decisions and by-laws of the board of directors*

48. An act, document or writing is binding on the transit authority only if it is signed by the chair or vice-chair or by the director general or a member of the transit authority's personnel and, in the latter case, only to the extent determined by a by-law of the transit authority published in a newspaper distributed in its area of jurisdiction.

The transit authority may allow, subject to the conditions and on the documents it determines, that a signature be affixed by means of an automatic device or that a facsimile of a signature be engraved, lithographed or printed. However, the facsimile shall have the same force as the signature itself only if the document is countersigned by a person authorized by a by-law of the transit authority published in a newspaper distributed in its area of jurisdiction.

49. The board of directors may, in its internal by-laws, regulate the exercise of its powers and the other aspects of its internal management.

50. A copy of every draft by-law to be considered at a meeting must be included with the notice of convocation for that meeting. However, if the consideration of the draft by-law is deferred to a subsequent meeting, it is not necessary for a copy of the draft-by-law to be included.

51. To be authentic, the original of a by-law must be signed by the chair and by the secretary.

52. A transit authority shall keep the original of every by-law in a book.

The secretary shall have custody of the by-laws and attach thereto a statement attesting publication.

53. A by-law of a transit authority comes into force on the fifteenth day following the date of its publication in a newspaper distributed in its area of jurisdiction or on any later date mentioned therein.

Notwithstanding the first paragraph, any by-law referred to in sections 40 to 42, 44 or 123 need not be published in a newspaper and comes into force on the date mentioned therein.

54. Every by-law of a transit authority is considered public law and does not need to be specially pleaded.

§6. — *Advisory committees*

55. The board of directors may form any advisory committee to examine any matter referred to it by the board and to make any recommendations it considers appropriate to the board.

56. Every advisory committee shall be composed of at least three and not more than seven members. It may be composed wholly or in part of members of the board of directors.

The chair of every committee shall be appointed by the board of directors from among its designated members.

57. Every committee meeting is public.

58. The secretary of a transit authority shall publish a notice of the holding of every meeting of a committee in a newspaper distributed in its area of jurisdiction at least two days before the meeting is held.

The committee meeting must include a period during which persons present at the meeting may address oral questions to the members of the committee.

59. The board of directors may determine the exercise of the functions of a committee and the other aspects of the committee's internal management.

§7. — *Technical committees*

60. The board of directors may form any technical committee it considers appropriate. The board shall determine the composition, operation and mandate of the committee.

DIVISION III

MANAGEMENT

§1. — *Director general*

61. The board of directors shall appoint the director general for a term of office of not more than five years. The term may be renewed.

Section 39 applies, with the necessary modifications, to the director general.

62. The board of directors shall fix the remuneration, employment benefits and other conditions of employment of the director general.

63. The director general shall exercise his or her functions full-time and shall not hold any other remunerated employment or occupation except with the express authorization of the board.

64. The office of director general is incompatible with the office of member of the board of directors or member of the council of a city, municipality or metropolitan community.

65. Under the authority of the board of directors, the director general shall

(1) direct the activities of the transit authority and manage the board's current business;

(2) direct and manage the human, financial, informational and material resources;

(3) see to it that the decisions and by-laws are applied;

(4) prepare annually a draft budget and a three-year program of capital expenditures and submit them to the board of directors;

(5) prepare proposals for fares and rates, routes and service standards and submit them to the board of directors;

(6) exercise such other function as the board of directors may assign to the director general.

The director general may delegate all or part of the powers referred to in subparagraph 2 of the first paragraph to an employee under his or her authority.

66. The director general shall attend the meetings of the board of directors and has the right to speak.

67. If the director general is absent, or is unable or refuses to act, the board of directors shall appoint a person to replace the director general temporarily.

However, the internal by-laws of a transit authority may provide for a temporary absence of the director general and authorize the director general to delegate all or part of the powers and functions to a person the director general chooses. The by-law may determine the maximum period of temporary absence, not to exceed six months, and the conditions for the validity of the delegation.

68. Any vacancy in the office of the director general shall be filled within 60 days by the board of directors.

§2. — *Human resources*

69. The employees, including, where applicable, the assistant secretary and the assistant treasurer, shall be appointed according to the staffing plan and standards established by resolution of the board. The staffing plan shall also determine the standards and scales of remuneration, employment benefits and other conditions of employment.

70. In no case may the employees, on pain of forfeiture of office, have a direct or indirect interest in an enterprise that causes their personal interest to conflict with that of the transit authority. However, forfeiture is not incurred where the interest devolves to them by succession or gift, provided that it is renounced or disposed of with dispatch.

71. A transit authority may establish, participate in and contribute to employment benefit programs on behalf of its employees, their spouses and children. The transit authority may pay premiums for them accordingly.

Those programs may consist of relief or retirement funds, pension plans or group insurance plans and may vary according to whether they apply to senior staff members or employees. The Supplemental Pension Plans Act (chapter R-15.1) applies to retirement funds and pension plans. Relief funds must be approved by the Inspector General of Financial Institutions.

The renewal of any contract referred to in this section including a group insurance plan is subject to no awarding formality under this Act.

72. Two-thirds of the votes cast at a meeting of the board of directors are required in order that the board may dismiss, suspend without pay or reduce the salary of an employee who is not an employee within the meaning of the Labour Code (chapter C-27) and who has held a position for at least six months or has held, within the transit authority, a position the holder of which is not such an employee.

73. A resolution dismissing, suspending without pay or reducing the salary of an employee referred to in section 72 shall be served on the employee in the same manner as a summons under the Code of Civil Procedure (chapter C-25).

A person on whom a measure described in the first paragraph has been imposed may, within 30 days following service of the resolution, file a complaint in writing with the labour commissioner general who shall appoint a labour commissioner to make an inquiry and decide the complaint.

74. The provisions of the Labour Code respecting the labour commissioner general, the labour commissioners, their decisions and the exercise of their jurisdiction, and section 100.12 of the Code apply with the necessary modifications, except sections 15 to 19.

75. The labour commissioner may

(1) order the transit authority to reinstate the employee;

(2) order the transit authority to pay to the employee an indemnity up to a maximum amount equivalent to the salary the employee would normally have received had there been no such measure;

(3) render any other decision the labour commissioner believes fair and reasonable, taking into account all the circumstances of the matter, and in particular order the transit authority to pay to the employee compensation up to a maximum amount equivalent to the amount the employee disbursed to exercise the recourse.

76. Sections 72 to 75 do not apply to a suspension without pay unless the suspension is for more than 20 working days or the suspension, whatever its duration, occurs within 12 months after the expiry of a suspension without pay for more than 20 working days.

77. A person employed by a government or a public body who becomes employed by a public transit authority may ask for a transfer, subject to the conditions fixed by the Régie des rentes du Québec, of the employment benefits accrued to the credit of the person in a plan or a fund administered, in whole or in part, by the person's previous employer. The same applies to an employee of a transit authority who becomes employed by a government or a public body.

The other employment benefits, in particular vacation and sick leave, credited to a person referred to in the first paragraph shall not be transferable.

A transit authority may enter into agreements for the purposes of this section. When such agreements relate to employment benefits accrued in a plan or fund, they must be approved by the Régie des rentes du Québec. In all other cases, they must be approved by the Minister.

The employment benefits referred to in this section shall not become exigible by the mere fact that an employee has entered the service of a new employer.

CHAPTER II

FUNCTIONS AND POWERS

DIVISION I

POWERS AS REGARDS SERVICE ORGANIZATION

78. A transit authority shall operate a public transportation enterprise in its area of jurisdiction but may provide service links to places outside that area.

For those purposes, the transit authority may use any public highway it considers necessary for the establishment, at its discretion, of its lines and routes.

79. A decision concerning the establishment, modification or elimination of a line or of a route shall come into effect on the fifteenth day following the date of its publication in a newspaper distributed in the transit authority's area of jurisdiction or on any later date fixed by the board.

The director general may, if he or she believes the transit authority's public transportation services are or may be disrupted, make any provisional decision in respect of a line or route.

80. A transit authority is not under the authority of the Commission des transports du Québec as concerns its public transportation services as a whole, its lines, routes, fares and rates except if a service is provided outside its area of jurisdiction by a transportation enterprise acquired or controlled by the transit authority.

The Commission may not issue a permit for bus or minibus transportation authorizing the operation of a transportation service in all or part of a transit authority's area of jurisdiction or modify such a permit without notifying the transit authority. The transit authority has 30 days to intervene.

81. A transit authority may enter into a contract with the holder of a bus transportation permit or a school bus carrier for the provision of certain of its services, other than services adapted to the needs of mobility impaired persons. The contract is not subject to a formal awarding procedure.

The transit authority may also enter into a shared transportation services contract with the holder of a taxi owner's permit without requiring specific authorization by an order referred to in the first paragraph of section 7 of the Act respecting transportation services by taxi (2001, chapter 15).

82. A transit authority may enter into a contract with a legal person established in the public interest that is authorized to operate a public transportation enterprise for the provision of certain of its services to that person.

83. A transit authority may provide services adapted to the needs of mobility impaired persons or enter into a contract for the provision of such services with any carrier, any taxi permit holder or any service association comprising such holders.

Where the services are intended for handicapped persons, a contract under this section is not subject to a formal awarding procedure. In addition, the members of the board of directors of a transit authority may unanimously request the Inspector General of Financial Institutions to constitute, by letters patent, a non-profit legal person having as its primary object the operation, on behalf of the transit authority, of transportation services adapted to the needs of handicapped persons. The transit authority may also, if all the members consent thereto, enter into a contract with a non-profit legal person whose primary object is to provide transportation services adapted to the needs of handicapped persons.

At least one member of the transit authority shall sit on the board of directors of a legal person referred to in the second paragraph and the transit authority shall assume any operating deficit.

84. A transit authority may enter into a student transportation contract within the framework of the Education Act (chapter I-13.3) and the Act respecting private education (chapter E-9.1).

For the purposes of the first paragraph, a transit authority may serve the whole territory of a school board provided that part of that territory is situated within its area of jurisdiction.

85. A transit authority may operate a chartered tourist transportation service or a shuttle service. The service may be supplied in part outside its area of jurisdiction.

86. A transit authority has all the powers of a legal person to carry out any other commercial activity related to its public transportation enterprise.

87. A transit authority may enter into an agreement with a city, any of its boroughs or a municipality for the carrying out of work on a public highway so as to facilitate the operation of its lines and routes.

A transit authority may, in particular,

(1) designate traffic lanes reserved for the exclusive use of certain classes of road vehicles or of road vehicles carrying a specified number of passengers;

(2) enter into contracts with the person responsible for the maintenance of a public highway providing for the compensation of all or part of the cost of establishing, maintaining and operating such reserved lanes and take any measure to ensure the safe use of the reserved lanes.

88. A transit authority may take any measure it considers appropriate to promote the organization and functioning of public transportation services not operated by the transit authority, and provide support services to users of such transportation services and to the persons organizing them.

89. A transit authority may give any other legal person established in the public interest the mandate to acquire property or any service on its behalf.

The transit authority may accept such a mandate from the legal person where it intends to acquire property or any service for itself.

The mandates given under this section shall be given by gratuitous title. The Minister may authorize the transit authority to make a purchase referred to in this section without any formal contract awarding procedure.

90. A transit authority shall establish, by by-law, different transportation tickets and set the fares and rates according to the terms and conditions and for the classes of users it determines.

The secretary shall publish the fares and rates in a newspaper distributed in the transit authority's area of jurisdiction and post them in the transit authority's vehicles. The fares and rates come into force on the thirtieth day following the publication or on any later date specified therein.

However, where the transit authority is of the opinion that exceptional circumstances so warrant, the fares and rates may come into force as of the tenth day after their publication provided the transit authority also publishes the reasons for its decision.

91. Notwithstanding article 934 of the Civil Code of Québec, a transit authority becomes the owner of a thing abandoned in an immovable or in the rolling stock of the transit authority if the owner of the thing does not claim it within 15 days of it being found.

A transit authority may, by by-law, establish the manner of disposal of things abandoned. The by-law shall be published in a newspaper distributed in its area of jurisdiction.

92. A transit authority may, with the authorization, as the case may be, of the city or the municipalities which adopt its budget, expropriate any property in accordance with the provisions of the Expropriation Act (chapter E-24), within or outside its area of jurisdiction, which it requires to achieve its mission.

DIVISION II

CONTRACTUAL POWERS

93. A transit authority may award the following contracts only in accordance with sections 94 and 95 if they involve an expenditure of $25,000 or more and are not covered by paragraph 2 of section 101:

(1) insurance contracts;

(2) contracts for the performance of work;

(3) contracts for the supply of materials or equipment, including contracts for the lease of equipment with an option to purchase;

(4) contracts for the providing of services other than professional services

(*a*) referred to in paragraph 1 of section 101;

(*b*) necessary for the purposes of a proceeding before a tribunal, a body or a person exercising judicial or adjudicative functions.

The first paragraph does not apply to a contract

(1) whose object is the supply of materials or equipment or the providing of services for which a tariff is fixed or approved by the Government of Canada or of Québec or by a minister or body thereof;

(2) whose object is the supply of materials or equipment or the providing of services and which is entered into with a municipal body within the meaning of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1);

(3) whose object is the performance of work to remove, move or reconstruct mains or installations for waterworks, sewers, electricity, gas, steam, telecommunications, oil or other fluids and which is entered into with the owner of the mains or installations, with a municipal body within the meaning of the Act respecting Access to documents held by public bodies and the Protection of personal information or with a public utility for a price corresponding to the price usually charged by an undertaking generally performing such work;

(4) whose object is the supply of software or the performance of service or maintenance work on computer or telecommunication systems, and which is entered into with an undertaking generally operating in the field, for a price usually charged by such an undertaking for such software or such work;

(5) whose object is the supply of materials or equipment or the providing of services by a single supplier or by a supplier that, in the field of communications, electricity or gas is in a monopoly position;

(6) whose object is the maintenance of specialized equipment which must be carried out by the manufacturer or representative of the manufacturer;

(7) whose object is the supply of bulk trucking services, through the holder of a brokerage permit issued under the Transport Act (chapter T-12);

(8) whose object is the acquisition of property in a sale by auction;

(9) whose object is multi-peril property insurance or civil liability insurance.

A contract which, as a result of an exception provided for in subparagraph 2 of the third paragraph of section 95, is not a supply contract for the purposes of the second paragraph of that section, is not a contract for the supply of materials or equipment for the purposes of subparagraph 3 of the first paragraph of this section.

94. Any contract involving an expenditure of at least $25,000 and of less than $100,000, from among the contracts to which the first paragraph of section 93 applies or the object of which is mentioned in section 101, may be awarded only after a call for tenders, by way of written invitation, to at least two insurers, contractors or suppliers, as the case may be.

95. Any contract involving an expenditure of $100,000 or more, from among the contracts to which the first paragraph of section 93 applies, may be awarded only after a call for tenders by way of an advertisement published in a newspaper circulated in the transit authority's area of jurisdiction.

In the case of a construction, supply or services contract, the call for public tenders must be published by means of an electronic tendering system accessible both to contractors and suppliers having an establishment in Québec and to contractors and suppliers having an establishment in a province or territory covered by an intergovernmental agreement on the opening of public procurement applicable to the transit authority and in a newspaper that is circulated in the transit authority's area of jurisdiction or, if it is not circulated therein, that is a publication specialized in the field and sold mainly in Québec. In the case of a supply or services contract, the electronic tendering system to be used for the publication of the call for public tenders shall be the system approved by the Government.

For the purposes of the second paragraph,

(1) "construction contract" means a contract regarding the construction, reconstruction, demolition, repair or renovation of a building, structure or other civil engineering work, including site preparation, excavation, drilling, seismic investigation, the supply of products and materials, equipment and machinery if these are included in and incidental to a construction contract, as well as the installation and repair of fixtures of a building, structure or other civil engineering work;

(2) "supply contract" means a contract for the purchase, lease or rental of movable property that may include the cost of installing, operating and maintaining property, except a contract in respect of property related to cultural or artistic fields as well as computer software for educational purposes, and subscriptions;

(3) "services contract" means a contract for supplying services that may include the supply of parts or materials required to supply the services, except a contract in respect of services related to cultural or artistic fields that can, under an Act or a regulation, be provided only by a physician, dentist, nurse, pharmacist, veterinary surgeon, engineer, land surveyor, architect, chartered accountant, advocate or notary.

The time limit for receipt of tenders must not be less than eight days. However, in the case of tenders in relation to a contract referred to in the second paragraph, the time limit for the receipt of tenders must not be less than 15 days.

A call for public tenders in relation to a contract referred to in the second paragraph may stipulate that only tenders submitted by contractors or suppliers, in addition to contractors or suppliers having an establishment in Québec, who have an establishment in a province or territory covered by an intergovernmental agreement on the opening of public procurement applicable to the transit authority will be considered. Such a call for tenders may also stipulate that the goods concerned must be produced in a territory comprising Québec and any such province or territory.

Tenders may not be called for nor may the contracts resulting therefrom be awarded except on a fixed price or unit price basis.

All tenders must be opened publicly in the presence of at least two witnesses, on the date and at the time and place mentioned in the call for tenders. All tenderers may be present at the opening of the tenders. The names of the tenderers and their respective prices must be declared aloud on the opening of the tenders.

Subject to section 96, a transit authority may not, without the prior authorization of the Minister, award the contract to any person other than the person who submitted the lowest tender within the prescribed time. However, where it is necessary, to comply with the conditions for a government grant, that the contract be awarded to a person other than the person who submitted the lowest tender within the prescribed time, a transit authority may, without the authorization of the Minister, award the contract to the person whose tender is the lowest among the tenders submitted within the prescribed time that fulfil the conditions for the grant.

96. A transit authority may choose to use a system of bid weighting and evaluating whereby each bid obtains a number of points based on the price as well as on the quality or quantity of goods, services or work, the delivery

procedure, servicing, the experience and financial capacity required of the insurer, supplier or contractor or on any other criteria directly related to the procurement.

Where the transit authority chooses to use such a system, the call for tenders or any document to which it refers shall mention all the requirements and all criteria that will be used for evaluating the bids, as well as the weighting and evaluation methods based on those criteria.

In such a case, the transit authority shall not award the contract to a person other than the person whose bid was received within the time fixed and obtained the highest score.

For the purposes of the last sentence of the eighth paragraph of section 95, the bid having obtained the highest score shall be considered to be the lowest tender.

97. A transit authority may establish a qualification process which shall not discriminate on the basis of the province or country of origin of the goods, services, insurers, suppliers or contractors.

However, where the transit authority establishes a qualification process solely for the purpose of awarding a contract referred to in the second paragraph of section 95, the process may discriminate as permitted in the case of a call for public tenders in relation to such a contract under the fifth paragraph of section 95.

The transit authority shall invite the interested parties to obtain their qualification or the qualification of their goods or services, by causing the secretary to publish a notice to that effect in accordance with the rules set out in the second paragraph of section 95.

98. A call for tenders may stipulate that the goods, services, insurers, suppliers or contractors concerned by or able to satisfy the call for tenders must first be certified, qualified or registered by an organization accredited by the Standards Council of Canada or first be certified or qualified under the process provided for in section 97.

The first paragraph does not apply where, under the process provided for in section 97, only one insurer, supplier or contractor has become qualified.

99. Subject to the fifth and eighth paragraphs of section 95 and section 100, no call for public tenders or document to which it refers shall discriminate on the basis of the province or country of origin of the goods, services, insurers, suppliers or contractors.

100. The Government shall, by regulation, establish the rules relating to the awarding of a contract referred to in section 101.

The regulation shall determine whether such a contract is to be awarded after a call for public tenders published in an electronic tendering system approved by the Government, after a call for tenders by way of an advertisement published in a newspaper or after the use of a register of suppliers.

Where the regulation determines that the contract is to be awarded after the use of a register of suppliers, it must designate the body responsible for the establishment of the register and for its management and financing and must set out, in particular, the rules that apply to the registration of suppliers and to their selection as suppliers who may tender.

In each case, the regulation must establish a rate schedule fixing the maximum hourly rate that may be paid by the transit authority.

101. The following contracts, if they involve an expenditure of $100,000 or more, must be awarded in accordance with the regulation under section 100:

(1) a contract for the supply of services that can, under an Act or a regulation, be provided only by a physician, dentist, nurse, pharmacist, veterinary surgeon, engineer, land surveyor, architect, chartered accountant, advocate or notary, except if the service is necessary for the purposes of a proceeding before a tribunal, a body or a person exercising judicial or adjudicative functions;

(2) a contract whose purpose is to obtain energy savings for the transit authority, where it involves both the providing of professional services and the performance of work or the supply of equipment, materials or services other than professional services.

102. A transit authority may not divide into several contracts having similar subject-matter an insurance contract or a contract for the performance of work, the supply of equipment or materials or the providing of services other than professional services necessary for the purposes of a proceeding before a tribunal, a body or a person exercising judicial or adjudicative functions, unless the division is warranted on grounds of sound administration.

103. Subject to the third paragraph of section 89, the Minister of Municipal Affairs and Greater Montréal may, on the conditions determined by the Minister, allow the transit authority to award a contract without calling for tenders or without being required to award it in accordance with the regulation provided for in section 100, or allow the transit authority to award a contract after a call for tenders made by written invitation rather than by advertisement in a newspaper or rather than in accordance with that regulation.

The first paragraph does not apply where, pursuant to the terms of an intergovernmental agreement on the opening of public procurement applicable to the transit authority, the tenders must be public tenders.

104. A transit authority may obtain any movable property from or through the General Purchasing Director designated under section 3 of the Act respecting the Service des achats du gouvernement (chapter S-4). A transit authority may also obtain any service through the General Purchasing Director acting within a mandate entrusted to the General Purchasing Director by the Government under section 4.1 of that Act.

To the extent that the terms of any agreement on the opening of public procurement applicable to a transit authority are observed, section 93 does not apply to contracts entered into by a transit authority with or through the General Purchasing Director in accordance with the regulations under the Financial Administration Act (chapter A-6).

105. Notwithstanding section 93, the chair of a transit authority or, if the chair is absent or unable to act, the director general may, in a case of irresistible force which might endanger the life or health of the population or seriously damage or seriously interfere with the operation of the equipment of the transit authority, order such expenditure as the chair or the director general considers necessary and award any contract necessary to remedy the situation.

The chair or director general, as the case may be, shall table a report giving the reasons for the expenditure or contract at the next meeting of the board.

106. Notwithstanding section 93, a transit authority may, without being required to call for tenders, renew any insurance contract awarded following a call for tenders, provided that the total duration of the period covered by the original contract and the period covered by the renewal and, where applicable, by any previous renewal, does not exceed five years.

The premiums stipulated in the original contract may be modified for the period covered by any renewal referred to in the first paragraph.

107. A transit authority may enter into a leasing contract in respect of movable property that must be acquired by tender in accordance with section 93, provided it discloses in the call for tenders that it has the option to enter into a leasing contract in respect of the property.

Where the transit authority opts to enter into a leasing contract, it must give notice thereof in writing to the successful tenderer. Upon receipt of the notice, the tenderer must enter into a contract for the movable property with the lessor, which the transit authority shall designate in the notice, on the conditions under which the tender was accepted.

108. Notwithstanding any inconsistent provision of a general law or special Act, a transit authority and any municipality or other supramunicipal body whose territory includes the area of jurisdiction of the transit authority may make a joint call for public tenders for the purpose of awarding an insurance contract or a contract for the supply of equipment or materials or the providing of services.

For the purposes of the first paragraph, a contract for the supply of equipment includes a contract for the lease of equipment with an option to purchase.

Acceptance of a tender referred to in this section also binds, as regards the successful tenderer, each party to the call for tenders.

109. A transit authority may not alienate property having a value greater than $25,000 for which it has specifically been awarded a grant except with the authorization of the Minister.

110. A transit authority may give to a charity any property having a value that does not exceed $10,000.

111. A transit authority shall publish twice a year in a newspaper distributed in its area of jurisdiction a notice mentioning any property having a value greater than $10,000 that it alienated in the previous six months, the person to whom the property was alienated and the price of alienation.

CHAPTER III

FINANCIAL PROVISIONS

112. The property of a transit authority forms part of the municipal domain, but the performance of the obligations of a transit authority may be levied against its property.

113. All the revenues of a transit authority shall be used to discharge the obligations arising from its mission and to operate its enterprise.

114. Cities and municipalities are garantors of the obligations and commitments of a transit authority whose area of jurisdiction includes, in whole or in part, their own territory.

115. The fiscal year of a transit authority ends on 31 December.

116. Not later than 1 November of every year, a transit authority shall table, for adoption, its budget for the following fiscal year with the city or municipalities in its area of jurisdiction and shall inform the city or municipalities of the fares and rates that will be effective during the period covered by its next budget. The budget shall provide for a reserve of not more than 1.5% of the expenditures to meet unforeseen administration and operation costs. The adopted budget comes into force on the following 1 January.

If the budget has not been adopted by that date, with or without amendments, one-twelfth of each appropriation provided for in the budget prepared by the transit authority is deemed to be adopted. The same rule applies at the beginning of each subsequent month if the budget has not been adopted at that time.

117. For the purposes of section 116, a transit authority may require that its treasurer determine in a certificate the appropriations the treasurer considers necessary for the next fiscal year for payment of the interest on securities issued or to be issued by the transit authority, for repayment or redemption of such securities and for the requirements of their sinking funds and any other charge related to the debt of the transit authority, except the amounts required in principal, interest and accessories in relation to the issue of treasury bills, loans contracted in anticipation of revenue and renewable loans falling due during the fiscal year covered by the budget.

The treasurer shall also determine in the certificate the appropriations necessary to meet, during the next fiscal year, the obligations undertaken by the transit authority during previous fiscal years. The treasurer may amend the certificate until 31 December preceding the fiscal year to which it applies if the appropriations mentioned therein have not been adopted by the city or the municipalities concerned. The treasurer shall file the certificate and any amendment with the clerk of the city or the secretary-treasurer of the municipality. The clerk or secretary-treasurer shall notify the council of the city or of the municipality of the filing at the first sitting held after the filing.

The treasurer shall also include in the certificate referred to in the first paragraph the appropriations necessary during the next fiscal year to pay the obligations of the transit authority under collective agreements or its by-laws or under legislative or regulatory provisions adopted by the Government of Québec or the Government of Canada or any of its ministers or bodies.

118. Notwithstanding the second paragraph of section 116, the presumption of adoption and the coming into force of the budget do not apply to the appropriations mentioned in a certificate referred to in section 117, those appropriations being deemed to be adopted on 1 January and to come into force on that date.

119. The budget may not provide for expenditures that exceed the revenues of the transit authority. The budget must be transmitted to the Minister and to the Minister of Municipal Affairs and Greater Montréal.

A transit authority may transfer funds from one item of its budget to another up to an amount authorized by the council of the city or of the municipalities concerned and report the transfer to the council. Any transfer exceeding that amount must be specially authorized by the same council.

120. A transit authority must post as revenue in its budget any surplus for the preceding fiscal year and any other surplus for the current fiscal year that it does not appropriate to a specific purpose.

Notwithstanding the first paragraph, the transit authority may appropriate a surplus for the preceding fiscal year to the expenditures for the current fiscal year, in this way modifying the budget for that fiscal year, or provide for the transfer of all or part of a surplus to a fixed assets fund it sets up.

A transit authority must also post as expenditure in its budget any deficit for the preceding year certified by its auditor.

121. The purpose of the fixed assets fund is to finance the non-subsidized portion of any acquisition, repair or renovation of property.

The Government may authorize a transit authority to take out of that fund the sums required for purposes other than those for which it was set up.

122. A transit authority may, during its fiscal year, prepare a supplementary budget. The supplementary budget shall be submitted to the council of the city or of the municipality for adoption in accordance with its internal management by-laws. It must be transmitted to the Minister and to the Minister of Municipal Affairs and Greater Montréal.

123. A transit authority may, by by-law, order loans that must be approved by the council of the city or of the municipality and the Minister of Municipal Affairs and Greater Montréal.

The loans of a transit authority are contracted at the rate of interest and on the other conditions approved by the Minister of Municipal Affairs and Greater Montréal.

124. A transit authority may contract temporary loans. A temporary loan contracted for the payment of all or part of the expenditures made under a loan whose term exceeds one year requires the approval of the Minister of Municipal Affairs and Greater Montréal if the amount of the loan exceeds 90% of the approved amount.

125. Except in the cases referred to in section 105, no decision of a transit authority and no report authorizing or recommending an expenditure shall have effect before the filing of a certificate of the treasurer attesting that there are or shall be in due time sufficient appropriations for the purposes for which the expenditure is proposed.

126. As a contribution to the financing of its operations, a transit authority shall receive

(1) the share of the contribution of motorists to public transit determined by a regulation under section 88.6 of the Transport Act (chapter T-12);

(2) the yearly appropriations granted by the city or municipalities concerned.

127. For the purposes of the Act respecting municipal taxation (chapter F-2.1), an immovable is deemed to belong to a transit authority as soon as the right of ownership is transferred in its favour under the Expropriation Act.

128. No tariff of user fees established by a municipality under sections 244.1 to 244.10 of the Act respecting municipal taxation in respect of its property, services and other activities, may be levied against a transit authority.

129. The Act respecting duties on transfers of immovables (chapter D-15.1) does not apply to the transfers made to a transit authority.

CHAPTER IV

INFORMATIONAL RESOURCES

130. A transit authority shall, not later than 31 December 2003, produce a strategic development plan for public transportation in its area of jurisdiction setting out its objectives, priorities and expected results.

The plan shall provide for the development of public transportation, including services adapted to the needs of mobility impaired persons, over a period of ten years and cover every mode of public transportation and all equipment and infrastructures. The plan shall be updated yearly and revised every five years.

131. A transit authority shall transmit to the Minister, to the city or municipalities concerned and, where applicable, to the metropolitan community whose territory includes the transit authority's area of jurisdiction, a copy of its strategic development plan and of every updating and revision within 30 days after they are produced.

The plan becomes effective only on its approval by the city or the municipalities concerned and, where applicable, by the metropolitan community.

132. Each year, a transit authority shall produce a program of capital expenditures for the following three fiscal years.

133. The program shall be divided into annual phases. It shall set out, per period, the object, amount and mode of financing of the capital expenditures that the transit authority plans to incur or make and the financing period of which exceeds 12 months.

The program shall also mention the capital expenditures the transit authority plans to make beyond the period covered by the program, if the expenditures result from commitments made during that period.

134. A transit authority shall transmit the program to the city or municipalities concerned for approval, not later than 31 October preceding the beginning of the first fiscal year covered by the program. The transit authority shall also transmit a copy of the program to the Minister not later than that date.

A city or municipality concerned may grant a transit authority an extension upon sufficient proof that the transit authority is unable to transmit the program before the deadline.

135. A transit authority shall transmit to the city or municipalities concerned for approval any modification to its program within 30 days after it is adopted. It shall also transmit a copy of any such modification to the Minister within the same time.

CHAPTER V

AUDITING AND REPORTS

136. At the end of the fiscal year, the treasurer shall draw up and certify a financial report for the fiscal year just ended.

That report shall be produced on the forms provided by the Minister, where applicable. It shall contain the transit authority's financial statements and any other information required by the Minister.

137. The books and accounts of a transit authority shall be audited each year by an auditor designated by the transit authority. The auditor's report shall accompany the annual report of the transit authority.

138. The treasurer shall submit his or her financial report at a meeting of the board of directors, at the same time as the auditor's report.

139. A transit authority shall transmit to the Minister and to the clerk of the city or the secretary-treasurer of the municipality concerned, not later than 30 April each year, a report of its operations for the preceding fiscal year. The report shall contain all the information required by the Minister.

The transit authority shall furnish such other information as the Minister may require concerning its operations.

CHAPTER VI

INSPECTION

140. A city or municipality adopting a transit authority's budget shall authorize generally or specially any person designated by the transit authority to act as an inspector for the purpose of carrying out the by-laws made under section 144. An inspector may require any transportation ticket or parking ticket issued by a transit authority be produced for inspection.

A transit authority may designate one of its employees or an employee from another enterprise under contract with it for the purposes of Chapters VI and VII. A peace officer under the authority of the city or a municipality

approving the budget of a transit authority is by that sole fact an inspector of that transit authority.

141. An inspector shall, on request, show a certificate of capacity.

142. An inspector, where designated by the Minister of Public Security, is, in the exercise of the inspector's functions, a peace officer for the purposes of paragraphs 5 and 7.1 of section 386 and section 390 of the Highway Safety Code (chapter C-24.2) in respect of any road vehicle stopped in a zone reserved exclusively for road vehicles assigned to public transportation or in a reserved traffic lane. The inspector may also cause to be removed and impounded in the nearest suitable place, at the owner's expense, any road vehicle stopped on immovable property owned by or under the control of a transit authority and obstructing the circulation of the transit authority's rolling stock.

143. No person shall hinder an inspector in the performance of inspection duties, mislead an inspector through concealment or false statements or refuse to provide information to an inspector.

CHAPTER VII

REGULATORY AND PENAL PROVISIONS

144. A transit authority may, by by-law approved by the city or municipalities adopting its budget, prescribe

(1) standards of safety and conduct to be observed by passengers in the rolling stock and immovables operated by the transit authority;

(2) conditions regarding the possession and use of any transportation ticket issued under its authority;

(3) conditions regarding the immovables operated by the transit authority and the persons using them.

The by-law of a transit authority must be published in a newspaper distributed in its area of jurisdiction and may determine, among its provisions, those the contravention of which constitutes an offence entailing a fine in an amount that may be fixed or that may, depending on the circumstances, vary between a minimum and a maximum amount.

For a first offence, the fixed amount or maximum amount may not exceed $500 if the offender is a natural person or $1,000 if the offender is a legal person. In the case of a second or subsequent conviction, those amounts shall be doubled. The minimum amount shall not be less than $25.

145. A by-law under section 144 applies even where a vehicle of a transit authority is travelling outside its area of jurisdiction. It also applies in an immovable the transit authority possesses outside its area of jurisdiction. An inspector referred to in section 140 has jurisdiction for the purposes of this section.

146. Every person who uses the name of a transit authority, its acronym, emblem or logo without authorization or hinders an inspector in the exercise of the inspector's functions is liable to a fine of not less than $250 nor more than $500.

147. A transit authority may institute penal proceedings for an offence under a provision of this chapter.

148. Every municipal court in the area of jurisdiction of a transit authority has jurisdiction in respect of any offence under a provision of this chapter.

149. The fine belongs to the transit authority that instituted the penal proceedings.

The costs relating to proceedings instituted before a municipal court belong to the municipality under the jurisdiction of that court, except the part of the costs remitted to another prosecuting party by the collector under article 366 of the Code of Penal Procedure (chapter C-25.1), and the costs remitted to the defendant or imposed on that municipality under article 223 of that Code.

CHAPTER VIII

POWERS OF THE GOVERNMENT

150. On the recommendation of the Minister and the Minister of Municipal Affairs and Greater Montréal, the Government may make regulations

(1) exempting motorists residing in the territory of a municipality it indicates from payment to the Société de l'assurance automobile du Québec of the contribution to public transit established under section 88.2 of the Transport Act where the Government is of the opinion that a transit authority does not, according to the criteria it establishes, benefit the residents of that territory;

(2) limiting the borrowing power of a transit authority to the term and maximum amount it establishes, fixing conditions on which money may be borrowed and prescribing rules that vary depending on whether the borrowing is long-term or short-term;

(3) establishing the conditions allowing a transit authority to constitute an establishment abroad for the purpose of financing its operations in Québec and registering its securities;

(4) establishing the conditions allowing a transit authority to enter into contracts of a financial nature in relation, in particular, to currency exchange or interest rates;

(5) establishing the conditions allowing for financing and refinancing on foreign markets, including by leasing, of property necessary for a transit authority to achieve its mission;

(6) establishing the conditions to be met so that the securities issued by a transit authority are deemed to be authorized investments within the meaning of the Civil Code of Québec, and the direct and general obligations of a transit authority and of the city or municipalities approving its budget; and

(7) authorizing a transit authority to establish funds other than the fixed assets fund referred to in section 120 for such purposes as the Government determines and prescribing the conditions for doing so, including authorizations, and the management rules.

A regulation under subparagraphs 2 to 6 of the first paragraph may vary depending on the transit authorities concerned. For the purposes of subparagraphs 2 to 5 of that paragraph, a regulation may provide for authorizations and exceptions in relation to the conditions it establishes.

TITLE II

SPECIAL RULES GOVERNING CERTAIN TRANSIT AUTHORITIES

CHAPTER I

SOCIÉTÉ DE TRANSPORT DE MONTRÉAL

151. In addition to the provisions of section 4, the mission of the Société de transport de Montréal is to operate a guided land transport enterprise, namely a subway, in the territory of the Communauté métropolitaine de Montréal.

The Société de transport de Montréal may acquire any property required for the construction and operation of its subway guided land transport enterprise, dig a tunnel under any immovable regardless of its owner, and construct and operate any accessory works.

However, the Société must obtain the authorization of the Agence métropolitaine de transport if its construction work disturbs the subway extension work referred to in section 47 of the Act respecting the Agence métropolitaine de transport (chapter A-7.02).

152. The Société de transport de Montréal may expropriate, in its area of jurisdiction, any property necessary for its subway guided land transport enterprise.

153. The Société de transport de Montréal may order expropriation outside its territory where it considers expropriation necessary for the purposes of the subway tunnel, lines, subway car garages, workshops, platforms, structures thereon and rectifier or ventilation stations.

The Société must, however, propose to the city concerned that it proceed with the expropriation, at its own expense, unless the city has already indicated its intention not to expropriate or the right is of the nature of a servitude or affects only the subsoil. The city has 90 days to accept, by resolution, the proposal of the Société failing which the city is deemed to have refused. The city may, however, within those 90 days, transfer its right to expropriate to the public transit authority in its territory.

The city or, where applicable, the public transit authority concerned, is the owner of the expropriated property, subject to its obligation to transfer to the Société de transport de Montréal, free of charge, the property necessary to its work.

Where expropriation is made by the Société de transport de Montréal, the Société shall transfer to the public transit authority concerned, free of charge, all property that is not necessary to its work.

154. Where underground construction work is undertaken, as of the commencement of the work and without formality or compensation, but subject to an action for damages, the Société de transport de Montréal shall become the owner of the volume occupied by the tunnel together and of the area extending five metres outward from the interior concrete wall of the subway tunnel. In addition, the Société is deemed to hold a legal servitude established in favour of the volume occupied by the tunnel and limiting the stress that may be applied to the upper surface of the volume to 250 kilopascals.

However, the Société de transport de Montréal shall, on the commencement of the work, notify the owner of the land of the work and of the provisions of this section. In the year following the completion of work, the Société de transport de Montréal shall deposit in its archives a copy of a plan certified by the head of the department concerned, showing the horizontal projection of the tunnel. It shall register the plan in the registry office and the registrar shall receive the plan and make a notation in its respect in the land register.

155. Where the Société de transport de Montréal orders, by resolution, the expropriation of a property or the establishment of a reserve for public purposes on the property, the secretary shall without delay send a certified copy of the resolution to the city concerned.

After receiving the resolution, the city shall not, except for urgent repairs, issue a permit or certificate for a structure, alteration or repair in connection with that immovable. Such prohibition ceases six months after the date of adoption of the resolution.

No compensation may be granted for buildings erected or improvements or repairs, other than authorized urgent repairs, made to the immovable during the prohibition period. However, the Administrative Tribunal of Québec may grant an indemnity as provided in Title III of the Expropriation Act.

156. The Société de transport de Montréal is the sole owner of the property pertaining to the subway and situated in the territory of the municipalities referred to in section 5 of Schedule I to the Act to reform the municipal territorial organization of the metropolitan regions of Montréal, Québec and the Outaouais (2000, chapter 56) on 15 May 2001 and of the subway tunnel, lines, platforms, structures thereon and rectifier or ventilation stations situated outside that territory on that date.

With respect to the property referred to in the first paragraph, the registrar of the registration division concerned must register every statement signed by the director general and the secretary of the Société de transport de Montréal describing the property concerned and declaring the right of ownership of the Société in that property.

In addition to section 114 under which Ville de Montréal is, as of 1 January 2002, garantor of the obligations of the Société de transport de Montréal in respect of the property referred to in the first paragraph, an obligation is established, chargeable to the immovables situated in the territory corresponding to the former territory of the municipalities referred to in the first paragraph, with respect to that same property, to secure any obligation contracted by the Communauté urbaine de Montréal towards the holders of securities issued before 1 January 2002 and towards any person holding a claim under a contract concerning that property on that date. The securities and the contracts constitute direct and general obligations of Ville de Montréal chargeable to those immovables.

157. No fee, duty, tax or cost of any nature, within the authority of a city may be levied against the Société de transport de Montréal for the issue of a certificate of approval, building permit or occupancy permit in respect of the subway network.

158. On producing its program of capital expenditures, the Société de transport de Montréal shall include in it a specific part for capital expenditures relating to the subway network for the same period.

That part of the program shall be transmitted to the Communauté métropolitaine de Montréal and to the Agence métropolitaine de transport.

159. On producing the strategic development plan, the Société de transport de Montréal shall also transmit, for information, a copy of the plan to the Agence métropolitaine de transport.

160. The Société de transport de Montréal is authorized to furnish, for remuneration, all services and goods for the purposes of the construction, laying out or repairing of infrastructures, equipment and rolling stock relating to the subway network and to their management and administration.

It may also request the Inspector General of Financial Institutions to constitute, by articles, a legal person having as an object the providing, for remuneration, of the goods and services referred to in the first paragraph for any mode of shared transportation. The legal person may contract in Québec or abroad with any person and any government, one of its departments, bodies or mandataries. Section 3.11 of the Act respecting the Ministère du Conseil exécutif (chapter M-30) and section 23 of the Act respecting the Ministère des Relations internationales (chapter M-25.1.1) apply to the legal person. To achieve its object, the legal person may, with the authorization of the Minister, associate with any other enterprise in the public or private sector.

161. The Société de transport de Montréal may, with the authorization of the Agence métropolitaine de transport, operate part of its public bus transportation enterprise outside its area of jurisdiction.

162. Notwithstanding subparagraph 1 of the first paragraph of section 126, the Agence métropolitaine de transport shall receive, in the place and stead of the Société de transport de Montréal, the contribution of motorists to public transit determined by a regulation under section 88.6 of the Transport Act.

CHAPTER II

SOCIÉTÉ DE TRANSPORT DE QUÉBEC

163. The Société de transport de Québec may continue to operate all or part of its public transportation enterprise in the territory of the municipality of Boischatel.

Ville de Québec, the municipality of Boischatel and the Société de transport de Québec shall, however, within 12 months after the date of coming into force of this section, enter into an agreement concerning the fares and rates, level of service and financial contribution of the municipality of Boischatel with respect to the services referred to in the first paragraph.

164. The Société de transport de Québec succeeds to the rights and obligations of the municipality of Saint-Augustin-de-Desmaures with respect to any public bus transportation contract entered into by that municipality. Notwithstanding any provision to the contrary, a carrier party to such a contract may, without further authorization, continue in accordance with the contract to transport persons for remuneration in the territory of the Société de transport de Québec until the end of the contract.

CHAPTER III

SOCIÉTÉ DE TRANSPORT DE L'OUTAOUAIS

165. The Société de transport de l'Outaouais may continue to operate all or part of its public transportation enterprise in the territory of the municipalities of Cantley and Chelsea.

Ville de Hull-Gatineau, the municipality of Cantley, the municipality of Chelsea and the Société de transport de l'Outaouais shall, however, within 12 months after the date of coming into force of this section, enter into an agreement concerning the fares and rates, level of service and financial contribution of the municipalities of Cantley and Chelsea with respect to the services referred to in the first paragraph.

166. For the purposes of the agreement referred to in section 165, the Société de transport de l'Outaouais shall invite the mayors of the municipalities of Cantley and Chelsea, or the person each mayor designates as a substitute, to participate in the discussions and to vote on any question relating to the operation of its public transportation enterprise in the territory of those municipalities.

167. The Société de transport de Longueuil may request the Inspector General of Financial Institutions to constitute, by articles, a legal person having as an object the providing, for remuneration, of any services and goods for the purpose of the construction, laying out or repairing of infrastructures, equipment and rolling stock for any mode of shared transportation and their management and administration. The legal person may contract in Québec or abroad with any person and any government, one of its departments, bodies or mandataries. Section 3.11 of the Act respecting the Ministère du Conseil exécutif and section 23 of the Act respecting the Ministère des Relations internationales apply to the legal person. To achieve its object, the legal person may, with the authorization of the Minister, associate with any other enterprise in the public or private sector.

CHAPTER IV

SOCIÉTÉ DE TRANSPORT DE LONGUEUIL

168. The Société de transport de Longueuil may operate part of its public bus transportation enterprise outside its territory with the authorization of the Agence métropolitaine de transport.

169. Notwithstanding subparagraph 1 of the first paragraph of section 126, the Agence métropolitaine de transport shall receive, in the place and stead of the Société de transport de Longueuil, the contribution of motorists to public transit determined by a regulation under section 88.6 of the Transport Act.

170. The Société de transport de Longueuil succeeds to the rights and obligations of the municipality of Saint-Bruno with respect to any public bus transportation contract entered into by that municipality. Notwithstanding any provision to the contrary, a carrier party to such a contract may, without further authorization, continue in accordance with the contract to transport persons for remuneration in the territory of the Société de transport de Longueuil until the end of the contract.

171. On producing the strategic development plan, the Société de transport de Longueuil shall also transmit, for information, a copy of the plan to the Agence métropolitaine de transport.

CHAPTER V

SOCIÉTÉ DE TRANSPORT DE LÉVIS

172. The Société de transport de Lévis succeeds to the rights and obligations of the municipalities of Saint-Étienne-de-Lauzon, Saint-Nicolas, Saint-Rédempteur, Saint-Lambert-de-Lauzon and Sainte-Hélène-de-Breakeyville with respect to any public bus transportation contract entered into by those municipalities. Notwithstanding any provision to the contrary, a carrier party to such a contract may, without further authorization, continue in accordance with the contract to transport persons for remuneration in the territory of the Société de transport de Lévis until the end of the contract.

173. Ville de Lévis, the municipality of Saint-Lambert-de-Lauzon and the Société de transport de Lévis shall, in the 12 months preceding the end of the transport contract referred to in section 172, enter into an agreement concerning the fares and rates, level of service and financial contribution of the municipality of Saint-Lambert-de-Lauzon with respect to the services referred to in that section, to enable the Société to serve that municipality once the contract has ended.

174. The Société de transport de Lévis succeeds to the rights and obligations of the municipality of Pintendre with respect to any public bus transportation contract entered into by that municipality. Notwithstanding any provision to the contrary, a carrier party to such a contract may, without further authorization, continue in accordance with the contract to transport persons for remuneration in the territory of the Société de transport de Lévis until the end of the contract.

175. The Société de transport de Laval may request the Inspector General of Financial Institutions to constitute, by articles, a legal person having as an object the providing, for remuneration, of any services and goods for the purpose of the construction, laying out or repairing of infrastructures, equipment and rolling stock for any mode of shared transportation and their management and administration. The legal person may contract in Québec or abroad with any person and any government, one of its departments, bodies or mandataries. Section 3.11 of the Act respecting the Ministère du Conseil exécutif and

section 23 of the Act respecting the Ministère des Relations internationales apply to the legal person. To achieve its object, the legal person may, with the authorization of the Minister, associate with any other enterprise in the public or private sector.

CHAPTER VI

SOCIÉTÉ DE TRANSPORT DE LAVAL

176. The Société de transport de Laval may, with the authorization of the Agence métropolitaine de transport, operate part of its public bus transportation enterprise outside its territory.

177. Notwithstanding subparagraph 1 of the first paragraph of section 126, the Agence métropolitaine de transport shall receive, in the place and stead of the Société de transport de Laval, the contribution of motorists to public transit determined by a regulation under section 88.6 of the Transport Act.

178. On producing the strategic development plan, the Société de transport de Laval shall also transmit, for information, a copy of the plan to the Agence métropolitaine de transport.

CHAPTER VII

SOCIÉTÉ DE TRANSPORT DES FORGES

179. For the purposes of sections 114 and 116, the municipalities of Cap-de-la-Madeleine, Trois-Rivières and Trois-Rivières-Ouest shall share the payment of any operating deficit of the Société de transport des Forges on the basis of any of the following factors or a combination thereof: the number of kilometres travelled, the number of hours of service, the number of residents or the fiscal potential, within the meaning of section 261.6 of the Act respecting municipal taxation. Factors such as the number of kilometres travelled or service time may be determined by sampling. The Société and the municipalities may agree on other factors that must however be approved by the Minister.

The Société is not required to retain the same factors for every municipality.

180. The Société de transport des Forges shall establish, by a by-law approved by two of the municipalities referred to in subparagraph 7 of the first paragraph of section 1, the methodology and terms to apply to the apportionment of its deficit, the determination of the municipal aliquot shares and the payments to be made.

The by-law may, in particular, prescribe the period retained for the purpose of considering the number of the kilometres travelled and service time as well as

(1) the date on which provisional or final data is to be considered;

(2) the time limit for determining the aliquot shares and informing the municipalities of them;

(3) the option, for a municipality, to pay its aliquot share in a single payment or in instalments;

(4) the time limits for payment;

(5) the rate of interest applicable to overdue payments, which may vary and be fixed, by resolution of the Société, only on the date of adoption of its budget;

(6) the adjustments that may result from the deferred coming into force of all or part of the budget of the Société or from the successive use of provisional and final data in determining the apportionment.

181. Not later than 1 October each year, the Société de transport des Forges shall submit its budget for the following fiscal year for adoption by the municipalities. The budget must be accompanied by a notice of payment.

The budget must be adopted by at least two municipalities. It comes into force on 1 January or on the fifteenth day after the date of its adoption if that date is later.

182. A municipality or the Société may apply to the Minister to have the Minister designate a conciliator to assist the parties in reaching an agreement where a dispute arises concerning the budget of the Société.

The applicant must transmit a copy of the application to each municipality and, where applicable, to the secretary of the Société.

The Minister must then designate a conciliator who must make a conciliation report to the Minister within the time prescribed.

183. Where the budget does not come into force on 1 January, one-quarter of the budget for the previous fiscal year is deemed to be adopted at the beginning of each quarter of the fiscal year and remains in force until it is replaced by the budget for the current fiscal year.

184. During a fiscal year, the Société may present a supplementary budget.

A supplementary budget shall be submitted for adoption at a special meeting called for that purpose within 15 days after each municipality receives a copy thereof. The supplementary budget must be adopted by at least two of the municipalities.

185. A copy of the budget and, as the case may be, of the supplementary budget, shall be sent to the Minister and to the Minister of Municipal Affairs and Greater Montréal within 30 days after its adoption by the municipalities.

186. Not later than 1 April each year, each municipality must pay to the Société the amount owed by the municipality under the budget adopted.

Each municipality must also pay its aliquot share of the deficit of the Société within the time prescribed by the by-law adopted under section 180.

If a municipality fails to pay within the time prescribed, the Commission municipale du Québec may, on the application of the Société, file a motion to have the municipality declared in default in accordance with Division VI of the Act respecting the Commission municipale (chapter C-35).

187. Every budget adopted by the municipalities of Cap-de-la-Madeleine, Trois-Rivières and Trois-Rivières-Ouest on behalf of the Société intermunicipale de transport des Forges is deemed to be a budget adopted on behalf of the Société de transport des Forges.

CHAPTER VIII

SOCIÉTÉ DE TRANSPORT DU SAGUENAY

188. For the purposes of sections 114 and 116, the municipalities of Chicoutimi, Jonquière and La Baie shall share the payment of any operating deficit of the Société de transport du Saguenay on the basis of any of the following factors or a combination thereof : the number of kilometres travelled, the number of hours of service, the number of residents or the fiscal potential, within the meaning of section 261.6 of the Act respecting municipal taxation. Factors such as the number of kilometres travelled or service time may be determined by sampling. The Société and the municipalities may agree on other factors that must however be approved by the Minister.

The Société is not required to retain the same factors for every municipality.

189. The Société de transport du Saguenay shall establish, by a by-law approved by two of the municipalities referred to in subparagraph 8 of the first paragraph of section 1, the methodology and terms to apply to the apportionment of its deficit, the determination of the municipal aliquot shares and the payments to be made.

The by-law may, in particular, prescribe the period retained for the purpose of considering the number of the kilometres travelled and service time as well as

(1) the date on which provisional or final data is to be considered;

(2) the time limit for determining the aliquot shares and informing the municipalities of them;

(3) the option, for a municipality, to pay its aliquot share in a single payment or in instalments;

(4) the time limits for payment;

(5) the rate of interest applicable to overdue payments, which may vary and be fixed, by resolution of the Société, only on the date of adoption of its budget;

(6) the adjustments that may result from the deferred coming into force of all or part of the budget of the Société or from the successive use of provisional and final data in determining the apportionment.

190. Not later than 1 October each year, the Société de transport du Saguenay shall submit its budget for the following fiscal year for adoption by the municipalities. The budget must be accompanied by a notice of payment.

The budget must be adopted by at least two municipalities. It comes into force on 1 January or on the fifteenth day after the date of its adoption if that date is later.

191. A municipality or the Société may apply to the Minister to have the Minister designate a conciliator to assist the parties in reaching an agreement where a dispute arises concerning the budget of the Société.

The applicant must transmit a copy of the application to each municipality and, where applicable, to the secretary of the Société.

The Minister must then designate a conciliator who must make a conciliation report to the Minister within the time prescribed.

192. Where the budget does not come into force on 1 January, one-quarter of the budget for the previous fiscal year is deemed to be adopted at the beginning of each quarter of the fiscal year and remains in force until it is replaced by the budget for the current fiscal year.

193. During a fiscal year, the Société may present a supplementary budget.

A supplementary budget shall be submitted for adoption at a special meeting called for that purpose within 15 days after each municipality receives a copy thereof. The supplementary budget must be adopted by at least two of the municipalities.

194. A copy of the budget and, as the case may be, of the supplementary budget, shall be sent to the Minister and to the Minister of Municipal Affairs and Greater Montréal within 30 days after its adoption by the municipalities.

195. Not later than 1 April each year, each municipality must pay to the Société the amount owed by the municipality under the budget adopted.

Each municipality must also pay its aliquot share of the deficit of the Société within the time prescribed by the by-law adopted under section 189.

If a municipality fails to pay within the time prescribed, the Commission municipale du Québec may, on the application of the Société, file a motion to have the municipality declared in default in accordance with Division VI of the Act respecting the Commission municipale.

196. Every budget adopted by the municipalities of Chicoutimi, Jonquière and La Baie on behalf of the Société intermunicipale de transport du Saguenay is deemed to be a budget adopted on behalf of the Société de transport du Saguenay.

CHAPTER IX

SOCIÉTÉ DE TRANSPORT DE SHERBROOKE

197. Notwithstanding section 6, the board of directors of the Société de transport de Sherbrooke shall be composed of ten members.

198. For the purposes of sections 114 and 116, the municipalities of Ascot, Fleurimont, Lennoxville, Rock Forest and Sherbrooke shall share the payment of any operating deficit of the Société de transport de Sherbrooke on the basis of any of the following factors or a combination thereof: the number of kilometres travelled, the number of hours of service, the number of residents or the fiscal potential, within the meaning of section 261.6 of the Act respecting municipal taxation. Factors such as the number of kilometres travelled or service time may be determined by sampling. The Société and the municipalities may agree on other factors that must however be approved by the Minister.

The Société is not required to retain the same factors for every municipality.

199. The Société de transport de Sherbrooke shall establish, by a by-law approved by three of the municipalities referred to in subparagraph 9 of the first paragraph of section 1, the methodology and terms to apply to the apportionment of its deficit, the determination of the municipal aliquot shares and the payments to be made.

The by-law may, in particular, prescribe the period retained for the purpose of considering the number of the kilometres travelled and service time as well as

(1) the date on which provisional or final data is to be considered;

(2) the time limit for determining the aliquot shares and informing the municipalities of them;

(3) the option, for a municipality, to pay its aliquot share in a single payment or in instalments;

(4) the time limits for payment;

(5) the rate of interest applicable to overdue payments, which may vary and be fixed, by resolution of the Société, only on the date of adoption of its budget;

(6) the adjustments that may result from the deferred coming into force of all or part of the budget of the Société or from the successive use of provisional and final data in determining the apportionment.

200. Not later than 1 October each year, the Société de transport de Sherbrooke shall submit its budget for the following fiscal year for adoption by the municipalities. The budget must be accompanied by a notice of payment.

The budget must be adopted by at least three municipalities. It comes into force on 1 January or on the fifteenth day after the date of its adoption if that date is later.

201. A municipality or the Société may apply to the Minister to have the Minister designate a conciliator to assist the parties in reaching an agreement where a dispute arises concerning the budget of the Société.

The applicant must transmit a copy of the application to each municipality and, where applicable, to the secretary of the Société.

The Minister must then designate a conciliator who must make a conciliation report to the Minister within the time prescribed.

202. Where the budget does not come into force on 1 January, one-quarter of the budget for the previous fiscal year is deemed to be adopted at the beginning of each quarter of the fiscal year and remains in force until it is replaced by the budget for the current fiscal year.

203. During a fiscal year, the Société may present a supplementary budget.

A supplementary budget shall be submitted for adoption at a special meeting called for that purpose within 15 days after each municipality receives a copy thereof. The supplementary budget must be adopted by at least three of the municipalities.

204. A copy of the budget and, as the case may be, of the supplementary budget, shall be sent to the Minister and to the Minister of Municipal Affairs and Greater Montréal within 30 days after its adoption by the municipalities.

205. Not later than 1 April each year, each municipality must pay to the Société the amount owed by the municipality under the budget adopted.

Each municipality must also pay its aliquot share of the deficit of the Société within the time prescribed by the by-law adopted under section 199.

If a municipality fails to pay within the time prescribed, the Commission municipale du Québec may, on the application of the Société, file a motion to have the municipality declared in default in accordance with Division VI of the Act respecting the Commission municipale.

206. Every budget adopted by the municipalities of Ascot, Fleurimont, Lennoxville, Rock Forest and Sherbrooke on behalf of the Société métropolitaine de transport de Sherbrooke is deemed to be a budget adopted on behalf of the Société de transport de Sherbrooke.

TITLE III

AMENDING, TRANSITIONAL AND FINAL PROVISIONS

207. Section 3 of the Act respecting the Agence métropolitaine de transport (R.S.Q., chapter A-7.02) is replaced by the following section:

"3. The area of jurisdiction of the Agency is the territory of the Communauté métropolitaine de Montréal and of the Kahnawake Indian Reserve.

For the purposes of this Act, "municipality", except in the expression "regional county municipality", and "municipal territory" mean, respectively, a municipality situated within the area of jurisdiction of the Agency and the territory of such a municipality."

208. Section 5 of the said Act, amended by section 82 of chapter 56 of the statutes of 2000, is again amended by replacing the second paragraph by the following paragraphs:

"The board of directors shall be composed of the following persons:

(1) one person designated by the council of the Communauté métropolitaine de Montréal from among its members representing Ville de Montréal;

(2) one person designated by the council of the Communauté métropolitaine de Montréal from among its members representing Ville de Longueuil or Ville de Laval;

(3) one person designated by the council of the Communauté métropolitaine de Montréal from among its members representing the other municipalities referred to in Schedule III or Schedule IV to the Act respecting the Communauté métropolitaine de Montréal (2000, chapter 34);

(4) four persons appointed by the Government.

The term of office of the persons referred to in subparagraphs 1 and 4 of the second paragraph is four years.

The term of office of the persons referred to in subparagraphs 2 and 3 is two years.

Notwithstanding the first paragraph, at the end of the two-year term, the council of the Communauté métropolitaine de Montréal shall designate a person representing another municipality. Furthermore, in the case referred to in subparagraph 3, that other municipality must not be listed in the same schedule.

The term of a person referred to in any of subparagraphs 1 to 3 of the second paragraph shall terminate when the person ceases to be a member of the council of the Communauté métropolitaine de Montréal.

Where the term of a person referred to in subparagraph 2 or 3 of the second paragraph terminates prematurely, the council of the Communauté métropolitaine de Montréal shall designate another person from the same city or listed in the same schedule, as the case may be, for the remainder of the term of the person to be replaced."

209. Section 19 of the said Act is replaced by the following section:

"19. For the purposes of this Act, "public transit operating authority" means the Société de transport de Montréal, the Société de transport de Laval, the Société de transport de Longueuil and any other legal person established in the public interest, including a municipality, that is authorized by an Act or its constituting act to organize public transportation services in the area of jurisdiction of the Agency."

210. Section 20 of the said Act is amended

(1) by replacing "urbaine" by "métropolitaine";

(2) by replacing "listed in Schedule A" by "within the area of jurisdiction of the Agency".

211. Section 21.1 of the said Act is amended by striking out "la Communauté urbaine de" in the second paragraph.

212. The heading of Division I of Chapter II of the said Act is replaced by the following heading:

"GUIDED LAND TRANSPORT SYSTEMS".

213. Section 24 of the said Act is amended

(1) by replacing subparagraph 2 of the first paragraph by the following subparagraph:

"(2) enter into contracts with railway undertakings providing for the procurement of services relating to the operation of such an undertaking that is within the legislative authority of the Parliament of Canada or, with the authorization of the Minister, present to the federal authorities an application for a certificate of fitness for the construction or operation of a railway within the meaning of the Canada Transportation Act (Statutes of Canada, 1996, chapter 10) and, where applicable, authorize the directors it designates to constitute a legal person for the construction and operation of a railway, with the proviso that the Agency be the sole shareholder, that the executives of the legal person be the same as those of the Agency, and that the activities of the railway undertaking be limited to operating suburban trains or a sightseeing service;";

(2) by adding the following subparagraphs at the end of the first paragraph:

"(7) with the authorization of the Minister and on the conditions the Minister determines, operate, in its area of jurisdiction and to outside points, a railway sightseeing service and railway shuttle service;

"(8) enter into contracts with a public transit operating authority, or a carrier, providing for the procurement of public bus transportation services in the case of an interruption of train service."

214. Section 26 of the said Act is amended by adding "vehicles," after "trains," in the first paragraph.

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

"**26.1.** The Agency is, in case of default, liable for the repayment of the amount of debt service of the Société de transport de Montréal with respect to the property of the suburban train system transferred under the first paragraph of section 152.

The treasurer of the Société de transport de Montréal shall include in the financial statements a note indicating the Agency's obligation with respect to the liabilities related to such property."

216. Section 27 of the said Act is amended by inserting the following sentence at the end of the first paragraph: "It may also enter into an agreement with any person to promote carpooling and the use of any other mode of shared transportation."

217. Section 30 of the said Act is amended by striking out "and the Communauté urbaine de Montréal inasmuch as it is concerned," in the third paragraph.

218. Section 35 of the said Act is amended

(1) by adding "issue them on any medium" after "authorities," in subparagraph 4 of the first paragraph;

(2) by replacing subparagraph 6 of the first paragraph by the following subparagraph:

"(6) approve any type of integrated system, chosen by a public transit operating authority for transit ticket sales and fare collection, for the sole purpose of ensuring that the various types of fare collection equipment enable the metropolitan fare structure to be applied, are compatible with one another and enable data to be read and entered on a smart card;";

(3) by adding the following subparagraphs at the end of the first paragraph:

"(11) establish metropolitan transit tickets for the public bus transportation services it organizes, and fix the fares;

"(12) acquire, possess and operate businesses in or on its immovables;

"(13) lease advertising space in or on its immovables and vehicles;

"(14) alienate, without any permission or special formality, any movable or immovable property the value of which does not exceed $10,000."

219. The said Act is amended by adding the following sections after section 35:

"35.1. The Agency may, by by-law approved by the Government, prescribe standards of safety and conduct to be observed by passengers in the rolling stock and immovables operated by the Agency. The by-law may determine, among its provisions, those the contravention of which is punishable under section 98.

In addition, the Agency may, notwithstanding the Civil Code of Québec, make a by-law on the disposal of things lost or found in the rolling stock and immovables operated by the Agency. The by-law shall be published in a newspaper distributed in the area of jurisdiction of the Agency and come into force fifteen days after its publication or on any later date fixed therein.

"35.2. The Agency shall publish each month in a newspaper distributed in the area of jurisdiction of the Agency a notice mentioning the property it alienated in the preceding month, the person to whom the property was alienated and the price of alienation.

"35.3. The Agency may not alienate property having a value of $25,000 or more for which it has specifically been awarded a grant except with the authorization of the Minister."

220. Section 40 of the said Act is amended by replacing "of subparagraph 4" by "of subparagraphs 4 and 11".

221. Section 44 of the said Act is amended by replacing "fare collection equipment of a type" by "a system of public transportation ticket sales and revenue collection".

222. Section 47 of the said Act is amended

(1) by striking out "la Communauté urbaine de";

(2) by adding the following paragraphs after the first paragraph:

"The Agency may expropriate in its territory any property necessary for the extension of the subway system. The Agency shall transfer to the Société de transport de Montréal, on completion of the work or on the date fixed by the Government, all property necessary to the subway tunnel, lines, platforms, subway car garages, workshops and rectifier or ventilation stations. The Agency shall also transfer to the public transit authority concerned, according to the area of jurisdiction in which the property is situated, all other property acquired except property that has been declared to be metropolitan property.

Sections 154 and 155 of the Act respecting public transit authorities (2001, chapter 23) apply, with the necessary modifications, to subway extension work and to expropriations made by the Agency."

223. Section 49 of the said Act is amended by striking out "la Communauté urbaine de".

224. Section 50 of the said Act is amended

(1) by replacing "Société de transport de la Communauté urbaine de Montréal" and "Société de transport de la rive sud de Montréal", respectively, by "Société de transport de Montréal" and "Société de transport de Longueuil" in the first paragraph;

(2) by replacing "Société de transport de la Communauté urbaine de Montréal" in the second paragraph by "Société de transport de Montréal";

(3) by replacing "Communauté urbaine de Montréal" by "Ville de Montréal" and "Société de transport de la Communauté urbaine de Montréal" by "Société de transport de Montréal" in the third paragraph.

225. Section 70 of the said Act is amended by replacing the fourth paragraph by the following paragraph:

"Notwithstanding the first paragraph, the municipalities whose territory was not situated within the area of jurisdiction of the Agency on 30 December 2001 shall pay, for the year 2002, only one-third of the amount payable under

that paragraph for the year 2002 and two-thirds of that amount for the year 2003."

226. Section 71 of the said Act is amended by striking out "la Communauté urbaine de" in subpararaph 1 of the second paragraph.

227. Section 73.1 of the said Act is repealed.

228. Section 78 of the said Act is amended by inserting ", including the capital expenditures relating to the subway extension," after "program of capital expenditures".

229. Section 84 of the said Act is amended by striking out "the Communauté urbaine de Montréal,".

230. Section 87 of the said Act is amended by replacing "Société de transport de la Communauté urbaine de Montréal" by "Société de transport de Montréal".

231. Section 98 of the said Act is amended by adding "or the first paragraph of section 35.1" after "of section 26".

232. Section 99 of the said Act is amended by replacing "250" by "100".

233. Section 154 of the said Act is repealed.

234. Section 168 of the said Act is amended by replacing "Société de transport de la Communauté urbaine de Montréal", "Société de transport de la rive sud de Montréal" and "Société de transport de la Ville de Laval" by "Société de transport de Montréal", "Société de transport de Longueuil" and "Société de transport de Laval", respectively, in the first paragraph.

235. Schedule A to the said Act is repealed.

236. Sections 14 and 15 of the Act respecting intermunicipal boards of transport in the area of Montréal (R.S.Q., chapter C-60.1) are amended by replacing "30" by "15".

237. The said Act is amended by inserting the following after section 18.4:

"DIVISION II.1

"AMALGAMATION OF INTERMUNICIPAL BOARDS

"18.5. The Minister may, at any time, order the amalgamation of boards and fix the time limit within which the member municipalities of those boards must enter into a new agreement under section 5. Current agreements continue to apply notwithstanding their expiry until a new board is established.

The order of the Minister may be made following a recommendation of a board.

"18.6. At the expiry of the time limit fixed by the Minister, the Government may order the establishment of a new board, designate the municipalities that will be part of the board and supply any deficiency with respect to the content of the agreement that was to be made by the municipalities.

It may also determine the obligations of a municipality that was a member of a board which has ceased to exist by reason of an amalgamation.

"18.7. The boards whose amalgamation has been ordered cease to exist on the date fixed in the order establishing the new board and are replaced by the new board.

"18.8. The new board succeeds to the rights and obligations of the boards which ceased to exist.

It becomes, without continuance of suit, a party to all proceedings in the place and stead of those boards.

"18.9. All acts of the boards which have ceased to exist continue to have effect and are deemed to be acts of the new board.

"18.10. The employees of and other persons employed by the boards which have ceased to exist become, without reduction in salary, such employees and other persons of the new council and retain their seniority and employment benefits.

They may not be laid off or dismissed solely by reason of the amalgamation.

"18.11. The employees of and other persons employed by a board which has ceased to exist continue, within the framework of the new board, to be members of the pension plans of which they were members before the amalgamation.

A new board is required to participate in those pension plans.

"18.12. Any new board comprising more than ten municipalities may, by by-law, establish an executive committee, determine its composition and delegate to it the powers it indicates."

238. Schedule I to the said Act is replaced by the following schedule:

"SCHEDULE I

"MUNICIPALITIES WITHIN THE MEANING OF THIS ACT

Ville de Beauharnois
Ville de Bedford
Canton de Bedford
Ville de Beloeil
Ville de Berthierville
Ville de Blainville
Ville de Bois-des-Filion
Ville de Boisbriand
Municipalité de Brownsburg-Chatham
Paroisse de Calixa-Lavallée
Ville de Candiac
Ville de Carignan
Ville de Chambly
Ville de Charlemagne
Ville de Châteauguay
Municipalité de Chertsey
Ville de Contrecoeur
Municipalité de Crabtree
Ville de Delson
Ville de Deux-Montagnes
Municipalité d'Entrelacs
Ville de Farnham
Municipalité de Franklin
Municipalité de Grande-Île
Canton de Godmanchester
Municipalité d'Henryville
Village de Howick
Ville d'Hudson
Ville de Huntingdon
Ville de Joliette
Ville de L'Assomption
Paroisse de L'Épiphanie
Ville de L'Épiphanie
Ville de L'Île-Cadieux
Ville de L'Île-Perrot
Ville de La Plaine
Ville de La Prairie
Ville de Lachenaie
Ville de Lachute
Ville de Lafontaine
Municipalité de Lanoraie
Ville de Lavaltrie
Ville de Le Gardeur
Ville de Léry
Municipalité des Cèdres
Ville de Lorraine

Ville de Maple Grove
Ville de Marieville
Ville de Mascouche
Municipalité de McMasterville
Village de Melocheville
Ville de Mercier
Ville de Mirabel
Municipalité de Mont-Saint-Grégoire
Ville de Mont-Saint-Hilaire
Municipalité de Notre-Dame-de-L'Île-Perrot
Municipalité de Notre-Dame-de-la-Merci
Municipalité de Notre-Dame-des-Prairies
Municipalité d'Oka
Municipalité d'Ormstown
Ville d'Otterburn Park
Ville de Pincourt
Municipalité de Pointe-Calumet
Village de Pointe-des-Cascades
Municipalité de Rawdon
Ville de Repentigny
Ville de Richelieu
Municipalité de Rigaud
Ville de Rosemère
Paroisse de Saint-Alexis
Village de Saint-Alexis
Municipalité de Saint-Amable
Paroisse de Saint-Anicet
Ville de Saint-Antoine
Municipalité de Saint-Armand
Ville de Saint-Basile-le-Grand
Municipalité de Saint-Charles-Borromée
Municipalité de Saint-Chrysostome
Ville de Saint-Constant
Municipalité de Saint-Donat
Municipalité de Saint-Esprit
Municipalité de Saint-Étienne-de-Beauharnois
Ville de Saint-Eustache
Paroisse de Saint-Hyppolyte
Ville de Saint-Hyacinthe
Paroisse de Saint-Isidore
Municipalité de Saint-Jacques
Ville de Saint-Jean-sur-Richelieu
Ville de Saint-Jérôme
Ville de Saint-Joseph-de-Sorel
Municipalité de Saint-Joseph-du-Lac
Paroisse de Saint-Lazare
Paroisse de Saint-Louis-de-Gonzague
Municipalité de Saint-Mathias-sur-Richelieu
Municipalité de Saint-Mathieu
Municipalité de Saint-Mathieu-de-Beloeil

Municipalité de Saint-Paul
Municipalité de Saint-Philippe
Municipalité de Saint-Pierre-de-Véronne-à-Pike-River
Ville de Saint-Rémi
Paroisse de Saint-Roch-de-l'Achigan
Municipalité de Saint-Roch-Ouest
Paroisse de Saint-Sébastien
Paroisse de Saint-Stanislas-de-Kostka
Paroisse de Saint-Sulpice
Paroisse de Saint-Thomas-d'Aquin
Ville de Saint-Timothée
Municipalité de Saint-Urbain-Premier
Paroisse de Sainte-Angèle-de-Monnoir
Paroisse de Sainte-Anne-de-Sabrevois
Paroisse de Sainte-Anne-de-Sorel
Ville de Sainte-Anne-des-Plaines
Paroisse de Sainte-Barbe
Municipalité de Sainte-Brigide-d'Iberville
Ville de Sainte-Catherine
Paroisse de Sainte-Clotilde-de-Châteauguay
Paroisse de Sainte-Geneviève-de-Berthier
Ville de Sainte-Julie
Municipalité de Sainte-Julienne
Village de Sainte-Madeleine
Paroisse de Sainte-Marie-Madeleine
Paroisse de Sainte-Marie-Salomé
Ville de Sainte-Marthe-sur-le-Lac
Municipalité de Sainte-Martine
Ville de Sainte-Thérèse
Ville de Salaberry-de-Valleyfield
Ville de Sorel-Tracy
Municipalité de Stanbridge Station
Municipalité de Terrasse-Vaudreuil
Ville de Terrebonne
Paroisse de Très-Saint-Sacrement
Ville de Varennes
Ville de Vaudreuil-Dorion
Village de Vaudreuil-sur-le-Lac
Municipalité de Venise-en-Québec
Municipalité de Verchères».

239. Section 2 of the Fuel Tax Act (R.S.Q., chapter T-1) is amended by inserting the following paragraph at the end:

"For the purposes of the third paragraph, the Government may specify the municipalities to which the increase in the tax does not apply."

240. Section 88.1 of the Transport Act (R.S.Q., chapter T-12) is amended by replacing the definition of "public transit authorities" by the following definition:

""public transit authorities" means the Agence métropolitaine de transport, the Société de transport de Montréal, the Société de transport de Québec, the Société de transport de l'Outaouais, the Société de transport de Longueuil, the Société de transport de Lévis, the Société de transport de Laval, the Société de transport des Forges, the Société de transport du Saguenay and the Société de transport de Sherbrooke."

241. Section 88.6 of the said Act is replaced by the following section:

"88.6. The sums which the Minister must pay shall be apportioned in proportion to the contributions collected, since the preceding payment, in each metropolitan community and each region described in Schedule A.

Every public transit authority shall receive the whole part attributable to its region except the authorities whose territories are situated within the territory of the Communauté métropolitaine de Québec which shall share the part attributable to that territory.

The Government shall determine, by regulation, the criterion of apportionment of the part attributable to the Communauté métropolitaine de Québec between the Société de transport de Québec and the Société de transport de Lévis. Before submitting a draft regulation, the Minister shall consult the interested municipalities and transit authorities.

The conditions of payment established under section 88.5 may provide for the successive use of provisional and final data for the purposes of the apportionment based on the criterion prescribed by the regulation and provide for adjustments as a result of a difference between provisional data and final data."

242. Schedule A to the said Act is replaced by the following schedule:

"SCHEDULE A

"METROPOLITAN COMMUNITIES, MUNICIPALITIES AND INDIAN RESERVES IN THE TERRITORY FOR WHICH A CONTRIBUTION OF MOTORISTS TO PUBLIC TRANSIT IS PAYABLE

1. Communauté métropolitaine de Montréal

2. Communauté métropolitaine de Québec

3. Hull-Gatineau region:

Municipalité de Cantley
Municipalité de Chelsea
Ville de Hull-Gatineau

4. Trois-Rivières region:

Ville de Cap-de-la-Madeleine
Municipalité de Pointe-du-Lac
Ville de Saint-Louis-de-France
Paroisse de Saint-Maurice
Ville de Sainte-Marthe-du-Cap
Ville de Trois-Rivières
Ville de Trois-Rivières-Ouest
Wolinak Indian Reserve

5. Chicoutimi region:

Ville de Chicoutimi
Ville de Jonquière
Ville de La Baie
Municipalité de Lac-Kénogami
Municipalité de Saint-Fulgence
Municipalité de Saint-Honoré
Municipalité de Shipshaw
Canton de Tremblay

6. Sherbrooke region:

Municipalité d'Ascot
Municipalité d'Ascot Corner
Ville de Bromptonville
Municipalité de Deauville
Ville de Fleurimont
Canton de Hatley
Ville de Lennoxville
Ville de Rock Forest
Paroisse de Saint-Denis-de-Brompton
Municipalité de Saint-Élie-d'Orford
Ville de Sherbrooke
Municipalité de Stoke".

243. Section 158 of the Act respecting the Communauté métropolitaine de Montréal (2000, chapter 34), amended by section 49 of chapter 56 of the statutes of 2000, is again amended by adding the following paragraph after the second paragraph:

"The Community shall approve the strategic development plans of the public transit authorities in its territory. For that purpose, the Community may consult the Agence métropolitaine de transport, which shall transmit its opinion to the Community within the prescribed time."

244. The following Acts are repealed:

– the Act respecting municipal and intermunicipal transit authorities (R.S.Q., chapter S-30.1);
– the Act respecting the Société de transport de la Ville de Laval (1984, chapter 42);
– the Act respecting the Société de transport de la rive sud de Montréal (1985, chapter 32).

245. The following transit authorities and intermunicipal transit authorities are dissolved:

– The Société de transport de la Communauté urbaine de Montréal;
– The Société de transport de la Communauté urbaine de Québec;
– The Société de transport de la Communauté urbaine de l'Outaouais;
– The Société de transport de la Ville de Laval;
– The Société de transport de la rive sud de Montréal;
– The Société intermunicipale de transport de la rive sud de Québec;
– The Société intermunicipale de transport des Forges;
– The Société intermunicipale de transport du Saguenay;
– The Société métropolitaine de transport de Sherbrooke.

246. Each public transit authority referred to in section 1 succeeds to the rights and obligations of the dissolved public transit authority or the dissolved intermunicipal transit authority whose area of jurisdiction it occupies in whole or in part.

The property and assets of the dissolved former public transit authority or former intermunicipal transit authority become, without further formality, the property and assets of the new transit authority replacing it.

247. In every matter pending to which a dissolved former public transit authority or former intermunicipal transit authority is a party or is impleaded, the new transit authority is substituted for the former transit authority without continuance of suit.

248. All acts performed for and by a dissolved former public transit authority or former intermunicipal transit authority are binding on the new transit authority as if the latter had performed them or as if the acts had applied to it.

249. The records and other documents of a dissolved former public transit authority or former intermunicipal transit authority become the records and other documents of the new transit authority.

250. The employees of and other persons employed by a dissolved former public transit authority or former intermunicipal transit authority become, without further formality, the employees of and other persons employed by the new transit authority and retain their seniority and employment benefits.

They may not be laid off or dismissed solely by reason of the succession nor may their salary be reduced.

251. The associations of employees certified in accordance with the provisions of the Labour Code (R.S.Q., chapter C-27) which represented groups of employees of a dissolved former public transit authority or former intermunicipal transit authority on the date of coming into force of this Act shall continue to represent those employees at the new transit authority until the expiry of the collective agreements in force at the time of the transfer.

Such associations of employees shall also represent the future employees of the new transit authority, according to the group to which they belong, until the expiry of the collective agreements referred to in the first paragraph.

The provisions of such collective agreements continue to apply to the employees of the new transit authority to the extent that they are applicable to them, until their date of expiry.

252. The employees of and other persons employed by a dissolved former public transit authority or former intermunicipal transit authority continue, within the framework of the new transit authority, to be members of the pension plans of which they were members.

A new transit authority is required to participate in those pension plans.

253. A new transit authority may, for a period of three years, use the name, acronym and graphic symbol of the dissolved former public transit authority or former intermunicipal transit authority it replaces, in addition to its new name and graphic symbol.

254. For the purposes of section 177 of Schedule I, section 157 of Schedule II, section 114 of Schedule III, section 115 of Schedule IV and section 128 of Schedule V to the Act to reform the municipal territorial organization of the metropolitan regions of Montréal, Québec and the Outaouais (2000, chapter 56), a transition committee has jurisdiction, with respect to transit authorities and an intermunicipal transit authority that pledge the credit of, as the case may be, an urban community or a municipality referred to in that Act, only to authorize or approve the budget of the transit authorities for the year 2002 and, as the case may be, their supplementary budget for the year 2001.

No contract made by a transit authority referred to in the first paragraph, including a contract of employment or a collective agreement entered into or amended as of 15 November 2000, may be invalidated solely on the ground that it was not authorized or approved by the transition committee having jurisdiction.

This section has effect from 1 January 2001.

255. Where a budget referred to in section 254 is authorized or approved by a transition committee, it is deemed to be, as the case may be, the budget of the Société de transport de Montréal, the Société de transport de Québec, the Société de transport de l'Outaouais, the Société de transport de Longueuil or the Société de transport de Lévis for the year 2002.

However, if a budget referred to in section 254 is not authorized or approved to come into force on 1 January 2002, the first quarter of the budget for the fiscal year 2001 of a dissolved transit authority is deemed to constitute the first quarter of the budget for the fiscal year of the new transit authority and to apply from 1 January 2002 until it is replaced, for the new transit authority, by the budget for the current fiscal year. The same applies at the beginning of each following quarter until the budget for the new transit authority is adopted, which may be retroactive to 1 January.

256. Every budget adopted during the year 2001 for the Société de transport de la Ville de Laval, the Société intermunicipale de transport des Forges, the Société intermunicipale de transport du Saguenay or the Société métropolitaine de transport de Sherbrooke is deemed to be, as the case may be, the budget of the Société de transport de Laval, the Société de transport des Forges, the Société de transport du Saguenay or the Société de transport de Sherbrooke for the year 2002.

257. Any fare or rate established during the year 2001 by a dissolved former public transit authority or former intermunicipal transit authority is deemed to have been established by the new transit authority replacing it.

258. The members of the board of directors of the Société de transport de la Ville de Laval, the Société intermunicipale de transport des Forges, the Société intermunicipale de transport du Saguenay and the Société métropolitaine de transport de Sherbrooke on 31 December 2001 temporarily form the board of directors of the Société de transport de Laval, the Société de transport des Forges, the Société de transport du Saguenay and the Société de transport de Sherbrooke, respectively, until they are confirmed or replaced.

The Government may determine rules enabling a dispute over the designation of a member of the board of directors or the appointment of the chair or vice-chair of the Société de transport des Forges, the Société de transport du Saguenay or the Société de transport de Sherbrooke to be settled.

259. Where a public transit authority succeeds to the rights and obligations of a municipality with respect to a public bus transportation contract, the obligation chargeable to the immovables situated in the territory corresponding to the former municipal territory may not be established to cover more than the costs of operating the service provided for in the contract, except where a service is added, for as long as the contract is effective.

260. Sections 86, 160, 167 and 175 apply, as the case may be and with the necessary modifications, to the Société de transport de la Communauté urbaine de Montréal, the Société de transport de la Ville de Laval and the Société de transport de la rive sud de Montréal.

261. The Government may, by order, exempt motorists residing in the territory of a municipality it indicates from payment to the Société de l'assurance automobile du Québec of the contribution to public transit established under section 88.2 of the Transport Act. The order may have effect retroactively but not to a date before 1 January 2000.

Motorists may apply for a reimbursement of all or part of the contribution they have paid if at the time of the application they establish proof of payment of the contribution, that they resided in a municipality referred to in the order at the time of the payment and that they are still residing in such a municipality.

262. The Minister of Transport is responsible for the administration of this Act, except sections 93 to 111, sections 116 to 125, 136 to 139 and subparagraphs 2 to 7 of the first paragraph of section 150, the administration of which comes under the responsibility of the Minister of Municipal Affairs and Greater Montréal.

263. This Act comes into force on 31 December 2001, except sections 86, 160, 167, 175, 237, 238, 254, 255, 260 and 261, which come into force on 29 June 2001, and the provisions of section 208, which come into force on the date or dates to be fixed by the Government.

NATIONAL ASSEMBLY

SECOND SESSION THIRTY-SIXTH LEGISLATURE

Bill 29
(2001, chapter 25)

An Act to amend various legislative provisions concerning municipal affairs

Introduced 15 May 2001
Passage in principle 21 June 2001
Passage 21 June 2001
Assented to 21 June 2001

Québec Official Publisher
2001

EXPLANATORY NOTES

This bill introduces into various municipal Acts a number of amendments proceeding from the municipal organization currently undertaken. These legislative changes concern primarily the areas of land use planning and development, municipal elections, the awarding of contracts by municipalities and metropolitan communities and municipal territorial regrouping.

The bill supplements the principles and rules contained in the Act to reform the municipal territorial organization of the metropolitan regions of Montréal, Québec and the Outaouais. Among other things, in regards to the election on 4 November 2001 and for certain boroughs of the new Ville de Montréal, the bill revises the procedure for designating the chair and modifies the number of councillors who will sit on the borough councils. It clarifies the sharing of certain powers and fields of jurisdiction between the city and the boroughs as well as the scope of action and the powers of the transition committees. The bill provides that even before the date of constitution of the new city, the newly elected council may make certain decisions concerning the city's organization.

The Act respecting municipal territorial organization is amended to introduce powers allowing for the constitution of new municipalities having characteristics more closely related to those of the large new cities constituted under the Act to reform the municipal territorial organization of the metropolitan regions of Montréal, Québec and the Outaouais.

The bill specifies the framework for the implementation of the remuneration compensation program for which elected municipal officers whose term is shortened by a municipal amalgamation under the Act to reform the municipal territorial organization of the metropolitan regions of Montréal, Québec and the Outaouais or an amalgamation order are eligible. The bill also establishes the right of such elected municipal officers to continue membership in the Pension Plan of Elected Municipal Officers until the initially determined termination date of their term of office in progress at the time of the amalgamation.

The bill authorizes the establishment of joint land use planning commissions.

With respect to elections, the bill requires certain data from the permanent list of electors to be used in connection with the procedure for the division of the territory of a municipality into electoral districts, and authorizes the Minister of Municipal Affairs and Greater Montréal to decide, within the scope of an amalgamation procedure, that there is no need to initiate work to divide the territory of the municipality into electoral districts or that any such work must be interrupted. The bill reduces the election period from 58 to 44 days and requires candidates and private intervenors to disclose pre-election expenses. Any elector who undertakes to run as an independent candidate is authorized to apply, as of 1 January of the year in which the election must take place, to the chief electoral officer for an authorization enabling the elector to solicit contributions and make expenses during the pre-election period. Under the bill, the ceiling on the amount of election expenses an authorized party or independent candidate is allowed during an election is raised.

Every local municipality with a population of 50,000 or more will be required to provide for an appropriation in its budget to cover sums to be paid to reimburse councillors for research and secretarial expenses. Local municipalities with a population of 500,000 or more will be required to provide for an appropriation in their budget for the payment of an allowance to defray various expenses to authorized parties of which at least one councillor is a member on 1 January.

The bill requires every local municipality with a population of 100,000 or more to have a chief auditor.

As for the regional county municipalities, the bill enables the Government to designate some of them as rural regional county municipalities, and empowers such a regional county municipality to choose to have its warden elected by popular vote. A rural regional county municipality will also have exclusive jurisdiction in property assessment and over municipal watercourses. The bill enables such a regional county municipality after obtaining the authorization of the Government to affirm its jurisdiction in respect of regional parks, residual materials management, the local road system, management of social housing and transportation of handicapped persons, without local municipalities having the option of exercising a right of withdrawal. The bill also enables the Government to assign jurisdiction to a rural regional county municipality in the areas of cultural, heritage and local tourism

development policy, the financing of social housing and the establishment of the terms and conditions under which equipment, infrastructures, services and activities designated as being of supralocal scope are to be managed and financed.

The bill broadens the powers conferred on the borough councils of the new Ville de Montréal in matters of urban planning and requires the city council to include land planning rules in its planning program which the borough councils must adhere to in exercising their jurisdiction. The city council will be empowered to authorize certain projects of major importance. As for the city as it is currently structured, the bill requires the ward councils to submit zoning modifications to public consultation, except in the Ville-Marie borough.

In the area of social housing, the bill makes various amendments with a view to facilitating the creation of municipal housing bureaus in new municipalities resulting from an amalgamation.

In the case of municipalities recognized under section 29.1 of the Charter of the French language that are affected by a municipal amalgamation, provision is made under the bill for the maintenance of the recognition through the mandatory inclusion of the municipality's territory in a borough having that recognition.

The bill amends each of the five schedules to the Act to reform the municipal territorial organization of the metropolitan regions of Montréal, Québec and the Outaouais to make certain clarifications to the provisions relating to the 5% ceiling on any increase in the tax burden of the ratepayers of the new cities constituted under that Act.

The bill empowers the Government to authorize a local development centre exercising its jurisdiction in the territory of Ville de Montréal or of a local municipality in the Saguenay region to delegate all or any part of its jurisdiction to a mandatary. In the case of a newly constituted local municipality in the Saguenay region, the Government will be authorized to create a joint commission that is to coordinate residual materials management in the territory of the new municipality and in any adjacent territory of a rural regional county municipality.

Lastly, the bill makes certain amendments to the Act respecting the Pension Plan of Elected Municipal Officers, providing in particular for the establishment of a pension committee. Certain rules relating to the distribution of the surplus of the plan, established

at 31 December 2000, are prescribed and elected municipal officers in office are granted the right to redeem, for the purposes of the plan, the years of service with the council of the municipality prior to 1989.

LEGISLATION AMENDED BY THIS BILL :

– Act respecting land use planning and development (R.S.Q., chapter A-19.1);

– Cities and Towns Act (R.S.Q., chapter C-19);

– Code of Civil Procedure (R.S.Q., chapter C-25);

– Municipal Code of Québec (R.S.Q., chapter C-27.1);

– Act respecting the Commission municipale (R.S.Q., chapter C-35);

– Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2);

– Act respecting municipal taxation (R.S.Q., chapter F-2.1);

– Act respecting the Ministère des Régions (R.S.Q., chapter M-25.001);

– Act respecting municipal territorial organization (R.S.Q., chapter O-9);

– Act respecting the Pension Plan of Elected Municipal Officers (R.S.Q., chapter R-9.3);

– Act respecting the Société d'habitation du Québec (R.S.Q., chapter S-8);

– Act respecting the Société de promotion économique du Québec métropolitain (R.S.Q., chapter S-11.04);

– Act respecting the remuneration of elected municipal officers (R.S.Q., chapter T-11.001);

– Charter of the city of Montréal (1959-60, chapter 102);

– Charter of the City of Laval (1965, 1st session, chapter 89);

– Act respecting the Communauté métropolitaine de Montréal (2000, chapter 34);

– Act to again amend various legislative provisions respecting municipal affairs (2000, chapter 54);

– Act to reform the municipal territorial organization of the metropolitan regions of Montréal, Québec and the Outaouais (2000, chapter 56).

Bill 29

AN ACT TO AMEND VARIOUS LEGISLATIVE PROVISIONS CONCERNING MUNICIPAL AFFAIRS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

ACT RESPECTING LAND USE PLANNING AND DEVELOPMENT

1. The Act respecting land use planning and development (R.S.Q., chapter A-19.1) is amended by inserting the following after section 75:

"**CHAPTER I.1**

"JOINT LAND USE PLANNING COMMISSIONS

"75.1. The Government may, by order, establish joint land use planning commissions having jurisdiction in the combined territory of two regional county municipalities.

The order shall determine the number of members of the commission, which shall not be less than four nor more than eight. It shall also fix the date before which the commission must produce the document referred to in section 75.8 and the date before which the commission must submit the report required under section 75.12 to the Government.

For the purposes of this chapter, regional county municipality means any municipality responsible for the maintenance, in its territory, of a development plan, and warden means the mayor in the case of a local municipality similarly responsible.

"75.2. A joint land use planning commission is composed of an equal number of members of the council of each regional county municipality in whose territory the commission has jurisdiction.

The warden of each of the regional county municipalities is a member by virtue of office.

The additional members shall be appointed by the council of each of the regional county municipalities from among its members.

"75.3. The wardens of each regional county municipality respectively, alternating, shall act as chair and vice-chair of the commission for a period of two years. The order referred to in section 75.1 shall designate from among them the chair and vice-chair for the two-year period beginning on the date on which the commission is established.

"75.4. The chair shall call and preside at sittings of the commission and ensure that they are properly conducted.

The vice-chair shall replace the chair where the chair is unable to act or where the office of chair is vacant. The vice-chair may also, at the chair's request, preside at any sitting of the commission.

"75.5. A commission may adopt internal management by-laws relating to its sittings and the conduct of its affairs.

"75.6. The quorum of a commission is a majority of its members. Every member present has one vote.

Every notice, report, recommendation or document of a commission shall be adopted by a simple majority.

"75.7. The council of each regional county municipality in whose territory a commission has jurisdiction may assign to the commission any persons whose services it may require to carry out its mandate.

"75.8. The commission must adopt, before the date fixed in the order under section 75.1, a document determining the policy orientations and main avenues of intervention to guide the regional county municipalities in whose territory the commission has jurisdiction in land use planning and development.

The chair shall transmit a copy of the document referred to in the first paragraph, as soon as possible after it is adopted, to the Minister of Municipal Affairs and Greater Montréal and to each regional county municipality in whose territory the commission has jurisdiction.

"75.9. The function of a commission is to examine, on its own initiative or at the request of the council of one of the regional county municipalities in whose territory the commission has jurisdiction, any matter relating to land use planning and development throughout the combined territory.

A further function of a commission is to give its opinion, having regard to the document referred to in section 75.8 if available, to the regional county municipalities and to make recommendations to ensure that their development plans reflect an overall vision that is shared and that is in harmony with land use planning and development in the territories in which the development plans apply.

"75.10. For the purposes of the application of the process of amendment or revision of the planning program to the regional county municipalities in whose territory a commission has jurisdiction, each time the Act prescribes the transmission of a copy of a document by the secretary-treasurer, the secretary-treasurer shall also transmit a copy of the document to the commission so that it may give its opinion, make recommendations or produce a report in respect thereof.

"75.11. The Minister of Municipal Affairs and Greater Montréal shall, before giving an opinion pursuant to any of sections 51, 53, 53.7, 56.4, 56.14 and 65 to a regional county municipality in whose territory a commission has jurisdiction, consult with the other regional county municipality in whose territory the commission also has jurisdiction.

The Minister shall also, before giving such an opinion, consult the commission.

In addition to reasons relating to the government aims or guidelines referred to in those sections, an objection or disapproval expressed by the Minister under any of those sections may be based on the opinion of the regional county municipality or on the opinion of the commission.

"75.12. Every commission shall, before the date fixed in the order referred to in section 75.1, report to the Government on the exercise of its jurisdiction.

The report shall be tabled in the National Assembly by the Minister within 15 days if the Assembly is sitting or, if it is not sitting, within 15 days of resumption."

2. Section 117.1 of the said Act is replaced by the following section:

"117.1. The subdivision by-law may, for the purpose of promoting the establishment, maintenance and improvement of parks and playgrounds and the preservation of natural areas in any part of the territory of the municipality determined by the by-law, prescribe any prerequisite condition, from among the conditions mentioned in section 117.2, for the approval of a plan relating to a cadastral operation.

The subdivision by-law may, for the same purposes, prescribe any prerequisite condition, from among the conditions mentioned in section 117.2, for the issue of a building permit in respect of an immovable, where

(1) the immovable is the subject of a redevelopment plan, as defined by the by-law; or

(2) the building permit applied for relates to the establishment of a new principal building on an immovable in respect of which no subdivision permit has been issued under registration as a separate lot by reason of the fact that the registration resulted from cadastral renewal."

3. Section 188 of the said Act is amended by adding the following subparagraph after subparagraph 3 of the third paragraph:

"(4) in the case of a municipality designated in a by-law adopted under article 688 of the Municipal Code of Québec (chapter C-27.1) by the council of a regional county municipality designated as a rural regional county

municipality, the exercise of the powers provided for in that article and in articles 688.1 to 688.4 of that Code in respect of a regional park the location of which is determined by that by-law."

4. Section 197 of the said Act is amended by adding the following paragraphs at the end:

"However, where the warden is elected in accordance with section 210.29.2 of the Act respecting municipal territorial organization (chapter O-9), the warden has a casting vote in the council where no affirmative or negative decision could be made pursuant to section 201 in respect of the question that is the subject of the deliberations and voting.

Where the warden does not exercise the casting vote under the second paragraph, the council is deemed to have made a negative decision in respect of the question."

5. Section 198 of the said Act is amended by adding the following paragraph at the end:

"However, where the warden is elected in accordance with section 210.29.2 of the Act respecting municipal territorial organization (chapter O-9), the following rules apply to the appointment of the deputy warden:

(1) the warden shall appoint from among the members of the council a deputy warden who, while the warden is unable to act or while the office of warden is vacant, shall cease to be the representative of a local municipality and shall fulfil the functions of warden, with all the privileges, rights and obligations attached thereto;

(2) that appointment is made by the transmission to the secretary-treasurer of a writing signed by the warden;

(3) the council of the local municipality whose representative is appointed as deputy warden may, on the appointment, designate from among its members a person to replace the representative of the municipality when the representative fulfils the functions of warden."

6. Section 201 of the said Act is amended

(1) by replacing "a decision" in the first line of the first paragraph by "an affirmative decision";

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

"However, where the warden is elected in accordance with section 210.29.2 of the Act respecting municipal territorial organization (chapter O-9), the decision is negative only if the majority of the votes cast are cast in the

negative and the total of the populations awarded to the representatives who cast the negative votes equals more than one-half of the total of the populations awarded to the representatives who voted.";

(3) by replacing "first paragraph" in the first line of the second paragraph by "first and second paragraphs";

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

"This section applies subject to section 197."

7. Section 202 of the said Act is amended by inserting "constituting the regional county municipality" after "order" in the third line of the first paragraph.

8. Section 267.2 of the said Act, replaced by section 102 of chapter 56 of the statutes of 2000, is again replaced by the following section:

"267.2. The Minister shall, before giving an opinion pursuant to any of sections 51, 53.7, 56.4, 56.14 and 65 to a regional county municipality whose territory is contiguous to the territory of the Communauté métropolitaine de Montréal or to the territory of the Communauté métropolitaine de Québec, request the Community's opinion on the document submitted to it.

In the case of an opinion referred to in any of sections 51, 53.7 and 65, the Community's opinion must be received by the Minister within 45 days of the Minister's request, and a period of 105 days applies to the Minister rather than the 60-day period provided for in those sections; in the case of an opinion referred to in section 56.4 or 56.14, the Community's opinion must be received by the Minister within 60 days of the Minister's request, and a period of 180 days applies rather than the 120-day period provided for in those sections. Notwithstanding section 47 of the Act respecting the Communauté métropolitaine de Montréal (2000, chapter 34) and section 38 of Schedule VI to the Act to reform the municipal territorial organization of the metropolitan regions of Montréal, Québec and the Outaouais (2000, chapter 56), the council of the Community may delegate to the executive committee the power to submit an opinion.

The first two paragraphs do not apply where the Minister gives an opinion

(1) pursuant to section 53.7 in respect of a by-law referred to in the second paragraph of section 53.8;

(2) pursuant to section 56.14 in respect of a revised plan adopted following a request made by the Minister pursuant to the second paragraph of that section.

In addition to reasons relating to the government aims or guidelines referred to in those sections, an objection or disapproval expressed by the Minister under any of the sections referred to in the first paragraph may be based on the opinion of the Community."

CITIES AND TOWNS ACT

9. Section 29.7 of the Cities and Towns Act (R.S.Q., chapter C-19) is amended by replacing "and the combined population of the municipalities that are parties to the agreement must" in the third and fourth lines of the first paragraph by "must".

10. Section 29.9 of the said Act is amended

(1) by striking out "other than professional services" in the second and third lines of the first paragraph;

(2) by replacing "and the combined population of the municipalities that are parties to the joint call must" in the first and second lines of the third paragraph by "must".

11. Section 29.9.1 of the said Act is amended by striking out "as if the body or bodies were a municipality having a population that corresponds to the combined population of the municipalities that are parties to the agreement" in the second, third and fourth lines of the second paragraph.

12. Section 71 of the said Act, amended by section 316 of chapter 12 of the statutes of 2000 and section 1 of chapter 54 of the statutes of 2000, is again amended by adding the following sentence at the end of the second paragraph: "However, in the case of the chief auditor, a two-thirds majority of the votes of the members is required."

13. Section 105.1 of the said Act is amended by replacing "and the auditor's report transmitted under section 108.3" in the second line of the first paragraph by ", the chief auditor's report transmitted under section 107.14 and the external auditor's report transmitted under section 108.3".

14. Section 105.2 of the said Act is amended

(1) by replacing "and the auditor's report" in the second line of the first paragraph by ", the chief auditor's report and the external auditor's report";

(2) by inserting "external" before "auditor" in the fourth line of the second paragraph.

15. The said Act is amended by inserting the following after section 107:

"IV.1. — *Chief auditor*

"107.1. The council of every municipality having 100,000 inhabitants or more shall have an officer called the chief auditor.

"107.2. The chief auditor shall, by a resolution approved by a two-thirds majority of the votes of the members of the council, be appointed for a term of seven years. The term may not be renewed.

"107.3. In no case may the following persons act as chief auditor:

(1) a member of the council of the municipality and, where applicable, of a borough council;

(2) the associate of a member mentioned in subparagraph 1;

(3) a person who, personally or through an associate, has any direct or indirect interest in a contract with the municipality or a legal person referred to in paragraph 2 of section 107.7.

The chief auditor shall disclose in every report produced any situation that could cause a conflict between the chief auditor's personal interest and duties of office.

"107.4. If the chief auditor is unable to act, or if the office of chief auditor is vacant, the council shall,

(1) not later than at the sitting following the inability to act or the vacancy, designate a person qualified to replace the chief auditor, for a period of not more than 180 days;

(2) not later than at the sitting following the inability or the vacancy, or not later than at the sitting following the expiry of the period fixed under paragraph 1, appoint a new chief auditor in accordance with section 107.2.

"107.5. The budget of the municipality shall include an appropriation to provide for payment of a sum to the chief auditor to cover the expenses relating to the exercise of the chief auditor's duties. The appropriation must be equal to or greater than 0.17% of the total of the other appropriations provided for in the budget for operating expenses.

"107.6. The chief auditor is responsible for the application of the municipality's policies and standards relating to the management of the human, material and financial resources assigned to auditing.

"107.7. The chief auditor shall audit the accounts and affairs

(1) of the municipality;

(2) of every legal person in respect of which the municipality or a mandatary of the municipality holds more than 50% of the outstanding shares or voting shares or appoints more than 50% of the members of the board of directors.

"107.8. The audit of the affairs and accounts of the municipality and of any legal person referred to in paragraph 2 of section 107.7 comprises, to the extent considered appropriate by the chief auditor, financial auditing, auditing for compliance of their operations with the Acts, regulations, policies and directives, and auditing for value-for-money.

The audit must not call into question the merits of the policies and objectives of the municipality or legal persons referred to in paragraph 2 of section 107.7.

The chief auditor in the performance of his duties is authorized

(1) to examine any document concerning the affairs and accounts relating to the objects of the audit;

(2) to require from any employee of the municipality all information, reports and explanations the chief auditor considers necessary.

"107.9. Any legal person receiving an annual subsidy from the municipality of at least $100,000 is required to have its financial statements audited.

The auditor of a legal person not referred to in paragraph 2 of section 107.7 that receives an annual subsidy from the municipality of at least $100,000 shall transmit to the chief auditor a copy of

(1) the annual financial statements of the legal person;

(2) the auditor's report on the statements;

(3) any other report summarizing the auditor's findings and recommendations to the board of directors or the officers of the legal person.

That auditor shall also, on the request of the chief auditor,

(1) place at the disposal of the chief auditor any document relating to the auditor's audit and its results;

(2) provide all information and explanations the chief auditor considers necessary concerning the auditor's audit and its results.

Where the chief auditor considers that the information, explanations and documents provided by an auditor under the second paragraph are insufficient, the chief auditor may conduct such additional audit as he considers necessary.

"107.10. The chief auditor may conduct an audit of the accounts or documents of any person having received financial assistance from the municipality or from a legal person referred to in paragraph 2 of section 107.7, as regards the use made of such assistance.

The municipality and the person having received the financial assistance are required to furnish to or place at the disposal of the chief auditor any accounts and documents that the chief auditor considers relevant to the performance of the chief auditor's duties.

The chief auditor is authorized to require from any officer or employee of the municipality or from any person having received financial assistance any information, reports and explanations the chief auditor considers necessary to the performance of the chief auditor's duties.

"107.11. The chief auditor may conduct an audit of the pension plan or pension fund of a pension committee of a municipality or a legal person referred to in paragraph 2 of section 107.7 where the committee requests the chief auditor to do so with the approval of the council.

"107.12. The chief auditor shall, every time the council so requests, investigate and report on any matter within the competence of the chief auditor. In no case, however, may the investigation take precedence over the primary responsibilities of the chief auditor.

"107.13. Not later than 31 August each year, the chief auditor shall transmit to the council a report presenting the results of the audit for the fiscal year ending on the previous 31 December and indicate any fact or irregularity the chief auditor considers expedient to mention, in particular in relation to

(1) control of revenue including assessment and collection;

(2) control of expenditure, including authorization, and compliance with appropriations;

(3) control of assets and liabilities including related authorizations;

(4) accounting for operations and related statements;

(5) control and safeguard of property owned or administered;

(6) acquisition and utilization of resources without sufficient regard to economy or efficiency;

(7) implementation of satisfactory procedures to measure and report effectiveness in cases where it is reasonable to do so.

The chief auditor may also, at any time, transmit to the council a report of the findings and recommendations that, in the opinion of the chief auditor, warrant being brought to the attention of the council before the filing of the annual report.

"107.14. The chief auditor shall report to the council on the audit of the financial statements of the municipality and the statement fixing the aggregate taxation rate.

In the report, which shall be transmitted to the treasurer not later than 31 March, the chief auditor shall state, in particular, whether

(1) the financial statements faithfully represent the municipality's financial position on 31 December and the results of its operations for the fiscal year ending on that date;

(2) the aggregate taxation rate has been fixed in accordance with the regulations made under section 262 of the Act respecting municipal taxation (chapter F-2.1).

"107.15. The chief auditor shall report to the boards of directors of the legal persons referred to in paragraph 2 of section 107.7 on the audit of the financial statements before the expiry of the time within which they are to produce their financial statements.

In the report, the chief auditor shall state, in particular, whether the financial statements faithfully represent their financial position and the results of their operations at the end of their fiscal year.

"107.16. Notwithstanding any general law or special Act, neither the chief auditor nor the employees under the chief auditor's direction or the professionals under contract may be compelled to give testimony relating to any information obtained in the performance of their duties or to produce any document containing such information.

Neither the chief auditor nor the employees under the chief auditor's direction may be prosecuted by reason of any act they have done or failed to do in good faith in the performance of their duties.

No civil action may be instituted by reason of the publication of a report of the chief auditor prepared under this Act or of the publication in good faith of an extract or summary of such a report.

Except on a question of jurisdiction, no recourse under article 33 of the Code of Civil Procedure (chapter C-25) or extraordinary recourse within the meaning of that Code may be exercised nor any injunction granted against the chief auditor, the employees under the chief auditor's direction or the professionals under contract acting in their official capacity.

A judge of the Court of Appeal, on a motion, may summarily annul any proceeding instituted or decision rendered contrary to the provisions of the first paragraph.

"107.17. The council may establish an audit committee and determine its composition and powers."

16. The said Act is amended by replacing the heading of paragraph V by the following heading:

"V. — *External auditor*".

17. Section 108 of the said Act is amended

(1) by inserting "external" before "auditor" in the second and third lines of the first paragraph;

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

"In the case of a local municipality having 100,000 inhabitants or more, the external auditor shall be appointed for three years. At the end of that term, the external auditor shall remain in office until replaced or reappointed.";

(3) by inserting "external" before "auditor" in the first and third lines of the second paragraph.

18. Section 108.1 of the said Act is amended by inserting "external" before "auditor" in the first line.

19. Section 108.2 of the said Act is amended by replacing "The auditor" in the first line of the first paragraph by "Subject to section 108.2.1, the external auditor".

20. The said Act is amended by inserting the following section after section 108.2:

"108.2.1. In the case of a municipality having 100,000 inhabitants or more, the external auditor shall audit, for each fiscal year for which the external auditor has been appointed,

(1) the activities of the chief auditor;

(2) the financial statements of the municipality and any document determined by the Minister of Municipal Affairs and Greater Montréal by regulation published in the *Gazette officielle du Québec*.

The external auditor shall make a report of the audit to the council. The external auditor shall state in the report on the financial statements, in particular,

whether the financial statements faithfully represent the municipality's financial position on 31 December, and the results of its operations for the fiscal year ending on that date."

21. Section 108.3 of the said Act is replaced by the following section:

"108.3. The external auditor shall transmit to the treasurer, not later than 31 March following the expiry of the fiscal year for which the external auditor was appointed, the report referred to in section 108.2 or, as the case may be, the report referred to in subparagraph 2 of the first paragraph of section 108.2.1.

The report referred to in subparagraph 1 of the first paragraph of section 108.2.1 shall be transmitted to the council on the date determined by the council."

22. The said Act is amended by inserting the following sections after section 108.4:

"108.4.1. The external auditor shall have access to the books, accounts, securities, documents and vouchers and may require the employees of the municipality to furnish any information and explanations necessary for the performance of the external auditor's mandate.

"108.4.2. The chief auditor shall place at the disposal of the external auditor all books, statements and other documents prepared or used by the chief auditor during the audit conducted under section 107.7."

23. Section 108.5 of the said Act is amended

(1) by inserting "external" before "auditor" in the first line;

(2) by inserting "and, where applicable, of a borough council" after "municipality" in paragraph 1.

24. Section 108.6 of the said Act is amended by inserting "external" before "auditor" in the first line.

25. The said Act is amended by inserting the following after section 108.6:

"V.1. — *Auditor ad hoc*".

26. Section 109 of the said Act is amended

(1) by inserting "ad hoc" after "auditor" in the first and fourth lines of the second paragraph;

(2) by inserting "ad hoc" after "auditor" in the first line of the fifth paragraph.

27. Section 113 of the said Act is amended by inserting ", except the chief auditor, who reports directly to the council" after "municipality" in the second line of the second paragraph.

28. Section 468.9 of the said Act is amended by striking out the second paragraph.

29. Section 468.51 of the said Act, amended by section 4 of chapter 54 of the statutes of 2000, is again amended by striking out the second paragraph.

30. The said Act is amended by inserting the following sections after section 474:

"474.0.1. The budget of any municipality having a population of 50,000 or over must include an appropriation to provide for payment of sums to councillors as reimbursement for their research and secretarial expenses.

The appropriation must be equal to or greater than 1/15 of 1% of the total of all other appropriations provided for in the budget, except in the case of Ville de Montréal where such an appropriation must be equal to 1/30 of 1% of the total of all other appropriations provided for in the budget.

"474.0.2. The amount of the sums referred to in the first paragraph of section 474.0.1 is established by dividing the appropriation equally among all the councillors.

However, in the case of Ville de Montréal, the appropriation shall be divided into a number of shares corresponding to the total obtained by adding twice the number of city councillors to the number of borough councillors. Two shares shall be assigned to each city councillor and one share to each borough councillor.

The sums established for a councillor who is a member of an authorized party on 1 January of the fiscal year covered by the budget shall be assigned to that party.

"474.0.3. An authorized party or a councillor is entitled to reimbursement by the municipality of expenses made or incurred for research or secretarial purposes, up to the amount of the sums assigned to the authorized party or the councillor, on presentation of vouchers the minimum content of which may be determined by the council.

In the case of an authorized party, the vouchers must be approved by the leader or, if the leader is not a member of the council, by such a member authorized in writing by the party to do so.

"474.0.4. The budget of any municipality having a population of 500,000 or over must include an appropriation to provide for payment of an allowance as reimbursement for expenses incurred for the day-to-day

administration of every authorized party having among its members at least one councillor on 1 January of the fiscal year covered by the budget, for the propagation of the political program of the party and for the coordination of the political action of its members.

The appropriation must be equal to the product obtained by multiplying $0.35 by the number of electors whose names are entered on the list of electors prepared for the last general election.

The amount of the allowance is established by dividing the appropriation among the authorized parties referred to in the first paragraph in proportion to the percentage that the number of votes validly obtained by all the candidates of each authorized party at the last general election is of the total number of votes validly obtained by all the candidates of all the authorized parties.

The allowance shall be paid by the treasurer to the official representative of the authorized party, at the rate of 1/12 of the allowance per month, on presentation of vouchers the minimum content of which may be determined by the treasurer.

"474.0.5. For the purposes of sections 474.0.2 to 474.0.4, a party is authorized if it holds an authorization granted under the Act respecting elections and referendums in municipalities (chapter E-2.2) that is valid for the municipality."

31. Section 474.1 of the said Act is amended

(1) by replacing "latest auditor's report" in the first line of the second paragraph by "external auditor's latest report, the chief auditor's latest report, where applicable,";

(2) by replacing the third paragraph by the following paragraph:

"The mayor shall also table a list of all contracts involving an expenditure exceeding $25,000 entered into by the municipality since the last sitting of the council at which the mayor made a report on the financial position of the municipality in accordance with the first paragraph.";

(3) by replacing "the applicable amount under the third paragraph" in the third and fourth lines of the fourth paragraph by "$25,000".

32. Section 474.8 of the said Act, replaced by section 119 of chapter 56 of the statutes of 2000, is repealed.

33. Section 573 of the said Act is amended

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

"573. (1) The following contracts, if they involve an expenditure of $100,000 or more and are not covered by paragraph 2 of section 573.3.0.2, may only be awarded after a call for public tenders by way of an advertisement in a newspaper:

(1) insurance contracts;

(2) contracts for the performance of work;

(3) contracts for the supply of equipment or materials;

(4) contracts for the supply of services other than professional services

(*a*) referred to in paragraph 1 of section 573.3.0.2;

(*b*) necessary for the purposes of a proceeding before a tribunal, a body or a person exercising judicial or adjudicative functions.";

(2) by replacing the fifth paragraph of subsection 1 by the following paragraph:

"A contract which, as a result of an exception provided for in subparagraph 2 of the fourth paragraph, is not a supply contract for the purposes of the third paragraph, is not a contract for the supply of equipment or material for the purposes of the first and second paragraphs."

34. Section 573.1 of the said Act is amended

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

"573.1. A contract referred to in any of the subparagraphs of the first paragraph of subsection 1 of section 573 or in section 573.3.0.2 may only be awarded after a call for tenders, by way of written invitation, to at least two contractors or two suppliers, as the case may be, if it involves an expenditure of at least $25,000 and of less than $100,000.";

(2) by striking out the third paragraph.

35. Section 573.1.0.4 of the said Act is amended by inserting "and section 573.3.0.1" after "573" in the first line.

36. Section 573.3 of the said Act is amended by striking out the second paragraph.

37. The said Act is amended by inserting the following sections after section 573.3:

"573.3.0.1. The Government shall, by regulation, establish the rules relating to the awarding of a contract referred to in section 573.3.0.2.

The regulation shall determine whether such a contract is to be awarded after a call for public tenders published in an electronic tendering system approved by the Government, after a call for tenders by way of an advertisement published in a newspaper or after the use of a register of suppliers.

Where the regulation determines that the contract is to be awarded after the use of a register of suppliers, it must designate the body responsible for the establishment of the register and for its management and financing and must set out, in particular, the rules that apply to the registration of suppliers and to their selection as suppliers who may tender.

In each case, the regulation must establish a rate schedule fixing the maximum hourly rate that may be paid by a municipality.

"573.3.0.2. The following contracts, if they involve an expenditure of $100,000 or more, must be awarded in accordance with the regulation under section 573.3.0.1:

(1) a contract for the supply of services that can, under an Act or a regulation, be provided only by a physician, dentist, nurse, pharmacist, veterinary surgeon, engineer, land surveyor, architect, chartered accountant, advocate or notary, except if the service is necessary for the purposes of a proceeding before a tribunal, a body or a person exercising judicial or adjudicative functions;

(2) a contract whose purpose is to obtain energy savings for the municipality, where it involves both the providing of professional services and the performance of work or the supply of equipment, materials or services other than professional services.

"573.3.0.3. A municipality may not divide into several contracts having similar subject-matter an insurance contract or a contract for the performance of work, the supply of equipment or materials or the providing of services other than professional services necessary for the purposes of a proceeding before a tribunal, a body or a person exercising judicial or adjudicative functions, unless the division is warranted on grounds of sound administration."

38. Section 573.3.1 of the said Act is amended

(1) by inserting "or otherwise than in accordance with the regulation under section 573.3.0.1" after "tenders" in the third line of the first paragraph;

(2) by inserting "or rather than as required in the regulation" after "newspaper" in the fifth line of the first paragraph.

CODE OF CIVIL PROCEDURE

39. Article 843 of the Code of Civil Procedure (R.S.Q., chapter C-25) is amended by replacing "mayor, alderman or" in the first line by "warden elected in accordance with section 210.29.2 of the Act respecting municipal territorial organization (chapter O-9), a mayor or a".

MUNICIPAL CODE OF QUÉBEC

40. Article 14.5 of the Municipal Code of Québec (R.S.Q., chapter C-27.1) is amended by replacing "and the combined population of the municipalities that are parties to the agreement must" in the third and fourth lines of the first paragraph by "must".

41. Article 14.7 of the said Code is amended

(1) by striking out "other than professional services" in the second and third lines of the first paragraph;

(2) by replacing "and the combined population of the municipalities that are parties to the joint call must" in the first and second lines of the third paragraph by "must".

42. Article 14.7.1 of the said Code is amended by striking out "as if the body or bodies were a municipality having a population that corresponds to the combined population of the municipalities that are parties to the agreement" in the second, third and fourth lines of the second paragraph.

43. Article 161 of the said Code is amended by replacing "in" in the fourth line of the second paragraph by "in the first paragraph of".

44. Article 176.1 of the said Code is amended by inserting "external" before "auditor" in the second line of the first paragraph.

45. Article 176.2 of the said Code is amended

(1) by inserting "external" before "auditor" in the second line of the first paragraph;

(2) by inserting "external" before "auditor" in the fourth line of the second paragraph.

46. Article 445 of the said Code is amended by inserting "and, where applicable, to the warden elected in accordance with section 210.29.2 of the Act respecting municipal territorial organization (chapter O-9)" after "municipality" in the fourth line of the fourth paragraph.

47. Article 578 of the said Code is amended by striking out the fourth paragraph.

48. Article 620 of the said Code, amended by section 11 of chapter 54 of the statutes of 2000, is again amended by striking out the second paragraph.

49. The said Code is amended by inserting the following articles after article 678.0.4:

"678.0.5. The Government may, at the request of the council of a regional county municipality designated as a rural regional county municipality, allow the council to affirm, in respect of the municipalities mentioned in the request, the regional county municipality's jurisdiction with respect to residual materials management, local roads, the management of social housing or the transportation of handicapped persons, and a local municipality may not express its disagreement in relation to the exercise by the regional county municipality of that jurisdiction under articles 678.0.2 and 10.1.

The resolution making the request referred to in the first paragraph shall specify, among the matters mentioned therein, those to which the request applies and, if the regional county municipality wishes to affirm its jurisdiction in part of its territory only, the name of the local municipalities in whose territory the jurisdiction of the regional county municipality to which the request applies will be exercised.

"678.0.6. Where an order under article 678.0.5 is in force in respect of a regional county municipality, the council of that regional county municipality may not affirm its jurisdiction in respect of any of the matters or any of the municipalities covered by the order unless it affirms its jurisdiction in respect of all of such matters and municipalities covered thereunder, and articles 10.1 and 10.2 do not apply in respect of that affirmation of jurisdiction.

"678.0.7. The Government may, at the request of the council of the regional county municipality, amend an order made pursuant to article 678.0.5.

However, only a regional county municipality having adopted a by-law under article 10.3 that is in force may make the request referred to in the first paragraph where the request concerns a local municipality's becoming subject to a jurisdiction exercised by the regional county municipality to which it is not already subject or its ceasing to be subject to such a jurisdiction to which it is subject.

"678.0.8. The Government may, at the request of the council of a regional county municipality designated as a rural regional county municipality, grant such regional county municipality jurisdiction with respect to

(1) the elaboration of a cultural and heritage development policy;

(2) the elaboration of a local tourism development policy;

(3) the financing of the sums which, pursuant to the Act respecting the Société d'habitation du Québec (chapter S-8), 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;

(4) the determination of the terms and conditions of the management and financing of equipment, infrastructures, services and activities designated as being of supralocal scope.

The order may contain any term or condition respecting the exercise of the jurisdiction granted. With respect to the matters referred to in subparagraphs 1 and 2 of the first paragraph, the order may establish the obligations which the local municipalities would be required to discharge for the purpose of implementing the policy adopted by the council of the regional county municipality, or may allow the council of the regional county municipality to establish those obligations. With respect to the matter referred to in subparagraph 4 of the first paragraph, the order may designate any equipment, infrastructure, service or activity mentioned in the request as being of supralocal scope.

"678.0.9. The council of the regional county municipality may, in respect of a jurisdiction granted to it by an order under article 678.0.8, adopt the by-law provided for in article 10.3.

The Government may, at the request of the council of a regional county municipality, amend an order made pursuant to article 678.0.8. However, only a regional county municipality having adopted a by-law under article 10.3 that is in force may make such a request where the request concerns a local municipality's becoming subject to a jurisdiction exercised by the regional county municipality to which it is not already subject or its ceasing to be subject to such a jurisdiction to which it is subject.

"678.0.10. Every request to the Government under any of articles 678.0.5 and 678.0.7 to 678.0.9 shall be addressed to the Minister of Municipal Affairs and Greater Montréal.

The third paragraph of section 188 of the Act respecting land use planning and development (chapter A-19.1) does not apply in respect of a jurisdiction exercised by a regional county municipality pursuant to article 678.0.5 or 678.0.8."

50. Article 713 of the said Code is amended

(1) by inserting ", except local watercourses situated in the territory of a regional county municipality designated as a rural regional county municipality which are under the jurisdiction of the regional county municipality" after "situated" in the second line of the second paragraph;

(2) by adding the following sentence at the end of the third paragraph: "However, in a regional county municipality designated as a rural regional county municipality, no local municipality may exercise such right of withdrawal in respect of those powers.";

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

"For the purposes of this article and of articles 714 to 724, "municipality" and "local municipality" include a municipality governed by the Cities and Towns Act (chapter C-19)."

51. Article 774 of the said Code is amended by inserting "even the parts situated in the territory of a municipality governed by the Cities and Towns Act (chapter C-19)," after "floatable," in the second line of the first paragraph.

52. Article 933 of the said Code is repealed.

53. Article 935 of the said Code is amended

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

"935. (1) The following contracts, if they involve an expenditure of $100,000 or more and are not covered by paragraph 2 of article 938.0.2, may only be awarded after a call for public tenders by way of an advertisement in a newspaper:

(1) insurance contracts;

(2) contracts for the performance of work;

(3) contracts for the supply of equipment or materials;

(4) contracts for the supply of services other than professional services

(*a*) referred to in paragraph 1 of article 938.0.2;

(*b*) necessary for the purposes of a proceeding before a tribunal, a body or a person exercising judicial or adjudicative functions.";

(2) by replacing the fifth paragraph of subarticle 1 of the first paragraph by the following paragraph:

"A contract which, as a result of an exception provided for in subparagraph 2 of the fourth paragraph, is not a supply contract for the purposes of the third paragraph, is not a contract for the supply of equipment or materials for the purposes of the first and second paragraphs."

54. Article 936 of the said Code is amended

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

"936. A contract referred to in any of the subparagraphs of the first paragraph of subarticle 1 of article 935 or in article 938.0.2 may only be awarded after a call for tenders, by way of written invitation, to at least two contractors or two suppliers, as the case may be, if it involves an expenditure of at least $25,000 and of less than $100,000.";

(2) by striking out the third paragraph.

55. Article 936.0.4 of the said Code is amended by inserting "and article 938.0.1" after "935" in the first line.

56. Article 938 of the said Code is amended by striking out the second paragraph.

57. The said Code is amended by inserting the following articles after article 938:

"938.0.1. The Government shall, by regulation, establish the rules relating to the awarding of a contract referred to in article 938.0.2.

The regulation shall determine whether such a contract is to be awarded after a call for public tenders published in an electronic tendering system approved by the Government, after a call for tenders by way of an advertisement published in a newspaper or after the use of a register of suppliers.

Where the regulation determines that the contract is to be awarded after the use of a register of suppliers, it must designate the body responsible for the establishment of the register and for its management and financing and must set out, in particular, the rules that apply to the registration of suppliers and to their selection as suppliers who may tender.

In each case, the regulation must establish a rate schedule fixing the maximum hourly rate that may be paid by a municipality.

"938.0.2. The following contracts, if they involve an expenditure of $100,000 or more, must be awarded in accordance with the regulation under article 938.0.1:

(1) a contract for the supply of services that can, under an Act or a regulation, be provided only by a physician, dentist, nurse, pharmacist, veterinary surgeon, engineer, land surveyor, architect, chartered accountant, advocate or notary, except if the service is necessary for the purposes of a proceeding before a tribunal, or a body or person exercising judicial or adjudicative functions;

(2) a contract whose purpose is to obtain energy savings for the municipality, where it involves both the providing of professional services and the performance of work or the supply of equipment, materials or services other than professional services.

"938.0.3. A municipality may not divide into several contracts having similar subject-matter an insurance contract or a contract for the performance of work, the supply of equipment or materials or the providing of services other than professional services necessary for the purposes of a proceeding before a tribunal, or a body or person exercising judicial or adjudicative functions, unless the division is warranted on grounds of sound administration."

58. Article 938.1 of the said Code is amended

(1) by inserting "or otherwise than in accordance with the regulation under article 938.0.1" after "tenders" in the third line of the first paragraph;

(2) by inserting "or rather than as required in the regulation" after "newspaper" in the fourth line of the first paragraph.

59. Article 955 of the said Code is amended

(1) by inserting "external" before "auditor" in the first line of the second paragraph;

(2) by replacing the third paragraph by the following paragraph:

"The mayor shall also table a list of all contracts involving an expenditure exceeding $25,000 entered into by the municipality since the last sitting of the council at which the mayor made a report on the financial position of the municipality in accordance with the first paragraph.";

(3) by replacing "the applicable amount under the third paragraph" in the third and fourth lines of the fourth paragraph by "$25,000".

60. The said Code is amended by inserting the following after the heading of Chapter II of Title XXIII:

"SECTION I

"EXTERNAL AUDITOR".

61. Article 966 of the said Code is amended

(1) by inserting "external" before "auditor" in the second and the third lines of the first paragraph;

(2) by inserting "external" before "auditor" in the first and the third lines of the second paragraph.

62. Article 966.1 of the said Code is amended by inserting "external" before "auditor" in the first line.

63. Article 966.2 of the said Code is amended by inserting "external" before "auditor" in the first line.

64. Article 966.3 of the said Code is amended by inserting "external" before "auditor" in the first line.

65. Article 966.4 of the said Code is amended

(1) by inserting "external" before "auditor" in the first line;

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

"The external auditor may be an individual or a partnership. The external auditor may entrust the work to his or its employees, but in such a case the external auditor's responsibility shall be the same as if the work had been entirely performed by him personally."

66. The said Code is amended by inserting the following after article 966.4:

"SECTION II

"AUDITOR AD HOC ".

67. Article 966.5 of the said Code is amended

(1) by inserting "ad hoc" after "auditors" in the second line of the first paragraph;

(2) by inserting "ad hoc" after "auditor" in the first and the fifth lines of the third paragraph.

68. Article 966.6 of the said Code is amended by inserting "ad hoc" after "auditor" in the first line.

69. Article 967 of the said Code is amended

(1) by inserting "ad hoc" after "auditor" in the first line of the first paragraph;

(2) by inserting "ad hoc" after "auditor" in the second line of the second paragraph.

70. Article 968 of the said Code is amended

(1) by inserting "ad hoc" after "auditor" in the second and the sixth lines of the first paragraph;

(2) by inserting “ad hoc” after “auditor” in the first line of the second paragraph.

71. Article 969 of the said Code is amended by inserting “ad hoc” after “auditor” in the third line.

72. Article 971 of the said Code is amended by inserting “ad hoc” after “auditor” in the third line.

ACT RESPECTING THE COMMISSION MUNICIPALE

73. Section 6 of the Act respecting the Commission municipale (R.S.Q., chapter C-35), amended by section 5 of chapter 27 of the statutes of 2000, is again amended by replacing the third paragraph by the following paragraph:

“If one or more members to whom a matter has been referred become unable to act, declare themselves recused or cease to be members of the Commission, the remaining member or, as the case may be, all of the remaining members shall settle the matter.”

74. Section 7 of the said Act, amended by section 6 of chapter 27 of the statutes of 2000, is again amended by striking out the second paragraph.

ACT RESPECTING ELECTIONS AND REFERENDUMS IN MUNICIPALITIES

75. Section 12 of the Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2) is amended by replacing “list of electors of the municipality” in the second line of the first paragraph by “document provided for in section 12.1”.

76. The said Act is amended by inserting the following section after section 12:

“12.1. The clerk or the secretary-treasurer shall establish, in a document, the number of electors for the purposes of the division of the territory into electoral districts.

The document shall indicate, for each residential address in the territory of the municipality, the number of persons whose names are entered on the permanent list of electors on the date on which the chief electoral officer receives a written request for such information from the clerk or the secretary-treasurer. For that purpose, the last three paragraphs of section 100 apply, with the necessary modifications.

The document shall also indicate, for the address of each immovable or business establishment in the territory of the municipality, the number of persons whose names are entered on the list of electors of the municipality as owners of the immovable or occupants of the establishment rather than as domiciled persons.

The request referred to in the second paragraph may not be made before 1 January of the calendar year preceding the year in which the general election for which the division is required is to be held."

77. Section 13 of the said Act is amended by replacing "on its list of electors" in the third and fourth lines by "on the permanent list of electors on the date on which the chief electoral officer receives the request referred to in the second paragraph of section 12.1, and a person whose name is entered on the list of electors of the municipality as the owner of an immovable or the occupant of a business establishment".

78. The said Act is amended by inserting the following section after section 17:

"17.1. On receiving an objection within the time prescribed in section 17, the clerk or the secretary-treasurer shall, to ascertain whether the person making the objection is an elector within the meaning of section 13, request from the chief electoral officer the list of the persons referred to in the second paragraph of section 12.1. For that purpose, section 100 applies, with the necessary modifications.

However, the clerk or the secretary-treasurer is not required to make such a request under the first paragraph if the person who has made the objection is a person referred to in the third paragraph of section 12.1."

79. Section 67 of the said Act is amended by adding the following paragraph after the second paragraph:

"Notwithstanding the first paragraph, any warden of a regional county municipality elected in accordance with section 210.29.2 of the Act respecting municipal territorial organization (chapter O-9) is not ineligible for office as a member of the council of a local municipality."

80. The said Act is amended by inserting the following section after section 70:

"70.1. Subject to the second paragraph, subsections 1 to 8 of section 573, sections 573.1 to 573.1.0.4 and sections 573.3 to 573.3.2 of the Cities and Towns Act (chapter C-19) apply to the returning officer, with the necessary modifications.

During the election period within the meaning of section 364, the returning officer may award any contract involving an expenditure of $25,000 or more after a call for tenders, by way of written invitation, to at least two contractors or two suppliers, as the case may be. However, where an exceptional situation that may jeopardize the holding of the election occurs during that period, the returning officer may award any contract without being required to call for tenders."

81. The said Act is amended by inserting the following sections after section 90.4:

"90.5. If, during the election period within the meaning of section 364, it comes to the attention of the chief electoral officer that, subsequent to an error, emergency or exceptional circumstance, a provision referred to in section 90.1 does not meet the demands of the resultant situation, the chief electoral officer may adapt the provision in order to achieve its object.

The chief electoral officer shall first inform the Minister of Municipal Affairs and Greater Montréal of the decision he intends to make.

Within 30 days following polling day, the chief electoral officer shall transmit to the President or the Secretary General of the National Assembly a report of the decisions made pursuant to the first paragraph. The President shall table the report in the National Assembly within 30 days of receiving it or, if the National Assembly is not sitting, within 30 days of resumption.

"90.6. With respect to informing the public, the chief electoral officer may, in particular,

(1) give public access to the information, reports, returns or documents relating to a provision of this chapter, Chapters VI to VII.1, Division I of Chapter XII and Chapters XIII and XIV;

(2) provide any person applying therefor with advice and information regarding the application of Chapter XIII;

(3) maintain an information centre on Chapter XIII;

(4) regularly hold information meetings and conferences for the benefit of the parties, the candidates, the municipalities and the public;

(5) at the request of a party or an independent candidate, furnish the information required for the training of its or his official representative or official agent;

(6) make any publicity he considers necessary."

82. Section 94 of the said Act is repealed.

83. Section 99 of the said Act is amended by replacing "fifty-eight" in the first line by "forty-four".

84. Section 146 of the said Act is amended by replacing "58" in the fifth line of the second paragraph by "44".

85. Section 153 of the said Act is amended by replacing "58" in the third line of the first paragraph by "44".

86. The said Act is amended by inserting the following section after section 162:

"162.1. In the case of a municipality to which Chapter XIII applies, the nomination paper shall be accompanied with a document indicating in detail any publicity expense made by the candidate in relation to the election for which the candidate files a nomination paper, and the name and address of any elector who provided more than $100 and the amount so provided.

For the purposes of the first paragraph, "publicity expense" means any expense made during the period beginning on 1 January of the current year and ending on the day on which the notice of election is published, the purpose of which is the broadcasting by a radio or television station or by a cable distribution enterprise, the publishing in a newspaper or other periodical or the posting in a space leased for that purpose of publicity relating to an election, except an expense the purpose of which is to announce, by any means referred to in this paragraph, a meeting for the selection of a candidate provided that the announcement consists only of the date, time and place of the meeting, the name and visual identification of the party and the names of the persons nominated.

Where the candidate is a member of an authorized party, was a member during the period mentioned in the second paragraph or is the candidate of such a party, the document must also indicate the publicity expenses which the official representative of that party made in respect of the candidate, including the portion attributable to the official representative of joint publicity expenses made by the party.

In the case of an expense made for property or a service used both before and during the period mentioned in the second paragraph, the portion of its cost that is a publicity expense within the meaning of that paragraph shall be determined according to a formula based on the frequency of use during that period in relation to such frequency before and during that period."

87. Section 300 of the said Act is amended

(1) by inserting "a warden elected in accordance with section 210.29.2 of the Act respecting municipal territorial organization (chapter O-9) or" after "if he was" in the first line of paragraph 4;

(2) by inserting "a warden elected in accordance with section 210.29.2 of the Act respecting municipal territorial organization or as" after "as" in the first line of paragraph 5.

88. Section 340 of the said Act is amended by replacing "58" in the first line of the second paragraph by "44".

89. Section 364 of the said Act, amended by section 643 of chapter 29 of the statutes of 2000, is again amended

(1) by replacing "58" in the definition of "election period" by "44";

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

"In this chapter, the expression "independent candidate" includes any person who has indicated the intention to become an independent candidate."

90. Section 369 of the said Act is repealed.

91. Section 375 of the said Act is amended by inserting "to the treasurer of the municipality and, during an election period," after "delegate" in the first line.

92. Section 384 of the said Act is amended by inserting "in his application for an authorization under section 400.1 or" after "agent" in the second line of the second paragraph.

93. The said Act is amended by inserting the following section after section 400:

"400.1. Any elector who undertakes to run as an independent candidate in the next general election may file an application for authorization with the chief electoral officer as of 1 January of the year during which the election must be held.

Any elector who undertakes to run as an independent candidate in a by-election may file an application for authorization with the chief electoral officer as of the date on which the seat becomes vacant.

The application for authorization must contain the information referred to in section 400 as well as the signatures and addresses of the number of electors of the municipality referred to in section 160 who declare that they support the application."

94. Section 407 of the said Act is amended by adding the following paragraphs at the end:

"The chief electoral officer shall also withdraw the authorization of an independent candidate who joins a party.

The chief electoral officer shall in addition withdraw the authorization of a person who has undertaken to run as an independent candidate but has not filed nomination papers on the expiry of the time prescribed to do so."

95. Section 413 of the said Act is amended by adding the following sentence at the end of the second paragraph: "However, in the case referred to in the second paragraph of section 407, the chief electoral officer shall, after payment of the debts, pay the surplus to the party the candidate has joined."

96. Sections 436 and 437 of the said Act are replaced by the following section:

"436. Every contribution of money of over $100 must be made by cheque or other order of payment signed by the elector and drawn on the elector's account in a financial institution having an office in Québec and be made payable to the order of the authorized party or independent candidate.

Such a contribution may also be made, in accordance with the directives of the chief electoral officer, by means of a credit card or a transfer of funds to an account held by the official representative of the authorized party or independent candidate for which or whom the contribution is intended."

97. Section 459 of the said Act is amended by inserting "of the authorized independent candidate or" after "agent" in the third line.

98. Section 465 of the said Act is replaced by the following section:

"465. The amount of election expenses incurred by an authorized party or independent candidate during an election must not exceed,

(1) for an election to the office of mayor, the amount of $5,400, increased by

(*a*) $0.42 per person entered on the list of electors of the municipality above 1,000 but not above 20,000 electors;

(*b*) $0.72 per person entered on that list above 20,000 but not above 100,000 electors;

(*c*) $0.54 per person entered on that list above 100,000 electors;

(2) for an election to the office of councillor, the amount of $2,700, increased by $0.42 per person entered on the list of electors of the electoral district above 1,000 electors.

The number of persons entered on the list for the purpose of calculating the amounts shall be the number established on the basis of the unrevised list or the revised list, whichever is higher.

The Government may adjust the amounts provided for in the first paragraph according to the formula the Government determines. The Government shall publish the results of the adjustment in the *Gazette officielle du Québec*."

99. Section 483 of the said Act is amended

(1) by inserting "as well as the vouchers necessary to ascertain compliance with sections 430 and 436" after "filed" in the second line of the first paragraph;

(2) by inserting "and vouchers" after "receipts" in the first line of the second paragraph.

100. Section 512.4 of the said Act is amended by replacing "fiftieth" in the first line of the second paragraph by "fortieth".

101. The said Act is amended by inserting the following section after section 512.4:

"512.4.1. The application for authorization must be accompanied with a document indicating in detail any publicity expense made by the private intervenor in relation to the election for which the private intervenor applies for the authorization, and the name and address of any person who provided more than $100 and the amount so provided.

For the purposes of the first paragraph, "publicity expense" means any expense made during the period beginning on 1 January of the current year and ending on the day on which the notice of election is published, the purpose of which is the broadcasting by a radio or television station or by a cable distribution enterprise, the publishing in a newspaper or other periodical or the posting in a space leased for that purpose of publicity relating to an election.

In the case of an expense made for property or a service used both before and during the period mentioned in the second paragraph, the portion of its cost that is a publicity expense within the meaning of that paragraph shall be determined according to a formula based on the frequency of use during that period in relation to such frequency before and during that period."

102. Section 583 of the said Act is repealed.

103. The said Act is amended by inserting the following section after section 588:

"588.1. Every person is guilty of an offence who files the document referred to in section 162.1 or 512.4.1 with the knowledge that it is incomplete or contains a false indication or false information."

104. Section 612 of the said Act is amended by replacing paragraph 2 by the following paragraphs:

"(2) collects a contribution of money of over $100 made otherwise than by credit card, transfer of funds, cheque or other order of payment;

"(2.1) collects a contribution made by means of a credit card or a transfer of funds that is not made in accordance with the directives of the chief electoral officer;

"(2.2) collects a contribution made by means of a transfer of funds that is not made to an account held by the official representative of the authorized party or independent candidate for which or whom the contribution is intended; or".

105. The said Act is amended by inserting the following section after section 639:

"639.1. Every person who is guilty of an offence described in section 588.1 is liable to a fine of not less than $1,000 nor more than $10,000."

106. Section 659.2 of the said Act is amended

(1) by replacing "a general election" in the third line of the first paragraph by "a poll";

(2) by replacing "the general election" in the fourth line of the first paragraph by "the poll".

107. Section 879 of the said Act is repealed.

ACT RESPECTING MUNICIPAL TAXATION

108. Section 5 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1) is amended by replacing "A" in the first line of the first paragraph by "Subject to section 5.1, a".

109. The said Act is amended by inserting the following sections after section 5:

"5.1. Notwithstanding any provision of a general law or special Act and subject to the third paragraph, a regional county municipality designated as a rural regional county municipality has jurisdiction in matters of assessment in a local municipality whose territory is included in its own and for any roll subsequent to the roll in force on 1 January of the year following the date of coming into force of the order designating the regional county municipality as a rural regional county municipality.

The local municipality may not 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) in respect of the functions relating to the exercise of that jurisdiction.

A regional county municipality referred to in the first paragraph may enter into an agreement under which it delegates to a local municipality whose territory is included in its own the exercise of its jurisdiction in matters of

assessment in the territory of the local municipality. Only a local municipality that, on the day before the day fixed for the coming into force of the order designating the regional county municipality as a rural regional county municipality, is a municipal body responsible for assessment whose assessor is an officer, may be a party to such an agreement. Section 197 applies in respect of such an agreement.

"5.2. No officer or employee of a local municipality referred to in the third paragraph of section 5.1 may be dismissed solely as a result of the loss of jurisdiction of the municipality in matters of assessment.

The clerk of such a municipality shall, in a document transmitted by the clerk 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 must specify the nature of the officer's or employee's employment relationship with the local municipality, the conditions of employment of the officer or employee, the date on which the services of the officer or employee 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 local municipality would normally have ended. Where the employment relationship results from a written contract of employment, a certified true copy of the contract must accompany the document.

The document referred to in the second paragraph shall 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 identified 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 local municipality, the officer or employee 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 referred to in the first paragraph 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 labour commissioner general who shall designate a labour commissioner to make an inquiry and decide the complaint. The provisions of the Labour Code (chapter C-27) relating to the labour commissioner general, the labour commissioners, their decisions and the exercise of their jurisdictions shall apply, with the necessary modifications.

From the date of coming into force of the order designating a regional county municipality as a rural regional county municipality, a local municipality referred to in the first paragraph 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 officers or employees likely to be identified in the document referred to in the second paragraph, unless the increase results from the application of a clause of a collective agreement or a contract of employment in force on that date."

110. Section 8 of the said Act, amended by section 146 of chapter 56 of the statutes of 2000, is again amended by replacing "or 5" in the first line of the first paragraph by ", 5 or 5.1".

111. Section 57.1 of the said Act, amended by section 40 of chapter 54 of the statutes of 2000, is again amended

(1) by striking out "of a local municipality which adopts a resolution to that effect" in the first line of the first paragraph;

(2) by striking out the third and fourth paragraphs.

112. Section 57.1.1 of the said Act, enacted by section 41 of chapter 54 of the statutes of 2000, is amended

(1) by striking out "of a local municipality which adopts a resolution to that effect" in the first and second lines of the first paragraph;

(2) by replacing the second paragraph by the following paragraph:

"The roll of a local municipality which adopts a resolution to that effect shall identify each unit of assessment that belongs to any category specified in the resolution from among the categories provided for in sections 244.34 to 244.36. If the category provided for in section 244.34 is thus specified, the roll shall indicate, where applicable, that the unit belongs to one of the classes provided for in section 244.54.";

(3) by striking out "first or in the" in the third line of the fourth paragraph;

(4) by replacing "the first" in the fourth line of the fourth paragraph by "that".

113. Sections 57.2 and 57.3 of the said Act are repealed.

114. Section 61 of the said Act, amended by section 44 of chapter 54 of the statutes of 2000, is again amended by replacing "244.37" in the fifth line of the third paragraph by "244.36".

115. Section 69 of the said Act, amended by section 26 of chapter 10 of the statutes of 2000 and section 49 of chapter 54 of the statutes of 2000, is again amended

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

"The roll of a local municipality which adopts a resolution to that effect shall include an abridged schedule containing the particulars prescribed in the first paragraph only as regards separate premises, comprised in a unit of assessment identified on the roll in accordance with section 57.1, of which the owner or occupant is a person who is entitled to receive a subsidy under section 244.20. A municipality having adopted a resolution under the first paragraph that is in force may not adopt the resolution provided for in this paragraph. A municipality whose roll does not include an abridged schedule may not, for the purposes of the fiscal years for which the roll applies, impose the surtax on non-residential immovables provided for in section 244.11.";

(2) by replacing the first sentence of the fifth paragraph by the following sentence: "The fourth and fifth paragraphs of section 57.1.1 apply, with the necessary modifications, to the resolution provided for in the first or fourth paragraph of this section."

116. Section 81 of the said Act is amended by replacing the fourth paragraph by the following paragraph:

"The notice must comply with the regulation made under paragraph 2 of section 263 and the content of the account may not be different from the content prescribed by the regulation. The notice and the account may be contained in a single document."

117. Section 174.3 of the said Act is amended by adding the following paragraph at the end:

"For the purposes of sections 174 and 174.2, a thing does not cease to be unduly omitted or unduly entered on the roll for the sole reason that the obligation to enter on or withdraw the thing from the roll did not exist at the time of the establishment of the roll or was unknown to the assessor."

118. Section 177 of the said Act, amended by section 56 of chapter 54 of the statutes of 2000, is again amended by inserting the following paragraphs after the first paragraph:

"Notwithstanding subparagraph 5 of the first paragraph, in the case of an alteration made under any of paragraphs 9 to 11 of section 174 or paragraph 4 of section 174.2 to give effect to a decision of the Commission respecting a recognition giving rise to a property tax or business tax exemption, the effective date of the alteration is the date the recognition comes into force or ceases to be in force, according to the decision.

Notwithstanding subparagraph 5 of the first paragraph, in the case of an alteration made under any of paragraphs 9 to 11 and 20 of section 174 or paragraph 5 of section 174.2 to give effect to the beginning or end of an exemption provided for in section 210 or the obligation to pay a sum under that section, the effective date of the alteration is the date of that beginning or end."

119. Section 204 of the said Act, amended by section 325 of chapter 12 of the statutes of 2000, section 59 of chapter 54 of the statutes of 2000 and section 149 of chapter 56 of the statutes of 2000, is again amended by adding the following paragraph after paragraph 17:

"(18) the Palais des congrès de Montréal."

120. Section 210 of the said Act is amended

(1) by inserting "have retroactive effect from the date fixed by the Minister and" after "may" in the ninth line of the first paragraph;

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

"If the exemption provided for in the first paragraph is conditional on a recognition and if the recognition is retroactive, the exemption and, where applicable, the obligation to pay the amount referred to in the second paragraph are retroactive to the same date as the recognition. However, if the exemption is conditional on two recognitions taking effect on different dates, the exemption is retroactive to the more recent of the two dates."

121. The said Act is amended by inserting the following after section 231.4:

"§9. — *Société du Palais des congrès de Montréal*

"231.5. To stand in lieu of the taxes which it is exempted from paying to Ville de Montréal under paragraph 18 of section 204 and paragraph 14 of section 236, the Société du Palais des congrès de Montréal shall pay to the city for each fiscal year, according to the same terms and conditions as the general property tax, a sum the amount of which is equal to the amount obtained by adjusting the base amount provided for in the second paragraph in the manner prescribed in the third paragraph.

The base amount is the sum obtained by adding the amounts of the municipal taxes imposed for the fiscal year 2001 on the Palais des congrès de Montréal or in its respect, on the basis of the property value or rental value or another characteristic of the immovable such as the area, the frontage or another dimension, according to the account referred to in the second paragraph of section 81.

The base amount shall be adjusted by applying the increase or the decrease determined by comparing the budgets adopted for the fiscal year concerned and the preceding fiscal year, as regards the revenues derived from the municipal

property taxes imposed on the aggregate of the units of assessment belonging to the group provided for in section 244.31 and situated in the territory of the city, and the taxes imposed in respect of that aggregate on the basis of the rental value.

For the purposes of the third paragraph, the word "tax" includes any sum standing in lieu thereof which must be paid by the Government in accordance with the second paragraph of section 210 or section 254 or by the Government of Canada or by one of its mandataries."

122. Section 236 of the said Act, amended by section 26 of chapter 10 of the statutes of 2000, section 325 of chapter 12 of the statutes of 2000, section 71 of chapter 54 of the statutes of 2000 and section 151 of chapter 56 of the statutes of 2000, is again amended by adding the following paragraph after paragraph 13:

"(14) an activity carried on by the Société du Palais des congrès de Montréal in the immovable designated under that name."

123. Section 243.16 of the said Act, enacted by section 76 of chapter 54 of the statutes of 2000, is amended by replacing "paragraph 9 or 11" in the third line of the second paragraph by "any of paragraphs 9 to 11".

124. Section 244.27 of the said Act, amended by section 26 of chapter 10 of the statutes of 2000, is again amended by replacing "or third" in the sixth line of the first paragraph by ", third or fourth".

125. Section 244.39 of the said Act, enacted by section 82 of chapter 54 of the statutes of 2000, is amended by replacing "the rate being applied" in the third line of the third paragraph by "the rate being applied in whole or in part".

126. Section 244.52 of the said Act, enacted by section 82 of chapter 54 of the statutes of 2000, is amended by striking out "244.54 to" in the fourth line of the second paragraph.

127. Section 244.53 of the said Act, enacted by section 82 of chapter 54 of the statutes of 2000, is amended by replacing "100% of the" in the third line of the second paragraph by "the".

128. Section 244.55 of the said Act, enacted by section 82 of chapter 54 of the statutes of 2000, is amended by adding the following sentence at the end of the second paragraph: "The rule so provided in respect of a unit that belongs to class 3I also applies in the case of a unit referred to in subparagraph 1 of the first paragraph of section 244.34."

129. Section 244.56 of the said Act, enacted by section 82 of chapter 54 of the statutes of 2000, is amended by replacing "the classes" in the third line of the first paragraph by "classes 1A to 8".

130. Section 244.58 of the said Act, enacted by section 82 of chapter 54 of the statutes of 2000, is amended by replacing ", part of rate or combination of such parts" in the third line of the first paragraph by "or the combination formed by a rate and part of another rate or by parts of several rates".

131. Section 244.60 of the said Act, enacted by section 82 of chapter 54 of the statutes of 2000, is amended by replacing ", part of rate or combination of such parts" in the first line of subparagraph 1 of the second paragraph by "or the combination formed by a rate and part of another rate or by parts of several rates".

132. Section 253.59 of the said Act, amended by section 84 of chapter 54 of the statutes of 2000, is again amended by adding the following paragraphs after the fourth paragraph:

"If, following the application of sections 253.54 and 253.54.1, the tax referred to in the first paragraph is the general property tax as it applies separately to the units of assessment belonging to the category of non-residential immovables provided for in section 244.33, the rates provided for in the first paragraph must be fixed such that the revenues derived from the combined application of all or part of those rates

(1) are not less than the product obtained by multiplying the taxable non-residential property assessment of the municipality by the basic rate provided for in section 244.38;

(2) are not greater than the result obtained by consecutively performing the operations described in subparagraphs 1 and 2 of the third paragraph of section 244.39 if the municipality does not impose the business tax for the same fiscal year or, in the opposite case, in subparagraphs 1 to 3 of that paragraph.

The fourth paragraph of section 244.39 and sections 244.40 to 244.42 apply, with the necessary modifications, for the purposes of establishing the minimum and maximum revenues under the fifth paragraph."

133. Section 261 of the said Act, amended by section 9 of chapter 27 of the statutes of 2000, is replaced by the following section:

"261. The Government must establish an equalization scheme by the making of the regulation provided for in paragraph 7 of section 262.

The object of the equalization scheme is the payment of a sum to a local municipality whose standardized property value per inhabitant and the average value of the dwellings situated in its territory are, in all or some respects, lower than the median standardized property values and values of the dwellings for the local municipalities subject to this Act.

The sum shall be established on the basis of the following elements in particular:

(1) the difference between the standardized property value per inhabitant of the municipality and all or some respects of the median standardized property values for the local municipalities subject to this Act;

(2) the population of the municipality;

(3) for all the local municipalities eligible under the scheme, the total of the differences under subparagraph 1 and the populations."

134. Section 262 of the said Act, amended by section 31 of chapter 19 of the statutes of 2000, section 10 of chapter 27 of the statutes of 2000 and section 88 of chapter 54 of the statutes of 2000, is again amended by replacing paragraph 7 by the following paragraph:

"(7) (*a*) prescribe the rules for determining the local municipalities eligible under the equalization scheme provided for in section 261;

(*b*) prescribe the rules for establishing the standardized property value per inhabitant and the average value of the dwellings situated in the territory of a local municipality;

(*c*) prescribe the rules for establishing the minimum number of local municipalities in respect of which data must be taken into consideration for the purpose of establishing the median property value and dwelling value referred to in subparagraph *b*;

(*d*) prescribe the rules for establishing the amount of the sum to which a municipality eligible under the equalization scheme is entitled, which rules may be different in respect of any municipality the Government specifies or any category of municipalities the Government defines;

(*e*) determine the cases where a municipality loses the right to receive the sum referred to in subparagraph *d*;

(*f*) designate the person who is to pay the sum referred to in subparagraph *d* and prescribe the terms and conditions of payment;".

135. Section 263 of the said Act, amended by section 89 of chapter 54 of the statutes of 2000, is again amended by striking out "minimum" in paragraph 2.

ACT RESPECTING THE MINISTÈRE DES RÉGIONS

136. The Act respecting the Ministère des Régions (R.S.Q., chapter M-25.001) is amended by inserting the following section after section 15:

"15.1. The Government may, to the extent and subject to the conditions it determines, authorize a local development centre serving the territory of Ville de Montréal or of a local municipality of the Saguenay region to delegate the exercise of all or part of its jurisdiction to a body."

ACT RESPECTING MUNICIPAL TERRITORIAL ORGANIZATION

137. Section 29 of the Act respecting municipal territorial organization (R.S.Q., chapter O-9) is amended by inserting the following paragraph after the first paragraph:

"The population of a borough is the number of inhabitants of the borough determined in an order of the Government based on the estimate of the Institut de la statistique du Québec."

138. Section 30 of the said Act is amended by adding the following paragraph after the seventh paragraph:

"The third, fourth, fifth, sixth and seventh paragraphs apply, with the necessary modifications, for the purpose of ascertaining the population of a borough affected by a territorial change referred to in any of those paragraphs."

139. The heading of Division VII of Chapter IV of Title II of the said Act is replaced by the following heading:

"DEFERRAL OF THE PROCEDURE FOR THE DIVISION OF TERRITORY INTO ELECTORAL DISTRICTS AND OF ELECTION PROCEEDINGS".

140. The said Act is amended by inserting the following section after the heading of Division VII of Chapter IV of Title II:

"110.2. The Minister may, once the text of the application is published under section 90, transmit to any applicant municipality and to the Commission de la représentation a written notice stating that the procedure for the division of the territory of the municipality into electoral districts is cancelled or interrupted.

Upon receiving the notice, the addressee shall refrain from performing or continuing, as the case may be, any act related to the procedure or proceedings.

The Minister may rescind the notice at any time. In such a case, the Minister shall notify the municipality and the Commission de la représentation in writing and establish, if applicable, any rule enabling the municipality or the Commission to make the division. The Minister may also set a new polling date for the election for which the division must be made."

141. The said Act is amended by inserting the following section after section 125.3 enacted by section 1 of chapter 27 of the statutes of 2000:

"125.3.1. Section 110.2 applies in respect of any local municipality that receives the writing provided for in section 125.2, as if it were party to a joint application for amalgamation the text of which has been published."

142. The said Act is amended by inserting the following section after section 125.10:

"125.10.1. The Minister may, by means of the writing referred to in section 125.2 or by means of any other writing transmitted in the same manner to any municipality to which that section applies, require any such municipality or any body thereof to obtain the authorization of the Minister to alienate any property whose value exceeds $10,000.

The Minister may also, by a writing transmitted as mentioned in the first paragraph, require any municipality or any body thereof in respect of whose territory a positive recommendation has been made by the Commission in relation to an amalgamation, to obtain the authorization of the Minister to alienate any property whose value exceeds $10,000.

The Minister may, before approving or rejecting an application for authorization, request, where applicable, the opinion of the transition committee constituted in the territory in which the territory of the municipality or body is situated."

143. The said Act is amended by inserting the following division after section 125.26:

"DIVISION X

"SPECIAL RULES FOR CERTAIN LOCAL MUNICIPALITIES RESULTING FROM AN AMALGAMATION

"125.27. Every constituting order made to amalgamate the territories of all or any part of the municipalities that have received a notice under section 125.2, to amalgamate all or any part of the territories of the municipalities that have filed, pursuant to section 125.31, a joint application for amalgamation concerning one of the matters referred to in this section, or to amalgamate all or any part of the territories of the municipalities in respect of which the Commission has made a positive recommendation in relation to the amalgamation, may contain, in relation to the constitution, powers and fields of jurisdiction of the new municipality and the transition between the existing administrations and the new municipality, and in addition to the particulars required under section 108 which are not inconsistent with a rule set out in this division, any provision relating to the following matters:

(1) the composition of the council of the new municipality;

(2) the rules that apply to the division of the territory of the municipality into wards or to the possibility for the municipality of dividing its territory into wards, and the composition, functioning and responsibilities of a ward council;

(3) the creation within the territory of the municipality of boroughs for municipal administration purposes;

(4) the creation and composition of any council responsible for the administration of a borough, the determination of the number of members of the council of each borough or of a formula to establish that number, and the procedure to be used to choose the chair of a borough council;

(5) any special application of the Act respecting elections and referendums in municipalities (chapter E-2.2) to the municipality, in particular as regards the division of its territory for election purposes, the election of the members of the council of the municipality or, as the case may be, of the borough, the determination of elector qualifications and of eligibility for office as a member of the council of the municipality or, as the case may be, as a member of a borough council, and the rules governing municipal political parties, independent candidates and the control of election expenses;

(6) any special application of the Act respecting the remuneration of elected municipal officers (chapter T-11.001) and the Act respecting the Pension Plan of Elected Municipal Officers (chapter R-9.3) to the municipality, in particular as regards the remuneration of the chair and the borough councillors and the participation of the latter in the pension plan of elected municipal officers;

(7) the composition, functioning, powers and jurisdiction of the executive committee of the municipality;

(8) the rules that apply to the sharing of the powers and jurisdiction granted by an Act to the municipality between the council of the municipality and any borough council;

(9) the granting of jurisdiction, in the fields determined by the order, to the municipality and the sharing of the jurisdiction, where applicable, between the council of the municipality and the borough council;

(10) the mode of financing of a borough;

(11) any rule relating to labour relations, in particular as regards the sharing of the powers and responsibilities in respect of officers and employees between the council of the municipality and any borough council, and any special application of sections 125.13 to 125.26 or sections 176.1 to 176.30;

(12) any special financial or fiscal provision, in particular as regards the apportionment of the debts and surpluses of the former municipalities from which the municipality was formed, the approval of the loans of the municipality, and the limits on the tax variation in respect of a unit of assessment;

(13) the constitution of a transition committee different from the transition committee provided for in section 125.12, its composition, functioning, powers, in particular as regards contract and material resources management, its responsibilities and mode of financing and the rules that apply to the payment of the expenses arising from the committee's mandate; any rule that applies to the exercise of its power to borrow; the term of office of the transition committee and the power of the Minister of Municipal Affairs and Greater Montréal to extend that term for any period the Minister determines; any rule that applies to the powers of the transition committee to require any information, report or document from a municipality or a municipal or supramunicipal body affected by the amalgamation or any rule that applies to the use by the transition committee of the services of any officer or any employee of such a municipality or such a body and any rule that applies to the obligations of such a municipality or such a body and its officers and employees with respect to the transition committee; the power of that Minister to issue any directive to the transition committee with respect to the information to be provided to the citizens of the municipalities affected by the amalgamation;

(14) the date, which may be prior to the date of constitution of the municipality, of the first general election of the council of the municipality and the rules enabling the election to be conducted; the powers that the city council, the borough council, the mayor of the city or the executive committee of the city may exercise before the constitution of the city and the time as of which they may exercise those powers;

(15) any rule establishing the maintenance of certain rights, in particular as regards remuneration and severance allowances within the meaning of the Act respecting the remuneration of elected municipal officers (chapter T-11.001) and participation in the pension plan of elected municipal officers established under the Act respecting the Pension Plan of Elected Municipal Officers (chapter R-9.3), in respect of elected municipal officers whose term is shortened by the amalgamation and who do not become members of the council of the new municipality, and any rule relating to the allocation of the payment of expenses arising from the maintenance of those rights;

(16) any rule enabling, where applicable, the municipality to succeed to the rights and obligations of a regional county municipality and enabling the officers and employees of a regional county municipality to be governed by section 122 and any rule enabling the municipality to be considered as a regional county municipality for the purposes of any Act and providing for the modifications necessary for that purpose;

(17) any rule relating to the inclusion within the new municipality of any part of the adjacent territory of another local municipality that is not a party to the amalgamation or of any part of an adjacent unorganized territory, and any rule relating to the inclusion within a local municipality that is not a party to the amalgamation and whose territory is adjacent to the territory of the new municipality or is situated in an adjacent unorganized territory, of any adjacent part of the territory of a local municipality that is a party to the amalgamation or of any part of an unorganized territory that forms part of the territory of the new municipality;

(18) any rule governing relations between the new municipality and any regional county municipality part of the territory of which is transferred into the territory of the new municipality, in particular as regards the apportionment of assets and liabilities, and any rule prescribing the effects of the by-laws, resolutions and other acts of the regional county municipality in respect of the territory transferred into the territory of the new municipality;

(19) any rule specifying the effects of the amalgamation on the commitments made by a municipality that is a party to the amalgamation in respect of a municipality that is or is not a party to the amalgamation;

(20) the obligation for any municipality, supramunicipal body or any body of the municipality or the supramunicipal body to obtain the authorization of the Minister of Municipal Affairs and Greater Montréal to alienate property the value of which exceeds the value prescribed in the order;

(21) the power of the transition committee to enter into any agreement with a municipality to give effect to any provision made under such paragraphs 12, 16, 17 and 18.

If no agreement under subparagraph 21 of the first paragraph is entered into within the time fixed by the order, the Government may make an order to remedy such failure.

"125.28. The order referred to in section 125.27 must provide that the territory of a municipality that was recognized under section 29.1 of the Charter of the French language (chapter C-11) forms one or more boroughs, the overall boundaries of which correspond to the territory of that municipality.

The order must also, where it includes in the territory of the new municipality a part of the territory of a municipality that has been granted such recognition, provide that such part of the territory forms a borough or that it is part of a borough referred to in the first paragraph.

A borough referred to in this section shall retain that recognition until, at its request, the recognition is withdrawn by the Government pursuant to section 29.1 of that Charter.

Officers or employees of the city who exercise their functions or perform work in connection with the powers of a borough referred to in this section or recognized under section 29.1 of the Charter of the French language are, for the purposes of sections 20 and 26 of that Charter, deemed to be officers or employees of that borough.

"125.29. The order referred to in section 125.27 may also contain rules amending, where applicable, the orders constituting the regional county municipalities affected by the transfer of territory. In the case of a regional county municipality designated as a rural regional county municipality, those rules may pertain to the composition of its council, its mode of financing, its fields of jurisdiction and the establishment of committees of its council as well as their composition, fields of intervention and mode of operation.

"125.30. Notwithstanding section 214.3, the order referred to in section 125.27 is not limited, as regards the rules of municipal law it creates or as regards the derogations from any provision of an Act under the administration of the Minister of Municipal Affairs and Greater Montréal, from a special Act governing a municipality or from an act made under either Act, to having a transitional duration.

The Government may, within six months following the first general election in the new municipality, amend any order made under section 125.27.

"125.31. Every joint application for amalgamation may concern any of the matters referred to in section 125.27 other than the matter referred to in subparagraph 17 of the first paragraph of that section.

"125.32. The powers of the transition committee constituted under paragraph 13 of section 125.27 provided for in the order, or of the transition committee provided for in section 125.12, respecting the management of contracts and material resources apply, if applicable, notwithstanding sections 58 to 61 of the Public Administration Act (2000, chapter 8)."

144. Section 176.5 of the said Act, enacted by section 3 of chapter 27 of the statutes of 2000, is amended

(1) by adding "The vote may be held using an electronic voting system. The choice of the electronic voting system and the rules respecting the conduct of the polling shall be determined by the labour commissioner general." at the end of the second paragraph;

(2) by replacing "150" in the first line of the third paragraph by "180".

145. Section 176.6 of the said Act, enacted by section 3 of chapter 27 of the statutes of 2000, is amended by replacing "30" in the second line by"45".

146. Section 176.9 of the said Act, enacted by section 3 of chapter 27 of the statutes of 2000, is amended

(1) by replacing "150" in the third line of the first paragraph by "180";

(2) by replacing "the association or associations having presented an application, by holding a vote by secret ballot" in the third, fourth and fifth lines of the fifth paragraph by "the associations having presented an application, by a vote by secret ballot which may be held using an electronic voting system. Where there is only one association having presented an application, the labour commissioner shall certify that association unless the labour commissioner considers it necessary to first verify its representativeness by holding a vote by secret ballot or a vote using an electronic voting system, in particular where at least 40% of the employees in the bargaining unit the labour commissioner considers appropriate were not represented by a certified association on the date of coming into force of the order".

147. Section 176.13 of the said Act, enacted by section 3 of chapter 27 of the statutes of 2000, is amended by adding the following paragraph after the second paragraph:

"However, the Government may by order prescribe that the conditions of employment of any collective agreement it determines, in force on the date of coming into force of the amalgamation order or the maintenance of which, on that date, is provided for in section 59 of the Labour Code (chapter C-27), continue to apply, as of that date, to the employees bound by the collective agreement, but in the territory of the municipality described in the amalgamation order."

148. Section 176.27 of the said Act, enacted by section 182 of chapter 56 of the statutes of 2000, is amended by adding "or in respect of any existing municipal bureau referred to in section 254 of the Act to reform the municipal territorial organization of the metropolitan regions of Montréal, Québec and the Outaouais (2000, chapter 56)" at the end of subparagraph 5 of the first paragraph.

149. Section 210.24 of the said Act is amended by inserting the following paragraph after the first paragraph:

"However, in the case of a regional county municipality whose warden is elected in accordance with section 210.29.2, the council of the regional county municipality is composed of that warden, of the mayor of each local municipality whose territory is comprised in that of the regional county municipality and, where applicable, of any other representative of such local municipality, in accordance with the provisions of the order constituting the regional county municipality."

150. Section 210.25 of the said Act is replaced by the following section:

"210.25. Subject to section 210.29.1, the council of the regional county municipality shall, at its first sitting, elect the warden in accordance with section 210.26."

151. The said Act is amended by inserting the following sections after section 210.29:

"210.29.1. Every regional county municipality designated as a rural regional county municipality may, by by-law, order that the warden be elected in accordance with section 210.29.2.

The by-law must, on pain of absolute nullity, come into force during the calendar year preceding the calendar year in which the general election must be held in all the local municipalities to which Title I of the Act respecting elections and referendums in municipalities (chapter E-2.2) applies. The by-law may not be repealed.

The secretary-treasurer shall transmit an authenticated copy of the by-law to the chief electoral officer as soon as possible after its coming into force.

"210.29.2. In the case of a regional county municipality in respect of which the by-law provided for in section 210.29.1 has effect, the election for the office of warden must be held in the same year as the general election in all the local municipalities referred to in that section.

The provisions of the Act respecting elections and referendums in municipalities (chapter E-2.2) which relate to the election of the mayor, except the provisions of Chapters III and IV of Title I, apply to the election of the warden to the extent that they are consistent with such election, with the necessary modifications and in particular the following modifications:

(1) section 67 is replaced by the following section:

"67. A person is ineligible for office as warden if he is a candidate for office as member of the council of a local municipality or has been declared elected thereto for 30 days or less.";

(2) section 260 is amended by replacing the second paragraph by the following paragraph:

"The returning officer shall transmit a copy of the notice to each of the local municipalities whose territory is comprised in that of the regional county municipality.";

(3) section 511 is amended by inserting "the local municipalities whose territory is comprised in that of" after "council," in the second line of the first paragraph.

"210.29.3. The provisions of Chapters VIII to X of Title I of the Act respecting elections and referendums in municipalities (chapter E-2.2) apply in respect of the warden elected in accordance with section 210.29.2, with the necessary modifications and in particular the following modifications:

(1) section 300 is amended by inserting the following paragraph after paragraph 4:

"(4.1) if he was elected as warden, including by cooptation under section 336, while he was a member of the council of a local municipality and did not cease to hold that office thirty-one days after taking his oath of office as warden, as long as the plurality continues;";

(2) section 312 is amended by inserting "the local municipalities whose territory is comprised in that of" after "council," in the second line of the third paragraph."

152. The said Act is amended by inserting the following after section 210.60:

"CHAPTER V.1

"RURAL REGIONAL COUNTY MUNICIPALITIES

"210.60.1. The Government may designate as a rural regional county municipality any regional county municipality whose territory does not include a census agglomeration defined by Statistics Canada.

"210.60.2. Notwithstanding section 210.6, the name of a regional county municipality designated as a rural regional county municipality may include only the words "Communauté rurale" and a place-name."

153. The said Act is amended by inserting the following section after section 214.3:

"214.4. Section 110.2 applies in respect of any local municipality the amalgamation of whose territory is provided for by a special Act that has not taken effect or by proposed special legislation introduced by the Minister, as if that municipality were a party to a joint application for amalgamation the text of which has been published."

ACT RESPECTING THE PENSION PLAN OF ELECTED MUNICIPAL OFFICERS

154. Section 1 of the Act respecting the Pension Plan of Elected Municipal Officers (R.S.Q., chapter R-9.3) is amended by striking out "local" in the third line.

155. The heading of subdivision 1 of Division I of Chapter II of the said Act is replaced by the following heading:

"§1. — *General provisions applicable to local municipalities*".

156. Section 2 of the said Act is amended by inserting "local" before "municipality" in the first line of the first paragraph.

157. Section 3 of the said Act is amended by inserting "local" before "municipality" in the first line.

158. Section 4 of the said Act is amended

(1) by inserting "local" before "municipality" in the first line of the first paragraph;

(2) by inserting "local" before "municipality" in the first line of the third paragraph.

159. Section 5 of the said Act is amended by inserting "local" before "municipality" in the first line.

160. The heading of subdivision 2 of Division I of Chapter II of the said Act is amended by replacing "*Municipalities*" by "*Local municipalities*".

161. Section 6 of the said Act is amended by inserting "local" before "municipality" in the first line of the first paragraph.

162. Section 7 of the said Act is amended

(1) by inserting "local" before "municipality" in the first line of the first paragraph;

(2) by inserting "local" before "municipality" in the first line of the second paragraph.

163. Section 8 of the said Act is amended by inserting "local" before "municipality" in the first line.

164. The said Act is amended by inserting the following subdivision after section 8:

"§3. — *Regional county municipalities*

"8.1. Any regional county municipality whose warden is elected in accordance with section 210.29.2 of the Act respecting municipal territorial organization (chapter O-9) may, by by-law, adhere to this plan for the warden. The by-law may, in respect of the person who is warden at the time it is adopted, have retroactive effect from 1 January of the year in which it comes into force.

The by-law shall not be repealed, and no amendment made to it may have the effect of restricting the right of the warden to participate in the plan.

"8.2. A person who is elected as warden may continue his participation in this plan if he ceased to participate in it following his resignation from the office of member of the council to be a candidate for the office of warden.

To continue to participate, the warden must, within 30 days following the beginning of his term, give notice in writing to that effect to the regional county municipality and to the Commission. The notice shall maintain the warden's participation in this plan from the date on which he ceased to participate therein. From that date, the regional county municipality is deemed to have adhered to this plan in respect of the warden."

165. Section 11 of the said Act is amended by inserting "wardens," after "for" in the second line.

166. The said Act is amended by inserting the following after section 63:

"CHAPTER VI.0.1

"REDEMPTION OF YEARS OF SERVICE PRIOR TO 1989

"63.0.1. Every person who is a member of the council of a municipality that is party to the plan in that person's respect may obtain, for all or part of any year subsequent to 31 December 1974 and prior to 1 January 1989 during which the person was a member of the council of that municipality and did not participate in the plan, pension credits equivalent to those granted under the plan in respect of the person's pensionable salary determined in accordance with section 17.

Section 58 applies in respect of the pensionable salary referred to in this chapter.

"63.0.2. Every person referred to in section 63.0.1 must, in order to exercise the right provided for therein, apply to the Commission in writing. A copy of the application must be forwarded to the municipality of whose council the person is a member. The notice shall in particular indicate all the years or parts of years to which the application pertains. All or part of a year of past service referred to in section 63.0.1 that has not been the subject of an application for redemption may, subject to the second paragraph, be the subject of a subsequent application.

Every application for redemption made under this chapter must be received by the Commission on or before the ninetieth day following the date on which the person ceases to be a member of the council of the municipality.

"63.0.3. A person who exercises the right mentioned in section 63.0.1 must pay to the Commission the amount required in order to ensure that the cost of such redemption is entirely borne by the person in accordance with the terms and conditions determined by government regulation.

Section 61 applies in respect of the payment of an amount under the first paragraph.

"63.0.4. A person who is credited with years of service in accordance with this chapter is deemed, for every purpose other than the payment of surpluses, to have participated in the plan in respect of the years of credited service."

167. Section 64 of the said Act is amended by replacing "Government" in the first line of the second paragraph by "pension committee referred to in section 70.1".

168. The said Act is amended by inserting the following after section 70:

"CHAPTER IX.1

"COMITÉ DE RETRAITE DU RÉGIME DE RETRAITE DES ÉLUS MUNICIPAUX

"70.1. A pension committee called the "Comité de retraite du régime de retraite des élus municipaux" is hereby established.

The committee shall be composed of the chairman of the Commission and of six other members appointed by the Government for a period not exceeding two years. From among the six members, three shall be chosen on the joint recommendation of the Union des municipalités du Québec and the Fédération québécoise des municipalités locales et régionales (FQM). One of the members recommended must be a beneficiary of the plan.

"70.2. The committee is responsible for

(1) receiving the budget of the Commission pertaining to the administration of the plan and reports on the actuarial valuation of the plan;

(2) receiving, for review and report to the Commission, the draft financial statements of the plan;

(3) establishing, jointly with the Caisse de dépôt et placement du Québec, an investment policy in respect of the funds derived from the contributions of the members and the municipalities paid under the plan;

(4) appointing an independent actuary who will be responsible for reporting to the Minister on the validity of the assumptions on which the actuarial valuation of the plan is based;

(5) proposing to the Minister terms and conditions in respect of transfers between the plan and other plans;

(6) requiring from the Commission studies concerning the administration of the plan to the extent that the administrative expenses of the plan are not affected;

(7) advising the Minister and the Commission, and submitting recommendations concerning the implementation of the plan;

(8) designating the members of the review committee established under section 72.

"70.3. At the expiry of their term, the members of the committee shall remain in office until they are replaced or reappointed.

Any vacancy occurring during a term of office is filled according to the mode of appointment of the member to be replaced.

"70.4. The members of the committee are not remunerated.

However, the members, except the chairman and, where applicable, the vice-chairman of the Commission are entitled, according to the standards fixed by the Government, to an attendance allowance and reimbursement of justifiable expenses incurred by them in the exercise of their functions.

The sums referred to in the second paragraph shall be paid by the Commission and are deemed to be expenses referred to in section 81.

"70.5. The quorum of the committee is five members, including the chairman, two members from among the members chosen on the joint recommendation of the Union des municipalités du Québec and the Fédération québécoise des municipalités locales et régionales (FQM) and two members from among the members who are not the subject of the joint recommendation.

"70.6. The chairman of the committee is the chairman of the Commission.

The chairman is not entitled to vote unless there is a tie-vote.

"70.7. The secretary of the Commission is by virtue of office the secretary of the committee.

"70.8. The committee may make by-laws respecting the exercise of its powers and its internal management.

By-laws made under this section only come into force after being approved by the Government.

"70.9. The minutes of the sittings of the committee, approved by it and certified by the chairman, by the secretary or by any other person authorized to do so by the committee, are authentic.

Similarly, documents or copies emanating from the committee are authentic, if so certified.

"70.10. The employees of the Commission and its vice-chairman, except where the vice-chairman replaces the chairman, may not be members of the pension committee."

169. Section 72 of the said Act is amended by replacing the second paragraph by the following paragraph:

"The committee shall be composed of four members appointed by the Government who are designated by the pension committee to represent the Ministère des Affaires municipales et de la Métropole, the Commission, the Union des municipalités du Québec and the Fédération québécoise des municipalités locales et régionales (FQM)."

170. Section 75 of the said Act is amended by inserting the following subparagraph after subparagraph 5 of the first paragraph:

"(6) determine the procedure for the establishment of any redemption cost referred to in section 63.0.3."

171. The said Act is amended by inserting the following after section 76:

"CHAPTER XI.1

"DISTRIBUTION OF SURPLUS ESTABLISHED AT 31 DECEMBER 2000

"76.1. The 86.3 million dollars surplus of the plan, established at 31 December 2000, shall be distributed, in accordance with a government order, to the municipalities that, on that date, had become parties to the plan.

"76.2. The portion of the surplus distributed to an eligible municipality must be in proportion to the total amount of provisional contributions, with interest compounded annually, paid to the Commission by the municipality until 31 December 2000 in accordance with section 26 in relation to the contributions paid, with interest compounded annually, by all the municipalities referred to in section 76.1.

"76.3. A municipality to which a portion of the surplus has been distributed must contribute, in proportion to that portion, to the costs assumed for the administration of the plan mentioned in section 76.4 and to the costs of the supplementary benefits paid under the plan.

"76.4. The Union des municipalités du Québec and the Fédération québécoise des municipalités locales et régionales (FQM) must jointly establish a supplementary benefits plan providing for the payment of supplemental pension benefits to any person having participated in the plan at any time between 1 January 1989 and 31 December 2000.

The plan referred to in the first paragraph must, in particular, provide for the sums required of the municipalities referred to in section 76.3 or the computation method for determining those sums, the time limit within which any payment must be made, the rate of interest payable on any payable amount and the characteristics and conditions of any benefit to be paid.

"76.5. The supplementary benefits plan must be approved by the municipal union concerned. To come into force, it must be adopted by a government order.

"76.6. The supplementary benefits plan shall be administered by the Commission."

ACT RESPECTING THE SOCIÉTÉ D'HABITATION DU QUÉBEC

172. Section 1 of the Act respecting the Société d'habitation du Québec (R.S.Q., chapter S-8) is amended

(1) by inserting "and any regional county municipality that has affirmed its jurisdiction pursuant to article 678.0.1 or 678.0.6 of the Municipal Code of Québec (chapter C-27.1) with respect to the matters provided for in this Act" after "local municipality" in paragraph *a*;

(2) by inserting the following paragraph after paragraph *a*:

"(*a*.1) "bureau": a municipal housing bureau and a regional housing bureau;";

(3) by inserting "or regional housing bureau" after "bureau" in paragraph *b*.

173. Section 57 of the said Act is amended

(1) by inserting "and for the administration of housing immovables the provisional administration of which is entrusted to the Public Curator" after "income" at the end of the first sentence of subsection 1;

(2) by inserting "or a regional housing bureau, according to whether the petition has been filed by a local municipality or a regional county municipality" after "bureau" in the last line of subsection 1.

174. Section 58 of the said Act is amended by adding the following sentence at the end of the first paragraph: "However, such agreement is not required where the new bureau is a regional housing bureau constituted following a petition by the regional county municipality."

175. The said Act is amended by inserting the following sections after section 58:

"58.0.1. A municipal housing bureau shall be constituted in each local municipality constituted by the amalgamation of territories of local municipalities. On the date fixed by the Government, the bureau succeeds any other housing bureau then existing in those territories, which is dissolved from that date.

The first paragraph does not apply if none of the municipal territories amalgamated is served by a municipal housing bureau on the effective date of the amalgamation.

"58.0.2. The Government may, by order, make any rule derogating from subsection 1 of section 57 that is necessary to ensure the constitution of the municipal housing bureau and the appointment of its directors and officers.

It may also order that the Société is authorized to guarantee the repayment of any loan made by such a bureau, up to the amount it fixes.

"58.0.3. A bureau to which an order under section 58.0.2 applies may, to enable the preparation of its budget and prepare the integration of the employees of the municipal housing bureaus it is to succeed, require all the information and documents it considers necessary from those municipal housing bureaus.

"58.0.4. Section 58.0.1 does not apply where the decision relating to the amalgamation of local municipalities so provides. In that case, the Government may, by order, make any rule derogating from subsection 1 of section 57, section 57.1 or the first paragraph of section 58 and in respect of the constitution of a new municipal housing bureau, its succeeding any existing municipal housing bureau in those territories, the number of its provisional administrators, their appointment and the appointment of its officers.

Where the amalgamation occurs during a fiscal year, the Government may, by order, make any rule applicable to the fiscal year in which the amalgamation is effected that applies to separate management of the budgets of each bureau and to separate posting of their expenditures and of their revenues, if any.

"58.0.5. On the day on which a municipal housing bureau constituted pursuant to section 58.0.1 or 58.0.4 is to succeed an existing municipal housing bureau, the third and fourth paragraphs of section 58 apply, with the necessary modifications.

"58.0.6. An order made under section 58.0.1, under the first paragraph of section 58.0.2 or under section 58.0.4 comes into force on the date of its publication in the *Gazette officielle du Québec* or on any later date fixed therein.

An order made under the second paragraph of section 58.0.2 comes into force on the date of its publication in the *Gazette officielle du Québec* and ceases to have effect on the date fixed pursuant to section 58.0.1.

"58.0.7. The employees of a bureau extinguished under section 58 or 58.0.1 become, without salary reduction, employees of the new bureau and shall retain their seniority and employee benefits and, in particular, continue to be members of the pension plan in which they were members prior to the constitution of the new bureau. No such employee may be laid off or dismissed solely by reason of the constitution of the new bureau."

176. Section 61 of the said Act is amended by striking out "municipal" in the third line.

177. The said Act is amended by striking out "municipal housing" in the second line of the fourth paragraph of section 51, the first line of section 57.1, the first line of the second paragraph of section 60, the first line of section 62, the first line of the first paragraph and the third line of the third paragraph of section 63, the second line of subparagraph *g* of the first paragraph of section 86 and the second line of the fourth paragraph of section 90.

178. The said Act is amended by striking out "Municipal housing" in the first line of the first paragraph of section 58.1, and "municipal housing" in the first line of subparagraph *b* and of subparagraph *c* of the first paragraph of section 60 and the second line of subparagraph *b* of the first paragraph of section 86.

ACT RESPECTING THE SOCIÉTÉ DE PROMOTION ÉCONOMIQUE DU QUÉBEC MÉTROPOLITAIN

179. Section 2 of the Act respecting the Société de promotion économique du Québec métropolitain (R.S.Q., chapter S-11.04) is replaced by the following section:

"2. The territory in which the Société shall exercise its activities shall consist of the territory of the Communauté métropolitaine de Québec."

180. Section 4 of the said Act is amended

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

"(1) ten members having the right to vote, appointed by the Communauté métropolitaine de Québec;";

(2) by replacing the first sentence of the second paragraph by the following sentence: "The Communauté métropolitaine de Québec may designate a substitute for each member appointed by it."

181. Section 13 of the said Act is amended by striking out ", which must include the votes of at least one-half of the members present appointed by the regional county municipalities" in the second and third lines.

182. Section 17 of the said Act is amended by striking out the second sentence.

183. Section 28 of the said Act is replaced by the following section:

"28. The sums shown as revenues in the budget estimates which are not otherwise provided for shall constitute the contribution of the Communauté métropolitaine de Québec."

184. Section 29 of the said Act is replaced by the following section:

"29. Before 15 September each year, the Société must submit its budget estimates for the next fiscal year to the Communauté métropolitaine de Québec.

The budget estimates must be approved by the Community not later than 31 October.

If, on 15 December, the budget estimates of the Société have not been approved by the Community, the budget estimates for the preceding fiscal year shall be renewed."

185. Section 30 of the said Act is amended

(1) by replacing "urban community and the regional county municipalities shall each pay their share" in the first and second lines by "Communauté métropolitaine de Québec shall pay its contribution";

(2) by replacing "urban community and the regional county municipalities" in the fourth and fifth lines by "Communauté métropolitaine de Québec".

186. Section 32 of the said Act is amended by replacing "urban community and to the regional county municipalities" in the second and third lines by "Communauté métropolitaine de Québec".

187. Section 34 of the said Act is amended by replacing "urban community and the regional county municipalities" in the second and third lines by "Communauté métropolitaine de Québec".

ACT RESPECTING THE REMUNERATION OF ELECTED MUNICIPAL OFFICERS

188. Section 11 of the Act respecting the remuneration of elected municipal officers (R.S.Q., chapter T-11.001) is amended by striking out the third paragraph.

189. Section 16 of the said Act is amended by adding the following paragraph at the end:

"The annual remuneration which the warden elected in accordance with section 210.29.2 of the Act respecting municipal territorial organization (chapter O-9) is entitled to receive shall not be less than $30,000."

190. Section 22 of the said Act is amended by replacing "$11,868" in the second line of the first paragraph by "$12,868".

191. Section 30.0.3 of the said Act is amended by adding the following paragraph:

"In the case of committees on which persons who are not members of the council of the regional county municipality also sit, the by-law referred to in the first paragraph shall, in respect of such persons, provide for the same conditions as those in respect of the committee members who are members of the council of the regional county municipality."

192. Section 30.1 of the said Act is amended by adding the following paragraph after the sixth paragraph:

"This section applies, with the necessary modifications, to a regional county municipality in respect of its warden elected in accordance with section 210.29.2 of the Act respecting municipal territorial organization (chapter O-9)."

193. Section 31 of the said Act is amended

(1) by striking out "local" in the first line of the first paragraph;

(2) by inserting "as warden elected in accordance with section 210.29.2 of the Act respecting municipal territorial organization (chapter O-9) or" after "office" in the third line of the first paragraph;

(3) by inserting "warden," after "office as" in the third line of the third paragraph;

(4) by inserting "warden," after "office as" in the sixth line of the third paragraph.

194. Section 32 of the said Act is amended

(1) by striking out "local" in the second line of the first paragraph;

(2) by striking out "local" in the first line of the second paragraph.

CHARTER OF THE CITY OF MONTRÉAL

195. Article 110.9 of the Charter of the city of Montréal (1959-60, chapter 102), replaced by section 6 of chapter 74 of the statutes of 1995, is amended by striking out subparagraph 2 of the first paragraph.

196. The said charter is amended by inserting the following article after article 110.9:

"110.9.1. Every ward council shall publicly examine and make recommendations to the executive committee within the time the executive committee prescribes on the following matters:

(1) all draft zoning by-laws;

(2) all draft by-laws referred to in article 612*a*;

(3) all draft by-laws referred to in subparagraphs *d*, *dd* and *e* of paragraph 2 of article 524;

(4) any draft amendment to the planning program.

The first paragraph does not apply in respect of a draft by-law or draft amendment concerning the territory of Ville-Marie borough described in Schedule "D" or in respect of a draft by-law or draft amendment that concerns more than one ward.

For the purposes of the public examination mentioned in the first paragraph, the ward council shall receive comments from interested persons."

197. Article 110.13 of the said charter, replaced by section 6 of chapter 74 of the statutes of 1995, is amended by replacing "article 110.8" in subparagraph 5 of the first paragraph by "articles 110.8 and 110.9.1".

198. Article 110.19 of the said charter, replaced by section 6 of chapter 74 of the statutes of 1995 and amended by section 107 of chapter 44 of the statutes of 1997, is replaced by the following article:

"110.19. The commission shall publicly examine and make recommendations to the executive committee within the time the executive committee prescribes on the draft by-laws mentioned in the first paragraph of article 110.9.1 concerning the territory of Ville-Marie borough described in Schedule "D" or concerning more than one ward.

The commission shall also publicly examine and make recommendations to the executive committee on any other matter on which the latter requests its opinion."

199. The said charter is amended by adding the following schedule after Schedule "C":

"SCHEDULE "D"

Ville-Marie Borough

The part of the territory of the city delimited on the north by Chemin Remembrance, from the boundary of Ville d'Outremont to a line that is an extension of the west boundary of Ville d'Outremont, by that line to the boundary of Ville d'Outremont, along that boundary to Mont-Royal avenue, by Mont-Royal avenue to Du Parc avenue, by Du Parc avenue to Des Pins avenue, by Des Pins avenue to Saint-Laurent boulevard, by Saint-Laurent boulevard to Sherbrooke street, by Sherbrooke street to Amherst street, by Amherst street to Saint-Antoine street, by Saint-Antoine street to Notre-Dame street, by Notre-Dame street westerly to the meeting point with the boundary of the property of Les Compagnies Molson Ltée, that property line to the meeting point with the west boundary of the right of way of Panet street, that boundary and its extension to the St. Lawrence River, by the St. Lawrence River easterly so as to include Île Notre-Dame and Île Sainte-Hélène to the boundary of Ville de Longueuil and Ville de Saint-Lambert, along that boundary to the Victoria bridge, by the Victoria bridge to Autoroute Bonaventure, by Autoroute Bonaventure to the intersection with Mill street, from that point to the Lachine Canal, by the Lachine Canal to the meeting point with the extension of Guy street, along that line to Guy street, by Guy street to the CP railway line, along that railway line to the boundary of Ville de Westmount, by that boundary to Chemin Remembrance."

CHARTER OF THE CITY OF LAVAL

200. Section 28*a* of the Charter of the City of Laval (1965, 1st session, chapter 89), enacted by section 3 of chapter 34 of the statutes of 1984, is repealed.

ACT RESPECTING THE COMMUNAUTÉ MÉTROPOLITAINE DE MONTRÉAL

201. Section 6 of the Act respecting the Communauté métropolitaine de Montréal (2000, chapter 34), amended by section 9 of chapter 56 of the statutes of 2000, is again amended by replacing the first paragraph by the following paragraph:

"6. The secretary of the Community shall convene a meeting of the mayors of each local municipality whose territory is situated within both the territory of a regional county municipality of the group and the territory of the Community to elect any member of the council referred to in section 5. The convening shall be effected in the same manner as when convening a special meeting of the council of the Community."

202. Section 7 of the said Act, amended by section 10 of chapter 56 of the statutes of 2000, is again amended by replacing the second paragraph by the following paragraph:

"Any decision made under the first paragraph and the decision designating a member of the council of the Community shall be made by a simple majority vote."

203. Section 49 of the said Act is amended by replacing "cast by its members" in the third line by "cast".

204. Section 106 of the said Act is amended

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

"106. The following contracts may be awarded only in accordance with section 108 if they involve an expenditure of $100,000 or more and are not covered by paragraph 2 of section 112.2:

(1) insurance contracts;

(2) contracts for the performance of work;

(3) contracts for the supply of materials or equipment, including contracts for the lease of equipment with an option to purchase;

(4) contracts for the providing of services other than professional services

(*a*) referred to in paragraph 1 of section 112.2;

(*b*) necessary for the purposes of a proceeding before a tribunal, a body or a person exercising judicial or adjudicative functions.

Contracts covered by any of the subparagraphs of the first paragraph or by section 112.2 may be awarded only in accordance with section 107 if they involve an expenditure of at least $25,000 and of less than $100,000.";

(2) by replacing "The first paragraph does not apply" in the second paragraph by "The first two paragraphs do not apply";

(3) by striking out subparagraph 3 of the second paragraph;

(4) by replacing the third paragraph by the following paragraph:

"A contract which, as a result of an exception provided for in subparagraph 2 of the third paragraph of section 108, is not a supply contract for the purposes of the second paragraph of that section, is not a contract for the supply of equipment or materials for the purposes of subparagraph 3 of the first paragraph of this section."

205. Section 107 of the said Act is amended

(1) by replacing "first" in the second line by "second";

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

"Subject to section 109, the Community may not, without the prior authorization of the Minister, award the contract to any person other than the person who submitted the lowest tender within the prescribed time. However, where it is necessary, to comply with the conditions for a government grant, that the contract be awarded to a person other than the person who submitted the lowest tender within the prescribed time, the Community may, without the authorization of the Minister, award the contract to the person whose tender is the lowest among the tenders submitted within the prescribed time that fulfil the conditions for the grant."

206. Section 112 of the said Act is amended by inserting "and section 112.1" after "108" in the first line.

207. The said Act is amended by inserting the following sections after section 112:

"112.1. The Government shall, by regulation, establish the rules relating to the awarding of a contract referred to in section 112.2.

The regulation shall determine whether such a contract is to be awarded after a call for public tenders published in an electronic tendering system approved by the Government, after a call for tenders by way of an advertisement published in a newspaper or after the use of a register of suppliers.

Where the regulation determines that the contract is to be awarded after the use of a register of suppliers, it must designate the body responsible for the establishment of the register and for its management and financing and must set out, in particular, the rules that apply to the registration of suppliers and to their selection as suppliers who may tender.

In each case, the regulation must establish a rate schedule fixing the maximum hourly rate that may be paid by the Community.

"112.2. The following contracts, if they involve an expenditure of $100,000 or more, must be awarded in accordance with the regulation under section 112.1:

(1) a contract for the supply of services that can, under an Act or a regulation, be provided only by a physician, dentist, nurse, pharmacist, veterinary surgeon, engineer, land surveyor, architect, chartered accountant, advocate or notary, except if the service is necessary for the purposes of a proceeding before a tribunal, or a body or person exercising judicial or adjudicative functions;

(2) a contract whose purpose is to obtain energy savings for the Community, where it involves both the providing of professional services and the performance of work or the supply of equipment, materials or services other than professional services.

"112.3. The Community may not divide into several contracts having similar subject matter an insurance contract or a contract for the performance of work, the supply of equipment or materials or the providing of services other than professional services necessary for the purposes of a proceeding before a tribunal, or a body or person exercising judicial or adjudicative functions, unless the division is warranted on grounds of sound administration."

208. Section 113 of the said Act is amended

(1) by inserting "or otherwise than in accordance with the regulation under section 112.1" after "tenders" in the third line of the first paragraph;

(2) by inserting "or rather than as required in the regulation" after "newspaper" in the fourth line of the first paragraph.

209. Section 118 of the said Act is amended by striking out "other than professional services" in the sixth line of the first paragraph.

210. Section 139 of the said Act is amended by replacing "by by-law, adopt" in the second line by "by a by-law adopted by a two-thirds majority of the votes cast, adopt".

211. Section 153 of the said Act is amended by striking out "municipal" in the third line of the first paragraph and in the second line of the second paragraph.

212. Section 157.1 of the said Act, enacted by section 47 of chapter 56 of the statutes of 2000, is amended

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

"157.1. The Community may, by a by-law adopted by a two-thirds majority of the votes cast, designate equipment as being of metropolitan scope and establish the rules applicable to the management of the equipment, the financing of the expenditures related thereto and the sharing of the income it generates.

For the purposes of the first paragraph, all equipment belonging to a local municipality whose territory is situated within the territory of the Community or to a mandatary of that municipality may be designated as being of metropolitan scope.";

(2) by replacing the third paragraph by the following paragraph:

"The first, second and third paragraphs apply, with the necessary modifications, in respect of an infrastructure, service or activity but do not apply in respect of equipment acquired or built by the municipality or its mandatary before 1 January 2001."

213. Section 264 of the said Act, amended by section 66 of chapter 56 of the statutes of 2000, is replaced by the following section:

"264. Until the coming into force of the metropolitan land use and development plan, the Minister of Municipal Affairs and Greater Montréal shall, before giving an opinion under any of sections 51, 53.7, 56.4, 56.14 and 65 of the Act respecting land use planning and development (R.S.Q., chapter A-19.1) to a regional county municipality whose territory is situated entirely or partially within the territory of the Communauté métropolitaine de Montréal, request the Community's opinion on the document submitted to it.

In the case of an opinion referred to in any of sections 51, 53.7 and 65 of the Act respecting land use planning and development, the Community's opinion must be received by the Minister within 45 days of the Minister's request, and a period of 105 days applies to the Minister rather than the 60-day period provided for in those sections; in the case of an opinion referred to in section 56.4 or 56.14 of that Act, the Community's opinion must be received by the Minister within 60 days of the Minister's request, and a period of 180 days applies rather than the 120-day period provided for in those sections.

The first two paragraphs do not apply where the Minister gives an opinion

(1) pursuant to section 53.7 of the Act respecting land use planning and development in respect of a by-law referred to in the second paragraph of section 53.8 of that Act;

(2) pursuant to section 56.14 of the Act respecting land use planning and development in respect of a revised plan adopted following a request made by the Minister pursuant to the second paragraph of that section.

In addition to reasons relating to the government aims or guidelines referred to in those sections, an objection or disapproval expressed by the Minister under any of the sections referred to in the first paragraph may be based on the opinion of the Community."

214. Section 266 of the said Act is amended by replacing "as if it were an updating provided for in" in the third line of the third paragraph by "either under".

ACT TO AGAIN AMEND VARIOUS LEGISLATIVE PROVISIONS RESPECTING MUNICIPAL AFFAIRS

215. Section 119 of the Act to again amend various legislative provisions respecting municipal affairs (2000, chapter 54) is amended

(1) by inserting “or the first paragraph of section 13 of chapter 27 of the statutes of 2000” after “chapter O-9)” in the fourth line of the first paragraph;

(2) by inserting “the day after” after “preceding” in the fifth line of the first paragraph;

(3) by inserting “or 13” after “125.10” in the second line of the second paragraph.

216. Section 140 of the said Act is amended

(1) by inserting “, where the municipality concerned has fixed, under section 244.29, a rate specific to the category provided for in section 244.33,” after “is” in the fifth line of the first paragraph;

(2) by striking out “and resulting from the fixing, under section 244.29, of a rate specific to the category” in the third, fourth and fifth lines of subparagraph 1 of the second paragraph;

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

217. Section 145 of the said Act is amended by replacing “d’unité” in the first line of the third paragraph of the French text by “d’une unité”.

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

218. Section 100 of the Act to reform the municipal territorial organization of the metropolitan regions of Montréal, Québec and the Outaouais (2000, chapter 56) is replaced by the following section:

“100. The said Act is amended by inserting the following section after section 264.0.1:

“264.0.2. Ville de Hull-Gatineau is subject both to the provisions of this Act that concern regional county municipalities and to the provisions concerning local municipalities, subject to the necessary modifications. The powers and responsibilities conferred by that Act on the warden, the council and the secretary-treasurer of a regional county municipality shall be exercised, respectively by the mayor, the city council and the clerk.

However, the examination of the conformity of the planning program or of a planning by-law with the city’s development plan shall be effected in accordance with sections 59.5 to 59.9 and 137.10 to 137.14, with the necessary modifications, rather than in accordance with sections 109.6 to 110 in the case of the planning program or sections 137.2 to 137.8 in the case of by-laws.

The planning program and planning by-laws of the city are all the programs and by-laws in force on 31 December 2001 in the local municipalities to which the city succeeds.”.”

219. Section 154 of the said Act is amended by replacing “244.49” in the first line by “244.51”.

220. Section 195 of the French text of the said Act is amended by replacing paragraph 2 by the following paragraph:

“2° par le remplacement, dans la troisième ligne du troisième alinéa, des mots «la municipalité sur le territoire de laquelle» par les mots «l’arrondissement dans lequel»;”.

221. Section 201 of the said Act is replaced by the following section:

“201. Section 397.2 of the said Act is amended by replacing “municipalities whose territories are comprised in the territory of an urban community” in the fifth and sixth lines of the first paragraph by “local municipalities referred to in subparagraph 3 of the first paragraph of that section”.”

222. Section 214 of the French text of the said Act is amended by striking out the second “de” in the third line.

223. The said Act is amended by inserting the following section after section 217:

“217.1. Section 1 of the Act to prohibit commercial advertising along certain thoroughfares (2000, chapter 58) is amended by striking out “or any territory within the territory of an urban community” in the fourth and fifth lines of the first paragraph.”

224. Section 219 of the said Act is amended by striking out paragraph 16.

225. The said Act is amended by inserting the following sections after section 232:

“232.1. The city council or any borough council, the mayor and the executive committee of any city constituted by this Act may, from the time the majority of the candidates elected as members of that council at the general election of 4 November 2001 have taken their oath of office, make any decision relating to the organization and functioning of the city, of the borough or of the executive committee, the sharing of powers between the city and the boroughs, or the delegation of any power to the executive committee or to officers that is, from 1 January 2002, under the responsibility or within the field of jurisdiction, as the case may be, of that council, the mayor or the executive committee, except decisions, relating to those responsibilities or to such a field of jurisdiction, which the law assigns to the transition committee.

The decisions referred to in the first paragraph take effect on 1 January 2002 unless they concern the designation of any borough chair or of any member of the executive committee, as the case may be.

"232.2. The council of Ville de Montréal, the council of Ville de Québec, the council of Ville de Longueuil or the council of Ville de Lévis constituted by this Act may, during any meeting held before 1 January 2002, designate from among its members the persons who will become, as of 1 January 2002, members of the Communauté métropolitaine de Montréal or of the Communauté métropolitaine de Québec, as the case may be.

"232.3. The regional county municipalities referred to in Schedule IV to the Act respecting the Communauté métropolitaine de Montréal (2000, chapter 34), as amended by section 80 of this Act, may designate, as of 4 November 2001, from among the mayors of the municipalities whose territory is situated within both the territory of the Communauté métropolitaine de Montréal and the territory of a regional county municipality mentioned in Schedule IV as amended, the members of the council of the Community who will represent them, as of 1 January 2002, on the council of the Community.

The provisions of the Act respecting the Communauté métropolitaine de Montréal applicable to those designations as of 1 January 2002 apply to any designation referred to in the first paragraph.

"232.4. The council of the Communauté métropolitaine de Québec may, as soon as a majority of its members are in office, make any decision in relation to the organization and operation of the Community that is within the powers of the council. In addition, as soon as a majority of their members are in office, the executive committee and any council committee may make any decision concerning their organization and operation.

Every decision referred to in the first paragraph takes effect on 1 January 2002 unless it concerns the designation of a member of the executive committee or a council committee."

226. The said Act is amended by replacing section 233 by the following sections:

"233. The Government may create a program providing that every member of the council of a local municipality referred to in section 5 of any of Schedules I to V, whose term of office ends solely by reason of the local municipality ceasing to exist on 31 December 2001, may receive compensation and continue membership in the Pension Plan of Elected Municipal Officers in accordance with sections 233.1 to 233.5.

Every right under the first paragraph shall cease to apply to a person in respect of any period, beginning on 1 January 2002, during which the person holds office as a member of the council of a municipality in the territory of Québec.

"233.1. The amount of the compensation provided for in section 233 is based on the remuneration fixed on 15 November 2000 under the Act respecting the remuneration of elected municipal officers (R.S.Q., chapter T-11.001) in respect of the office held by the person referred to in the first paragraph of section 233 on 31 December 2001 and to which, where applicable, is applied any adjustment of remuneration provided for by a by-law of the council of a local municipality to which the first paragraph of section 233 refers, that came into force on or before 15 November 2000.

The amount of the compensation is also based on the remuneration that the person referred to in the first paragraph of section 233 was receiving on 15 November 2000, directly from a mandatary body of the municipality or a supramunicipal body within the meaning of sections 18 and 19 of the Act respecting the Pension Plan of Elected Municipal Officers (R.S.Q., chapter R-9.3).

In the case of a person who is a member of the council of a local municipality to which the first paragraph of section 233 refers, whose territory was situated within the territory of the Communauté métropolitaine de Montréal, the remuneration applicable for the purposes of the second paragraph is the remuneration the person was receiving on 31 December 2001. If on that date the person was receiving remuneration from both the Communauté urbaine de Montréal and the Communauté métropolitaine de Montréal, the remuneration applicable for the purposes of the second paragraph is the greater of the two on that date.

The compensation established pursuant to the first, second and third paragraphs, excluding the part described in the fifth paragraph, may not be greater, on an annual basis, than the maximum remuneration payable under section 21 of the Act respecting the remuneration of elected municipal officers.

The compensation must also, where applicable, include any amount corresponding to the provisional contribution payable under section 26 of the Act respecting the Pension Plan of Elected Municipal Officers that the local municipality, mandatary body of the municipality or supramunicipal body would have been required to pay in relation to the remuneration provided for in the first and second paragraphs in respect of the person referred to in the first paragraph of section 233.

"233.2. The compensation shall be paid by the new city whose territory comprises the territory of the former municipality in which the person referred to in the first paragraph of section 233 was a council member, in bi-monthly payments during the period beginning on 1 January 2002 and ending on the date on which the first general election would have been held following the expiry of the term of office in progress on 31 December 2001.

The person eligible for compensation may agree with the new city on any other manner of payment of the compensation.

"233.3. The Government shall participate in the financing of one-half of the expenses representing the payment of the part of compensation referred to in section 233.1 that is based on the basic remuneration or, as the case may be, on the minimum annual remuneration, provided for in the Act respecting the remuneration of elected municipal officers (R.S.Q., chapter T-11.001), of the person eligible under the program and on the amount of the provisional contribution payable in respect of that part of the compensation.

The Government shall forward every amount corresponding to the part of the expenses to which the Government must contribute to the new city whose territory comprises the territory of the former municipality in which the person eligible for the compensation was a council member.

"233.4. The balance of the expenses representing the payment of the compensation including, where applicable, the provisional contribution, constitutes a debt that is a burden on the taxable immovables situated in the part of the territory of the city corresponding to the territory of the local municipality to which the first paragraph of section 233 refers, in which the person eligible under the program was a council member.

"233.5. Every person referred to in section 233 who, on 31 December 2001, is a member of the Pension Plan of Elected Municipal Officers established under the Act respecting the Pension Plan of Elected Municipal Officers (R.S.Q., chapter R-9.3) shall continue to be a member of that plan for the period mentioned in the first paragraph of section 233.2. However, the member may, before 15 February 2002, notify the new city of the person's choice to cease membership in the plan. The person must forward a copy of the notice to the Commission administrative des régimes de retraite et d'assurances as soon as possible. Membership in the plan of the person giving the notice ceases on 1 January 2002.

The pensionable salary of a person continuing to be a member of the plan pursuant to section 233 is equal to the amount of the compensation paid to the person in the period mentioned in the first paragraph of section 233.2, less any amount of the compensation payable as a provisional contribution. In such case, the provisional contribution shall be paid by the city to the Commission administrative des régimes de retraite et d'assurances at the same time as the member's contribution which the city must withhold on each payment of compensation.

A person electing to terminate membership in the pension plan referred to in the first paragraph shall retain entitlement to the portion of the compensation relating to the provisional contribution.

"233.6. No local municipality referred to in section 5 of any of Schedules I to V may adopt a by-law under section 31 of the Act respecting the remuneration of elected municipal officers (R.S.Q., chapter T-11.001).

The first paragraph has effect from 15 November 2000."

227. Section 247 of the said Act is amended

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

"However,

(1) the examination of the conformity of the planning program or of a by-law adopted by the city council with the city's development plan shall be effected in accordance with sections 59.5 to 59.9 and 137.10 to 137.14 of the Act respecting land use planning and development, with the necessary modifications, rather than in accordance with sections 109.6 to 110 of that Act in the case of the planning program or sections 137.2 to 137.8 of that Act in the case of by-laws;

(2) the examination of the conformity of a by-law adopted by the city council with the city's development plan shall be effected in accordance with sections 137.2 to 137.8 subject to the necessary modifications and to the modifications applicable under the second paragraph of section 133 of Schedule I.";

(2) by replacing the fourth paragraph by the following paragraph:

"The planning program and planning by-laws of Ville de Montréal are all the programs and by-laws in force on 31 December 2001 in the local municipalities to which the city succeeds. The program and by-laws of the former Ville de Montréal which are validly in force on that date are deemed to be in conformity with the city's development plan notwithstanding the absence of an assessment of conformity in their regard."

228. Section 248 of the said Act is amended

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

"However, the examination of the conformity of the planning program or of a planning by-law with the city's development plan shall be effected in accordance with sections 59.5 to 59.9 and 137.10 to 137.14 of the Act respecting land use planning and development, with the necessary modifications, rather than in accordance with sections 109.6 to 110 of that Act in the case of the planning program or sections 137.2 to 137.8 of that Act in the case of by-laws.";

(2) by replacing the fourth paragraph by the following paragraph:

"The planning program and planning by-laws of Ville de Québec are all the programs and by-laws in force on 31 December 2001 in the local municipalities to which the city succeeds. The city must, before 1 January 2004, amend its planning program to render it applicable to the part of its territory formed of the territory of the former Ville de Québec."

229. Section 249 of the said Act is amended

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

"However, the examination of the conformity of the planning program or of a planning by-law with the city's development plan shall be effected in accordance with sections 59.5 to 59.9 and 137.10 to 137.14 of the Act respecting land use planning and development, with the necessary modifications, rather than in accordance with sections 109.6 to 110 of that Act in the case of the planning program or sections 137.2 to 137.8 of that Act in the case of by-laws.";

(2) by replacing the fourth paragraph by the following paragraph:

"The planning program and planning by-laws of Ville de Longueuil are all the programs and by-laws in force on 31 December 2001 in the local municipalities to which the city succeeds."

230. Section 250 of the said Act is amended

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

"However, the examination of the conformity of the planning program or of a planning by-law with the city's development plan shall be effected in accordance with sections 59.5 to 59.9 and 137.10 to 137.14 of the Act respecting land use planning and development, with the necessary modifications, rather than in accordance with sections 109.6 to 110 of that Act in the case of the planning program or sections 137.2 to 137.8 of that Act in the case of by-laws.";

(2) by replacing the fourth paragraph by the following paragraph:

"The planning program and planning by-laws of Ville de Lévis are all the programs and by-laws in force on 31 December 2001 in the local municipalities to which the city succeeds."

231. Section 252 of the said Act is amended

(1) by striking out "solely" in the third line of the first paragraph;

(2) by replacing the second paragraph by the following paragraph:

"Every reference to the Communauté métropolitaine de Québec in sections 102, 103, 186, 205 and 221 has effect, notwithstanding the coming into force of those sections, as of 1 January 2002."

232. Section 253 of the said Act is amended by striking out "amended," in the seventh line.

233. Section 255 of the said Act is amended by striking out "or section 58" in the second line of the first paragraph.

234. The said Act is amended by inserting the following section after section 255:

"255.1. The following rules apply to a municipal housing bureau constituted pursuant to section 254:

(1) from 1 January 2002, the third and fourth paragraphs of section 58 of the Act respecting the Société d'habitation du Québec (R.S.Q., chapter S-8) apply, with the necessary modifications;

(2) the Société is authorized to guarantee the repayment of any loan made by the bureau before 1 January 2002, up to $100,000;

(3) to enable the preparation of its budget for the fiscal year 2002 and prepare the integration of the employees of the municipal housing bureaus which it succeeds from 1 January 2002, the bureau may require all the information and documents it considers necessary from those bureaus."

235. The said Act is amended by inserting the following section after section 256:

"256.1. The mayor of each of the new cities constituted by this Act shall, at the sitting of the council at which the mayor makes the first report under section 474.1 of the Cities and Towns Act (R.S.Q., chapter C-19), table a list of all the contracts involving an expenditure of more than $25,000 entered into by the new city and of the contracts entered into by each local municipality to which the new city succeeds since the last tabling of the list by the mayor of the local municipality."

236. Section 5 of Schedule I to the said Act is amended by striking out ", to the extent provided for in this Act or in any order of the Government made under section 9," in the first and second lines of the first paragraph.

237. Section 6 of Schedule I to the said Act is amended

(1) by striking out "amended," in the fifth line;

(2) by inserting "council" after "borough" in the seventh line.

238. Section 8 of Schedule I to the said Act is amended

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

"8. The debts and any category of surplus of each of the municipalities referred to in section 5 shall continue to burden or be credited to the immovables taxable in their respect on 31 December 2001 and that are situated in the part of the territory of the city which corresponds to the territory of that municipality.

The amounts required after 31 December 2001, in relation to a sum determined pursuant to subparagraph 4 of the second paragraph of section 137 of the Supplemental Pension Plans Act (R.S.Q., chapter R-15.1) in respect of a pension plan to which a municipality referred to in the first paragraph was a party or in relation to the amortization of any unfunded actuarial liability of such a plan, shall continue to burden the taxable immovables situated in the part of the territory of the city which corresponds to the territory of that municipality. The contributions paid after 31 December 2001, in relation to the obligations arising from a pension plan not subject to the Supplemental Pension Plans Act to which a municipality referred to in the first paragraph was a party, in respect of years of past service before 1 January 2002 shall continue to burden the taxable immovables situated in the part of the territory of the city which corresponds to the territory of that municipality.

The date of the determination of a sum pursuant to subparagraph 4 of the second paragraph of section 137 of the Supplemental Pension Plans Act or of an unfunded actuarial liability provided for in the second paragraph must be earlier than 21 June 2001. In addition, in the case of an improvement unfunded actuarial liability, the amendment must have been made before 1 January 2002. However, if a pension plan still has such a sum or unfunded actuarial liability on the date of its division, merger or termination, the contributions paid by the city for that purpose after that date are deemed to be paid in respect of any sum or the amortization of any liability to which the second paragraph refers.";

(2) by inserting ", as the case may be, all or any portion of" after "burden" in the fourth line of the second paragraph.

239. Schedule I to the said Act is amended by adding the following sections after section 8:

"8.1. Every intermunicipal agreement, other than the agreement referred to in section 203, providing for the establishment of an intermunicipal management board composed exclusively of municipalities referred to in section 5 shall terminate on 31 December 2001, notwithstanding any inconsistent provision mentioned in the agreement.

Notwithstanding sections 468.48 and 468.49 of the Cities and Towns Act (R.S.Q., chapter C-19), an intermunicipal management board referred to in the first paragraph shall cease its activities and is dissolved on the date set out in that paragraph.

"8.2. The city succeeds to the rights, obligations and charges of a management board referred to in section 8.1. In such a case, the second paragraph of section 5 and sections 6 and 8 apply, with the necessary modifications and, in the case of section 8, as regards the debts, having regard to the apportionment determined by the agreement establishing the management board in respect of capital expenditures.

"8.3. In the case of an intermunicipal agreement providing for the establishment of an intermunicipal management board composed in part of municipalities referred to in section 5, the city may request the Minister of Municipal Affairs and Greater Montréal to terminate the agreement on a date other than the date provided for in the agreement to enable the management board to be dissolved. If the Minister accepts the request, sections 468.48 and 468.49 of the Cities and Towns Act (R.S.Q., chapter C-19) apply, with the necessary modifications, from the date a copy of the Minister's acceptance is transmitted to the intermunicipal management board and the municipalities that are members thereof.

Section 8 applies in respect of the debts arising from an agreement referred to in the first paragraph, having regard to the apportionment determined by the agreement establishing the management board in respect of capital expenditures.

"8.4. An intermunicipal agreement providing for a mode of operation other than an intermunicipal management board and entered into exclusively by municipalities referred to in section 5 shall terminate on 31 December 2001. Such an agreement entered into between such a municipality and another municipality shall terminate on 31 December 2002. Section 8 applies to the debts arising from such an agreement, having regard to the apportionment determined by the agreement in respect of capital expenditures.

"8.5. The sums derived from the operation or leasing by the city of an industrial immovable, after deduction of related administration and maintenance costs, or from the alienation of the immovable, must be used to discharge the engagements made in respect of the immovable by any municipality referred to in section 5.

If the industrial immovable referred to in the first paragraph was the subject of an agreement under section 13.1 of the Act respecting municipal industrial immovables (R.S.Q., chapter I-0.1) which provided for terms and conditions relating to the apportionment of expenditures among the municipalities, the discharge pursuant to the first paragraph of the engagements made must be consistent with those terms and conditions as regards the taxable immovables situated in any part of the territory of the city that corresponds to the territory of any such municipality.

"8.6. The city may provide that the expenditures relating to the debts of each municipality referred to in section 5 shall be financed in part by revenues derived exclusively from the territory of that municipality and, for the remainder, by revenues derived from the whole territory of the city.

The following expenditures may not be covered by such a decision and shall continue to be financed in the same manner as they were for the fiscal year 2001, subject to any other provision, where the expenditures, for that fiscal year,

(1) are not chargeable to the ratepayers of the municipality, in particular because they are financed by contributions from other bodies or by subsidies;

(2) are financed by revenues derived from

(*a*) a special tax imposed on the taxable immovables situated in only a part of the territory of the municipality or imposed solely on the immovables to the benefit of which work has been carried out;

(*b*) an amount in lieu of a tax referred to in subparagraph *a* that must be paid by the Government in accordance with the second paragraph of section 210 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1) or the first paragraph of sections 254 and 255 of that Act or by the Crown in right of Canada or by one of its mandataries;

(*c*) a source of revenue that, under section 244.9 of the Act respecting municipal taxation, is used specifically for that purpose.

For the purpose of determining which part of the expenditures covered by the decision under the first paragraph must be financed as provided in the fourth paragraph, the total of the revenues of the municipality listed in subparagraphs 1 to 4 of the fifth paragraph is divided by the total of the revenues of the municipality for the fiscal year 2001 listed in that paragraph.

The product obtained by multiplying those expenditures by the quotient thus obtained represents the portion of the expenditures that must be financed using any source of revenue specific to that purpose imposed on the part of the territory that corresponds to the territory of the municipality. The balance represents the portion of the expenditures concerned that may be financed using any source of revenue specific to that purpose imposed on the whole territory of the city or any other revenue therefrom that is not reserved for other purposes.

The revenues to be used for the purposes of the division under the third paragraph are

(1) the revenues derived from the general property tax, except the revenues not taken into account in establishing the aggregate taxation rate of the municipality and the revenues that the municipality would have collected from the surtax on vacant land had it imposed that surtax rather than fix a general property tax rate specific to the category provided for in section 244.36 of the Act respecting municipal taxation;

(2) the revenues derived from any special tax imposed on all the immovables in the territory of the municipality on the basis of their taxable value;

(3) the revenues derived from any amount in lieu of a tax referred to in subparagraph 1 or 2 that must be paid by the Government in accordance with the second paragraph of section 210 of the Act respecting municipal taxation or the first paragraph of sections 254 and 255 of that Act or by the Crown in right of Canada or by one of its mandataries, except, in the case where the amount is in lieu of the general property tax, the revenues that would be covered by the exception provided for in subparagraph 1 if it were the tax itself;

(4) the revenues derived from the source provided for in section 244.1 of the Act respecting municipal taxation, except revenues that, under section 244.9 of that Act, are used specifically to finance expenditures related to debts;

(5) the revenues derived from the surtax on vacant land, the surtax or the tax on non-residential immovables, the business tax and any other tax imposed on the basis of the rental value of an immovable;

(6) the revenues covered by the exception under subparagraph 1 or 3;

(7) the revenues derived from any amount in lieu of a tax, other than an amount referred to in subparagraph 3, that must be paid by the Government in accordance with the second paragraph of section 210 of the Act respecting municipal taxation or sections 254 and 255 of that Act or by the Crown in right of Canada or by one of its mandataries;

(8) the revenues derived from any unconditional government transfer."

240. Section 11 of Schedule I to the said Act is amended

(1) by replacing "Beaconsfield, the borough of Côte-Saint-Luc, the borough of Dollard-des-Dormaux, the borough of Dorval" in the third and fourth lines of the first paragraph by "Beaconsfield/Baie-d'Urfé, the borough of Côte-Saint-Luc/Hampstead/Montréal-Ouest, the borough of Dollard-des-Ormeaux/Roxboro, the borough of Dorval/L'Île-Dorval";

(2) by replacing "Pierrefonds" in the fifth line of the first paragraph by "Pierrefonds/Senneville".

241. Section 14 of Schedule I to the said Act is amended by replacing "72" in the first line by "73".

242. Section 16 of Schedule I to the said Act is amended by replacing "by the electors of" in the first line by "in".

243. Section 17 of Schedule I to the said Act is replaced by the following section:

"17. A borough council is made up of the borough chair, any other city councillor and, as required, any borough councillor."

244. Section 18 of Schedule I to the said Act is amended by replacing the first paragraph by the following paragraphs:

"18. If fewer than three city councillors, including the borough chair, are prescribed for a borough, the number of borough councillors required so that the borough council is made up of three members shall be elected in the borough, to sit only on the council of that borough.

However, in the borough of Verdun, the borough of Saint-Léonard, the borough of Saint-Laurent, the borough of Montréal-Nord and the borough of LaSalle, the borough council shall include, until the first general election following the general election of 4 November 2001, two borough councillors in addition to the three city councillors."

245. Section 19 of Schedule I to the said Act is amended by replacing the first paragraph by the following paragraph:

"19. In the boroughs referred to in section 38, the borough chair shall be designated by and from among the councillors sitting on the borough council. In the other boroughs, the borough chair shall be elected by the electors of the whole borough."

246. Section 20 of Schedule I to the said Act is amended

(1) by inserting ", in the boroughs referred to in section 38," after "If" in the first line of the first paragraph;

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

"If the chair of a borough referred to in the first or second paragraph of section 39 resigns as borough chair or refuses to take office, he or she shall be replaced by the city councillor who, of all the city councillors, obtained the greatest number of votes at the last general election. This paragraph applies to any other resignation as borough chair or refusal to take office as borough chair.

If the person who resigned or refused to hold office as borough chair cannot be replaced pursuant to the third paragraph, the city council may designate the borough chair from among the city councillors who sit on the borough council."

247. Section 21 of Schedule I to the said Act is amended

(1) by inserting "city" before "council" in the first line of the first paragraph;

(2) by replacing the second paragraph by the following paragraph:

"The additional remuneration mentioned in the first paragraph is deemed to be the additional remuneration referred to in the second paragraph of section 2 of the Act respecting the remuneration of elected municipal officers (R.S.Q., chapter T-11.001)."

248. Section 34 of Schedule I to the said Act is amended by replacing subparagraph 5 of the second paragraph by the following subparagraph:

"(5) the power to dismiss, suspend without pay or reduce the salary of an officer or employee referred to in the second or third paragraph of section 71 of the Cities and Towns Act (R.S.Q., chapter C-19)."

249. Section 35 of Schedule I to the said Act is amended by replacing the second sentence by the following sentence: "The by-law may, to the extent permitted by the internal management by-laws of the city, provide for the delegation of any power of the executive committee to any officer or employee of the city and fix the conditions and procedures for the exercise of the delegated power."

250. Sections 37 and 38 of Schedule I to the said Act are replaced by the following sections:

"37. Subject to this Act and to any order of the Government made under section 9, the Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2) applies, with the necessary modifications, in respect of the office and the election of the mayor of the city, the chair of a borough and every councillor of the city or of a borough.

"38. Every borough whose council is composed exclusively of city councillors, except the boroughs referred to in the first paragraph of section 39, shall be divided into districts."

251. Section 39 of Schedule I to the said Act is amended by replacing the first paragraph by the following paragraphs:

"39. In the borough of Verdun, the borough of Saint-Léonard, the borough of Saint-Laurent, the borough of Montréal-Nord and the borough of LaSalle, the city councillors shall be elected by all the electors of the borough. The candidate who obtains the greatest number of votes for the office of city councillor shall become the borough chair. The borough must be divided into districts for the purposes of the two offices of borough councillor.

In every borough whose council is composed of two city councillors and of one borough councillor, the city councillors and the borough councillor shall be elected by all the electors of the borough. The candidate who obtains the greatest number of votes for the office of city councillor shall become the borough chair."

252. Schedule I to the said Act is amended by inserting the following section after section 39:

"39.1. The city council shall, on or before 30 June 2003, make a report to the Minister of Municipal Affairs and Greater Montréal concerning the situation arising from the procedure for selecting the chair of each borough. The report may contain any recommendation of the council in addition to its observations."

253. Schedule I to the said Act is amended by inserting the following section after section 41:

"41.1. For the purposes of sections 59, 101.1, 109.1 and 157 of the Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2), a borough that is not divided into electoral districts for the purpose of an election for the office of city councillor is considered to be an electoral district."

254. Section 58 of Schedule I to the said Act is amended by striking out "la Ville de".

255. Section 61 of Schedule I to the said Act is amended by replacing the second paragraph by the following paragraph:

"The city council shall appoint, by a decision made by two-thirds of the members having voted and after consulting the bodies the council considers representative of the arts community, members of the arts council and designate a president and two vice-presidents from among the members."

256. Section 65 of Schedule I to the said Act is amended by replacing "Conseil des arts de la Ville de Montréal" in the second line by "conseil des arts de Montréal".

257. Section 76 of Schedule I to the said Act is amended

(1) by replacing "and shall determine the president's remuneration and other conditions of employment" in the third and fourth lines of the first paragraph by "and may designate commissioners. The council may, in the same resolution, determine their remuneration and other conditions of employment, subject, where applicable, to a by-law made under section 79";

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

"The term of office of a commissioner shall be specified in the resolution appointing the commissioner and shall not exceed four years. Where the term is not mentioned in the resolution, it shall be four years."

258. Section 77 of Schedule I to the said Act is amended

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

"77. The city council may, at the request of the president of the Office and by a decision made by two-thirds of the votes cast, appoint, for the period determined in the resolution, any additional commissioner chosen from a list prepared by the executive committee, and determine the president's remuneration and other conditions of employment.";

(2) by replacing “the list” in the second line of the third paragraph by “a list referred to in the first or second paragraph”.

259. Section 79 of Schedule I to the said Act is amended by replacing “Commissioners may be remunerated in accordance with a by-law made by the city council. They” in the first and second lines by “The city council may, by a by-law adopted by two-thirds of the votes cast, fix the remuneration of the president and the commissioners. The president and the commissioners”.

260. Section 79 of the English text of Schedule I to the said Act is amended by inserting “authorized” after “of” in the second line.

261. Schedule I to the said Act is amended by inserting the following division after section 83:

“DIVISION X

“INTERCULTURAL BOARD

“83.1. An intercultural board is hereby established under the name “Conseil interculturel de Montréal”.

“83.2. The intercultural board has the following functions:

(1) to advise and give its opinion to the city council and executive committee on services and municipal policies to facilitate the integration and participation of members of cultural communities in the political, economic, social and cultural life of the city;

(2) to provide, on its own initiative or at the request of the city council or executive committee, its opinion on any matter of interest for the cultural communities or on any matter relating to intercultural relations within the fields of municipal jurisdiction, and to make recommendations to the city council and executive committee;

(3) to solicit opinions and receive and hear requests and suggestions from persons or groups concerning matters pertaining to intercultural relations;

(4) to conduct or commission any studies and research it considers relevant or necessary to the exercise of its functions.

The city council may, by by-law, confer any other power on the intercultural board or impose on it any other duty it considers advisable to better enable it to attain its objects.

“83.3. The intercultural board may, on its own initiative or at the request of the city council or executive committee, establish special committees whose purpose is to study special questions. The board shall determine the terms of reference of the committees.

"83.4. The city council shall determine, by by-law, the number of members composing the intercultural board, the qualifications they must have, in addition to those provided for in the second paragraph of section 83.5, the duration of their terms and the method of their replacement, as well as the rules of internal management and operation of the intercultural board, and the rules of procedure for its meetings.

"83.5. The city council shall appoint, by a decision made by two-thirds of the members who are present, the members of the intercultural board and designate a president and one or two vice-presidents from among the members.

The members shall be chosen for their interest and experience in intercultural relations and so as to reflect the composition of Québec society and, in particular, Montréal society.

The term of office of the members may be renewed consecutively only once.

"83.6. The members of the intercultural board are not remunerated. However, they are entitled to reimbursement by the intercultural board for all expenses authorized by the intercultural board and incurred by the members in the exercise of their functions.

"83.7. The city council may assign any employee of the city it designates to the functions of the intercultural board.

The treasurer of the city or such assistant as the treasurer may designate is by virtue of office the treasurer of the intercultural board.

The director general of the city or the director general's duly delegated representative shall take part, without the right to vote, in the meetings of the intercultural board.

"83.8. The fiscal year of the intercultural board coincides with that of the city, and the city's auditor shall audit the financial statements of the board and, within 120 days following the expiry of the fiscal year, make a report of that audit to the city.

"83.9. The city council shall place at the disposal of the intercultural board the sums necessary for the exercise of its functions.

The city council shall, by by-law, prescribe the minimum amount of the sums that must be placed every year at the disposal of the intercultural board. The treasurer of the city must include the amount so prescribed in the certificate the treasurer prepares in accordance with section 474 of the Cities and Towns Act (R.S.Q., chapter C-19).

"83.10. At least once a year, the intercultural board shall report on its activities to the city council at the request of the city council or the executive committee. On that occasion, the intercultural board may make any recommendation to the city council."

262. Schedule I to the said Act is amended by inserting the following section after section 84:

"84.1. Only the city council may submit, for the purposes of section 517 of the Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2), to all the qualified voters of all or part of the territory of the city, a question relating to a jurisdiction of the city council or a jurisdiction of a borough council."

263. Schedule I to the said Act is amended by inserting the following section after section 85:

"85.1. A borough council may, on the conditions it determines, provide to the council of another borough any service related to one of its jurisdictions. The resolution offering such a provision of service becomes effective on the adoption of a resolution accepting the offer.

Every decision under the first paragraph must be made by two-thirds of the votes cast."

264. Section 87 of Schedule I to the said Act is amended by inserting ", cultural" after "economic" in paragraph 2.

265. Sections 88 and 89 of Schedule I to the said Act are replaced by the following sections:

"88. The city's planning program must include, in addition to the elements mentioned in section 83 of the Act respecting land use planning and development (R.S.Q., chapter A-19.1), a document establishing the rules and criteria to be taken into account, in any by-law referred to in section 131, by the borough councils and requiring the borough councils to provide in such a by-law for rules at least as restrictive as those established in the complementary document.

The complementary document may include, in addition to the elements mentioned in the Act respecting land use planning and development, in relation to the whole or part of the city's territory, rules to ensure harmonization with any by-laws that may be adopted by a borough council under section 131 or to ensure consistency with the development of the city.

"89. The city council may, by by-law, enable the carrying out of a project, notwithstanding any by-law adopted by a borough council, where the project relates to

(1) shared or institutional equipment, such as cultural equipment, a hospital, university, college, convention centre, house of detention, cemetery, regional park or botanical garden;

(2) major infrastructures such as an airport, port, station, yard or shunting yard or a water treatment, filtration or purification facility;

(3) a residential, commercial or industrial establishment situated in the business district, or if situated outside the business district, a commercial or industrial establishment the floor area of which is greater than 25,000 m^2;

(4) housing intended for persons requiring assistance, protection, care or lodging;

(5) cultural property or a historical district within the meaning of the Cultural Property Act (R.S.Q., chapter B-4).

For the purposes of subparagraph 3 of the first paragraph, the business district comprises the part of the territory of the city bounded by Saint-Urbain street, from Sherbrooke Ouest street to Sainte-Catherine Ouest street, by Sainte-Catherine Ouest street to Clark street, by Clark street to René-Lévesque Ouest boulevard, by René-Lévesque Ouest boulevard to Saint-Urbain street, by Saint-Urbain street to Place d'Armes hill, by Place d'Armes hill to Place d'Armes, from Place d'Armes to Notre-Dame Ouest street, by Notre-Dame Ouest street to De La Montagne street, by De la Montagne street to Saint-Antoine Ouest street, by Saint-Antoine Ouest street to Lucien-Lallier street, by Lucien-Lallier street to René-Lévesque Ouest boulevard, by René-Lévesque Ouest boulevard to De La Montagne street, by De La Montagne street to the land fronting the north side of René-Lévesque boulevard, from the land fronting the north side of René-Lévesque boulevard to Drummond street, from Drummond street to Sherbrooke Ouest street and from Sherbrooke Ouest street to Saint-Urbain street.

The by-law referred to in the first paragraph may contain only the land planning rules necessary for the project to be carried out. The extent to which it amends any by-law in force adopted by the borough council must be set out clearly and specifically.

"89.1. Notwithstanding the third paragraph of section 123 of the Act respecting land use planning and development, the by-law adopted by the city council under section 89 is not subject to approval by referendum, except in the case of a by-law authorizing the carrying out of a project referred to in subparagraph 3 of the first paragraph of section 89 that relates to a residential, commercial or industrial establishment situated outside the business district and having a floor area greater than 25,000 m^2 or a project referred to in subparagraph 5 of the first paragraph of that section.

A by-law adopted pursuant to the first paragraph of section 89 must be submitted to public consultation conducted by the Office de consultation publique de Montréal, which for that purpose must hold public hearings and report on the consultation in a report in which it may make recommendations.

The public consultation under the second paragraph replaces the public consultation provided for in sections 125 to 127 of the Act respecting land use planning and development. In the case of a by-law subject to approval by referendum, the filing with the council of the report of the Office de consultation publique replaces, for the purposes of section 128 of the Act respecting land use planning and development, the public meeting to be held pursuant to section 125 of that Act.

However, the second paragraph and sections 125 to 127 of the Act respecting land use planning and development do not apply to a by-law authorizing the carrying out of a project referred to in subparagraph 4 of the first paragraph of section 89.

"89.2. The city council may, by by-law, determine in which cases a by-law adopted by a borough council and that is not a concordance by-law within the meaning of any of sections 59.5, 110.4 and 110.5 of the Act respecting land use planning and development need not be examined for conformity with the city's planning program."

266. The heading of subdivision 3 of Division II of Chapter III of Schedule I to the said Act is amended by inserting ", *cultural*" after "*economic*".

267. Section 91 of Schedule I to the said Act is amended

(1) by inserting ", cultural" after "economic" in the second line of the second paragraph;

(2) by inserting ", cultural" after "community" in the fourth line of the second paragraph.

268. Section 94 of Schedule I to the said Act is amended by replacing "to be managed by the city council" in the second line by "that are under the authority of the city council and those that are under the authority of the borough councils".

269. Section 95 of Schedule I to the said Act is amended by striking out "to be under the management of the city council" in the first and second lines of the first paragraph.

270. Section 97 of Schedule I to the said Act is amended by striking out "under the management of the city council" in the second line.

271. Section 98 of Schedule I to the said Act is amended by striking out "to be managed by the city council" in the second line.

272. Section 105 of Schedule I to the said Act is amended

(1) by replacing "management" in the fourth line of the first paragraph by "authority";

(2) by replacing "traffic signs and signals and the control of traffic" in the second and third lines of the third paragraph by "roads, traffic signs and signals, the control of traffic and parking";

(3) by replacing "traffic signs and signals and the control of traffic" in the fifth line of the third paragraph by "roads, traffic signs and signals, the control of traffic and parking".

273. Schedule I to the said Act is amended by inserting the following subdivision after section 105:

"§7.1. — *Water purification*

"105.1. Subject to the Environment Quality Act (R.S.Q., chapter Q-2), the city may, by by-law, order the carrying out, even outside its territory, of work respecting purification works serving or intended to serve its territory or of work designed to generate cost savings in respect of the collecting system.

For the purposes of the first paragraph, "purification works" means a sewer, a sewer system, a pumping station, a water purification station or any other works used to collect, receive, carry, treat or drain waste water or substances compatible with the city's purification processes.

"105.2. The city may receive for treatment purposes, from a person other than a municipality, waste water or other substances from its territory or elsewhere.

Before making any contract for such purpose, the city shall obtain the consent of the local municipality in whose territory the waste water or other substances originate.

"105.3. The city is authorized to supply other persons with any service, advice, matter, material and equipment relating to the study, construction, operation, supervision or management of a water purification system.

Every agreement made under this section requires the approval of the Minister of the Environment."

274. Section 130 of Schedule I to the said Act is amended

(1) by inserting ", cultural" after "community" in subparagraph 5 of the first paragraph;

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

"The borough council may, by its internal management by-laws, delegate to any officer or employee assigned to the borough by the city any power relating to the exercise of its jurisdiction with respect to the approval of expenditures, the making of contracts and the management of personnel, and fix the conditions and procedures for the exercise of the delegated power.";

(3) by replacing, in the French text, "l'émission" in the first line of the third paragraph by "la délivrance".

275. Section 131 of Schedule I to the said Act is amended by replacing the first paragraph by the following paragraphs:

"131. The borough council shall exercise the jurisdiction of the city as regards zoning and subdivision provided for in the Act respecting land use planning and development (R.S.Q., chapter A-19.1), except the jurisdiction referred to in sections 117.1 to 117.16 of that Act, and the city's jurisdiction as regards minor exemptions from planning by-laws, comprehensive development programs and site planning and architectural integration programs.

Among the modifications required for the purposes of the Act respecting land use planning and development in applying the first paragraph, the following modifications are particularly applicable: section 110.10.1 of that Act does not apply; the notice required under section 126 of that Act shall be posted at the borough office and must mention that a copy of the draft by-law is available for consultation at the borough office; the summary referred to in section 129 of that Act may be obtained at the borough office; and the notice referred to in section 145.6, published in accordance with the Cities and Towns Act (R.S.Q., chapter C-19), shall be posted at the borough office."

276. Section 133 of Schedule I to the said Act is replaced by the following section:

"133. For the purpose of ensuring conformity with the city's planning program of all concordance by-laws within the meaning of sections 59.5, 110.4 and 110.5 of the Act respecting land use planning and development which are adopted by a borough council, sections 137.2 to 137.8 of that Act apply in lieu of sections 137.10 to 137.14, with the necessary modifications.

Among the modifications required in applying the first paragraph, the following modifications are applicable: the city council shall establish the rules applicable for the purposes of the transmission of certified true copies of by-laws and resolutions adopted by the borough councils with a view to their examination by the city council, for the purposes of an alternative to service of those documents where the said sections require service on the regional county municipality, and for the purpose of fixing the dates on which those documents are deemed to be transmitted or served; the city council shall also identify the officer responsible for issuing assessments of conformity.

Sections 137.2 to 137.8 and 137.15 to 137.17 of the Act respecting land use planning and development also apply to any by-law referred to in section 131, adopted by a borough council, that is not a concordance by-law, with the necessary modifications and the modifications under the second paragraph."

277. Section 134 of Schedule I to the said Act is amended by replacing "has jurisdiction to grant" in the first line by "exercises the jurisdiction of the city on the granting of".

278. The heading of subdivision 6 of Division III of Chapter III of Schedule I to the said Act is amended by inserting ", *cultural*" after "*economic*".

279. Section 137 of Schedule I to the said Act is amended by inserting ", cultural" after "economic" in the fifth line.

280. Subdivision 7 of Division III of Chapter III of Schedule I to the said Act is repealed.

281. Section 141 of Schedule I to the said Act is amended

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

"141. The borough council exercises the powers of the city in respect of the parks and the cultural and recreational equipment within its jurisdiction pursuant to the by-law adopted under section 94, except those provided for in sections 99 and 100.";

(2) by inserting "and in accordance with the rules established in the development plan prepared by the city pursuant to section 91" after "purpose" in the second line of the second paragraph.

282. Section 142 of Schedule I to the said Act is replaced by the following section:

"142. The borough council exercises, in respect of the streets and roads under its responsibility pursuant to the by-law adopted by the city council for the purposes of section 105 and in a manner consistent with the rules prescribed under the second and third paragraphs of that section, the jurisdictions of the city as regards roads, traffic signs and signals, the control of traffic and parking."

283. Section 146 of Schedule I to the said Act is amended by inserting "all or any portion of" after "on" in the third line of the second paragraph.

284. Section 148 of Schedule I to the said Act is amended by replacing the third paragraph by the following paragraph:

"Where subparagraph 2 of the second paragraph applies, sections 561.1 and 561.2 and the second paragraph of section 561.3 of the Cities and Towns Act

apply, subject to the percentage of 75% provided for in the second paragraph of section 561.3 being read as 25%."

285. Schedule I to the said Act is amended by inserting the following section after section 148:

"148.1. Notwithstanding the fifth paragraph of subsection 3 of section 474 of the Cities and Towns Act (R.S.Q., chapter C-19), where, on 1 January, the city's budget is not adopted, one-quarter of each appropriation provided for in the budget of the preceding fiscal year is deemed to be adopted. The same rule applies on 1 April, 1 July and 1 October if, on each of those dates, the budget has not yet been adopted."

286. Sections 149 to 151 of Schedule I to the said Act are replaced by the following:

"§1. — *Interpretation and general provisions*

"149. For the purposes of this division, the territory of each local municipality referred to in section 5 constitutes a sector.

"149.1. The city is subject to the rules provided for by the applicable legislation in respect of all the local municipalities, in particular the rules that prevent the fixing of different general property tax rates according to the parts of the municipal territory and the rules that provide for the use of specific sources of revenue to finance expenditures relating to debts.

The city may, however, depart from those rules but only insofar as is necessary for the application of any of the provisions of this division or of section 8.6.

"§2. — *Limitation on increases in the tax burden*

"150. The city shall avail itself either of the power provided for in section 150.1 and, if it imposes the business tax, of that provided for in section 150.2, or of the power provided for in section 150.7.

"150.1. The city may, for a fiscal year, fix any general property tax rate in such manner that, in relation to the preceding fiscal year, the increase in the tax burden borne by the aggregate of the units of assessment situated in a sector and in respect of which all or part of the rate applies is not greater than 5%.

The tax burden shall consist of

(1) the revenues derived from the general property tax which result from the application of all or part of a rate of that tax;

(2) the revenues derived from other taxes, including the taxes imposed on the basis of the rental value of immovables and compensations considered by the applicable legislation to be taxes, in particular the taxes used to finance services such as the supply of drinking water, waste water purification, snow removal, waste disposal, and residual materials upgrading;

(3) the revenues derived from the amounts to stand in lieu of taxes that must be paid in respect of immovables by the Government in accordance with the second paragraph of section 210 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1) or by the Government in accordance with section 254 and the first paragraph of section 255 of that Act, or by the Crown in right of Canada or by one of its mandataries;

(4) the revenues of which the city has deprived itself by granting a credit in respect of any of the sources of revenue referred to in any of subparagraphs 1 to 3, for the application of section 8 as regards the allocation of the credit from a surplus.

However, the revenues referred to in the second paragraph which are used to finance expenditures relating to debts shall be excluded from the tax burden.

"150.2. The city may, for a fiscal year, fix the rate of the business tax in such manner that, in relation to the preceding fiscal year, the increase in the revenues derived from that tax in respect of all the business establishments situated in a sector is not greater than 5%.

The revenues derived from the amounts to stand in lieu of the business tax that must be paid by the Government in accordance with the second paragraph of section 210 or the second paragraph of section 254 and the first paragraph of section 255 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1) shall be included in those revenues.

"150.3. If the city avails itself of any of the powers provided for in sections 150.1 and 150.2, it may replace the maximum percentage increase in that section by another maximum percentage increase, applicable only to the group formed of the sectors concerned, which must be less than 5%.

"150.4. Where the increase under section 150.1 or 150.2 does not result solely from the constitution of the city, the maximum shall apply only in respect of the part of the increase that results from the constitution.

"150.5. If the city avails itself of any of the powers provided for in sections 150.1 and 150.2, it shall, subject to any regulation under the second paragraph, prescribe the rules to determine whether the increase under that section results solely from the constitution of the city and, if not, to establish the part resulting from the constitution.

The Government may, by regulation, determine the only cases in which an increase is deemed not to result from the constitution of the city.

If the city does not avail itself of the power provided for in section 244.29 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1) and imposes the surtax or the tax on non-residential immovables or the surtax on vacant land, it must, if it avails itself of the power provided for in section 150.1, prescribe the rules to enable the appropriate correspondences to be made so as to obtain the same results, as regards the application of that section, were the city to impose the general property tax with rates specific to the categories comprising the units of assessment subject to each tax or surtax imposed.

"150.6. For the purpose of the establishment of the percentage increase referred to in section 150.1 for the fiscal year 2002, where the local municipality whose territory constitutes the sector concerned has appropriated as revenue for the fiscal year 2001 all or part of its surpluses from preceding fiscal years, in an amount exceeding the average of the amounts it appropriated for the fiscal years 1996 to 2000, the difference obtained by subtracting from that excess amount the amount of the sum that the municipality was exempted from paying, by the operation of sections 90 to 96 of chapter 54 of the statutes of 2000, for the special local activities financing fund, shall be included for the fiscal year 2001 in the tax burden borne by the aggregate of the units of assessment situated in the sector.

"150.7. The city may prescribe the rules enabling it to grant an abatement for a fiscal year in such manner that, in relation to the preceding fiscal year, any increase in the tax burden borne by a unit of assessment or a business establishment is not greater than 5%.

The second and third paragraphs of section 150.1 and sections 150.2 to 150.6 apply, with the necessary modifications, for the purposes of the limitation on the increase under the first paragraph.

If it avails itself of the power provided for in the first paragraph, the city shall determine the rules to enable the rules set out in the provisions among those referred to in the second paragraph which take into consideration aggregates of units or of establishments, to be adapted to each unit of assessment or business establishment considered individually.

"§3. — *Limitation on decreases in the tax burden*

"151. The city may, for a fiscal year, fix any general property tax rate in such manner that, in relation to the preceding fiscal year, the decrease in the tax burden borne by the aggregate of the units of assessment situated in a sector and in respect of which all or part of the rate applies is not greater than the percentage, applicable only to the group formed of the sectors concerned, fixed by the city.

The second and third paragraphs of section 150.1, the third paragraph of section 150.5 and section 150.6 apply, with the necessary modifications, for the purposes of the limitation on the decrease under the first paragraph.

"151.1. The city may, for a fiscal year, fix the rate of the business tax in such manner that, in relation to the preceding fiscal year, the decrease in the revenues derived from that tax in respect of the aggregate of the business establishments situated in a sector is not greater than the percentage, applicable only to the group formed of the sectors concerned, fixed by the city.

The revenues derived from the amounts to stand in lieu of the business tax that must be paid by the Government in accordance with the second paragraph of section 210 or the second paragraph of section 254 and the first paragraph of section 255 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1) shall be included in those revenues.

"151.2. If the city does not avail itself of the power provided for in section 151 or 151.1, it may prescribe the rules enabling it to require a supplement for a fiscal year in such manner that, in relation to the preceding fiscal year, the decrease in the tax burden borne by any unit of assessment or any business establishment is not greater than the percentage, applicable only to the group formed of the whole territory, fixed by the city.

The second and third paragraphs of section 150.1, the third paragraph of section 150.5 and section 150.6, in the case of a unit of assessment, or the second paragraph of section 151.1, in the case of a business establishment, apply, with the necessary modifications, for the purposes of the limitation on the decrease under the first paragraph.

If it avails itself of the power provided for in the first paragraph, the city shall determine the rules to enable the rules set out in the provisions among those referred to in the second paragraph which take into consideration aggregates of units or of establishments, to be adapted to each unit of assessment or business establishment considered individually.

"§4. — *Miscellaneous provisions*

"151.3. The city may avail itself of the powers provided for in Division III.1 of Chapter XVIII of the Act respecting municipal taxation (R.S.Q., chapter F-2.1) in respect of one sector without doing so in respect of another sector, or it may avail itself of such powers in a different manner according to the sectors.

"151.4. Where, under section 244.29 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1), the city fixes, for a fiscal year prior to the fiscal year in which the first assessment roll drawn up specifically for the city comes into force, a general property tax rate specific to any of the categories provided for in sections 244.34 and 244.35 of that Act, the coefficient referred to in section 244.44 or 244.47 of that Act is the coefficient established on the

basis of a comparison of the last two property assessment rolls of the local municipality, among the local municipalities referred to in section 5, that has the largest population for 2001.

"151.5. For the fiscal year 2002, the city shall impose the business tax in respect of a sector in which that tax was imposed for the fiscal year 2001 and refrain from imposing such a tax in respect of any other sector. In the first case, the city shall fix the rate in such manner that the revenues from the business tax estimated for the fiscal year 2002 in respect of the sector are not less than the business tax revenues that the municipality concerned estimated for the fiscal year 2001.

For every fiscal year subsequent to the fiscal year 2002, if the city does not impose the business tax in respect of the whole of its territory it may impose the business tax in respect of any sector in which that tax was imposed for the fiscal years 2001 and 2002.

For the purposes of the first two paragraphs, the roll of rental values in force in the sector for the fiscal year 2001 shall continue to apply until the end of the last fiscal year for which it was drawn up. The city may, if necessary for the purposes of those paragraphs, cause a roll of rental values to be drawn up pursuant to the Act respecting municipal taxation (R.S.Q., chapter F-2.1) in respect of a sector rather than in respect of the whole of its territory.

"151.6. The city may establish a program for the purpose of granting, in the circumstances described in the second paragraph, a credit applicable in respect of the amount of the general property tax imposed, for any fiscal year from the fiscal year referred to in subparagraph 1 of that paragraph, on any unit of assessment situated in a sector and that belongs to the group described in section 244.31 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1).

The credit may be granted where the following conditions are met:

(1) for a particular fiscal year, the business tax is not imposed in respect of the sector, either separately or as part of the whole territory of the city, or, if the business tax is imposed, the estimated revenues therefrom in respect of the sector are less than those of the preceding fiscal year;

(2) the business tax was imposed in respect of the sector, for the fiscal year preceding the fiscal year referred to in subparagraph 1, without being imposed in respect of the whole territory of the city; and

(3) the general property tax revenues estimated in respect of the sector for the fiscal year referred to in subparagraph 1 and derived from the application of all or part of any of the rates specific to the categories provided for in sections 244.33 and 244.34 of the Act respecting municipal taxation are greater than they would have been were it not for the loss of or decrease in business tax revenues.

The credit shall diminish the amount payable of the general property tax imposed on any unit of assessment referred to in the first paragraph in respect of which all or part of a rate referred to in subparagraph 3 of the second paragraph applies. The amount of the credit shall be established according to the rules set out in the program.

The cost of the aggregate of the credits granted in respect of the units of assessment situated in the sector shall be a burden on the aggregate of the units situated in the sector that belong to the group referred to in the first paragraph.

If the city does not avail itself of the power provided for in section 244.29 of the Act respecting municipal taxation and imposes the surtax or the tax on non-residential immovables, it must, if it avails itself of the power under the first paragraph, prescribe the rules enabling the appropriate correspondences to be made so as to obtain the same results, as regards the application of the first four paragraphs, were the city to impose the general property tax with rates specific to the categories comprising the units of assessment subject to the surtax or the tax on non-residential immovables.

"151.7. Where a local municipality referred to in section 5 has availed itself, in respect of its roll of assessment that came into force on 1 January 2001, of the power provided for in section 253.27 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1), the city may, on or before the adoption of the budget for the fiscal year 2002, provide that the averaging of the variation in the taxable values resulting from the coming into force of the roll will continue for that fiscal year in respect of the sector concerned."

287. Section 155 of Schedule I to the said Act is amended

(1) by adding "and a mandatary of the State" at the end of the first paragraph;

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

"The property of the transition committee forms part of the domain of the State, but the performance of its obligations may be pursued on the property.

The transition committee binds only itself when acting in its own name."

288. Section 156 of Schedule I to the said Act is replaced by the following section:

"156. Every member of the transition committee shall be paid the remuneration and allowances determined by the Minister.

The Minister may determine any other condition of employment of a member and in particular the rules relating to the reimbursement of expenses incurred by the member in the exercise of his or her functions."

289. Section 162 of Schedule I to the said Act is amended by adding the following paragraph at the end:

"Every decision made by the transition committee for the borrowing of money must be approved by the Minister of Municipal Affairs and Greater Montréal. The money borrowed by the transition committee, where such is the case, shall be borrowed at the rate of interest and on the other conditions mentioned in the approval."

290. Section 171 of Schedule I to the said Act is amended by adding the following paragraph at the end:

"The first paragraph also applies in respect of information, records and documents relating to a pension plan referred to in section 7 and held by any administrator of such a plan or by any public body exercising under law a responsibility in respect of such a plan."

291. Section 174 of Schedule I to the said Act is amended by replacing the second sentence of the first paragraph by the following sentences: "The committee may designate the employee whose services are necessary. The committee and the employer shall agree on the costs to be paid by the committee for the use of the services. However, the employer shall place the designated employee at the disposal of the committee as of the time indicated by the committee, notwithstanding the absence of an agreement respecting the costs for the services."

292. Section 175 of Schedule I to the said Act is amended by adding the following paragraphs at the end:

"No municipality or body referred to in the first paragraph may prohibit or otherwise prevent its officers or employees from cooperating with the transition committee acting in the pursuit of its mission, or take or threaten to take any disciplinary measure against them for having cooperated with the committee.

Section 123 of the Act respecting labour standards (R.S.Q., chapter N-1.1) applies, with the necessary modifications, to any officer or employee who believes he or she has been the victim of a practice prohibited by the second paragraph."

293. Section 177 of Schedule I to the said Act is amended by adding the following paragraph after the third paragraph:

"The transition committee may, at any time, approve a decision, collective agreement or contract of employment in respect of which an authorization is required under the first, second or third paragraph. The approval of the transition committee is deemed to be such an authorization."

294. Section 179 of Schedule I to the said Act is amended

(1) by striking out “or, as the case may be, number the offices of councillor in the borough, in accordance with sections 38 and 39” in the fourth and fifth lines of the first paragraph;

(2) by striking out “and a determination of their boundaries” in the third and fourth lines of the second paragraph;

(3) by inserting “, with or without amendments,” after “adopted” in the third line of the fourth paragraph.

295. Section 180 of Schedule I to the said Act is replaced by the following section:

“180. The transition committee may examine the circumstances of the hiring of officers and employees referred to in section 7 after 15 November 2000 and the situation relating to the employees of any intermunicipal management board in respect of whom the intermunicipal agreement does not provide for the maintenance of employment in any of the municipalities party to the agreement at the expiry of the agreement.

The transition committee may make any recommendation in respect of those officers and employees to the Minister.”

296. Section 182 of Schedule I to the said Act is amended by adding the following paragraph at the end:

“However, the Minister of Labour may, where applicable and if the Minister of Labour considers it appropriate, designate a mediator-arbitrator for each disagreement or group of disagreements relating to the determination of the reassignment procedure concerning a class of employment or a group of employees.”

297. Section 185 of Schedule I to the said Act is amended by replacing the second paragraph by the following paragraph:

“The transition committee may create the various departments within the city, and determine the scope of their activities. It may appoint the department heads and assistant heads as well as the other officers and employees not represented by a certified association, and define their functions.”

298. Section 188 of Schedule I to the said Act is repealed.

299. Section 189 of Schedule I to the said Act is amended

(1) by replacing “boroughs” in the third line by “borough councils”;

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

"It must propose a draft of any resolution from among the resolutions that may be adopted under Division II of Chapter IV on which the draft budget is based."

300. Section 195 of Schedule I to the said Act is amended

(1) by replacing ", or be appointed as," in the second line by "elected or appointed as";

(2) by striking out the second sentence.

301. Section 196 of Schedule I to the said Act is amended by striking out "held for the sole purposes of section 197" in the second and third lines.

302. Section 197 of Schedule I to the said Act is amended by replacing the third paragraph by the following paragraph:

"If on 1 January 2002, the budget is not adopted, one-quarter of each appropriation provided for in the budget prepared by the transition committee is deemed to be adopted. The same rule applies on 1 April, 1 July and 1 October if, on each of those dates, the budget has not yet been adopted."

303. Schedule I to the said Act is amended by inserting the following section after section 197:

"197.1. The city council may, by the first by-law respecting remuneration adopted under the Act respecting the remuneration of elected municipal officers (R.S.Q., chapter T-11.001), fix any remuneration to be paid by the city to the mayor, the borough chairs, the other members of the city council and the borough councillors for the functions they exercised between the first day of their terms and 31 December 2001. The method for fixing the remuneration may differ, in relation to that period, from the method applicable from the date of the constitution of the city.

The remuneration paid under the first paragraph to an elected officer must be reduced by an amount equal to the amount of any remuneration received from another local municipality during the same period. However, for the purposes of the pension plan established under the Act respecting the Pension Plan of Elected Municipal Officers (R.S.Q., chapter R-9.3), only the part of the remuneration received from the municipality that has adhered to that pension plan in respect of the elected officer may be considered as pensionable salary."

304. Section 198 of Schedule I to the said Act is amended by replacing "151" by "151.7".

305. Section 199 of the English text of Schedule I to the said Act is amended by replacing "chair" in the second line by "president".

306. Section 200 of Schedule I to the said Act is amended by inserting ", except any provision having as its object, in respect of such a municipality, to validate or ratify a document or an act performed or intended to clarify a title of ownership or to confirm or grant the power to acquire or alienate a particular immovable," after "section 5" in the third line.

307. Schedule I to the said Act is amended by adding the following sections after section 202:

"203. The intermunicipal agreement providing for the establishment of the Régie intermunicipale de gestion des déchets sur l'Île de Montréal shall end on 31 December 2001. The management board shall cease its activities and is dissolved on that date.

The Société intermunicipale de gestion et d'élimination des déchets (SIGED) inc. shall cease its activities on 31 December 2001 and is dissolved on that date.

"204. The city succeeds to the rights, obligations and charges of the Régie intermunicipale de gestion des déchets sur l'Île de Montréal and the Société intermunicipale de gestion et d'élimination des déchets (SIGED) inc.

The city becomes, without continuance of suit, a party to any suit, in the place of the intermunicipal management board or, as the case may be, the Société to which it succeeds.

"205. The following shall burden or be credited to all the taxable immovables in the sector formed of the territory, as it existed on 31 December 2001, of the municipalities which, on that date, were parties to the agreement establishing the Régie intermunicipale de gestion des déchets sur l'Île de Montréal:

(1) the debts and any category of surplus of the intermunicipal management board or the Société referred to in section 203;

(2) the revenues or costs relating to legal proceedings or a dispute to which the intermunicipal management board or the Société referred to in section 203 or, as the case may be, the city is a party, in respect of an event prior to 1 January 2002 that concerns that intermunicipal management board or that Société.

However, the revenues or costs relating to legal proceedings or a dispute referred to in subparagraph 2 of the first paragraph concerning an event prior to 4 September 1997 shall burden or be credited to the taxable immovables only in the sector formed of the territory of the municipalities, other than the former Ville de Montréal.

In respect of the revenues or costs, the burden on or credit to the taxable immovables in the sector formed of the territory of the municipalities referred

to in the first or second paragraph, as the case may be, shall be in proportion to the cumulative financial contributions of those municipalities to the intermunicipal management board.

"206. The by-laws, resolutions, minutes and other acts of the intermunicipal management board referred to in section 203 remain in force until their objects are attained or until they are replaced or repealed in accordance with this Act. They are deemed to emanate from the city."

308. Schedule I-B to the said Act is amended

(1) by replacing the descriptions of the "**Plateau Mont-Royal/Centre-Sud**", "**Sud-Ouest**" and "**Ville-Marie**" boroughs in Part I by the following descriptions:

"**Plateau Mont-Royal Borough**

The part of the territory of the former Ville de Montréal bounded on the north and on the northeast by the Canadian Pacific railway line; from the east boundary of the former Ville d'Outremont to Sherbrooke street; Sherbrooke street southwesterly to University street; University street northerly to Des Pins avenue; Des Pins avenue northeasterly to Du Parc avenue; Du Parc avenue northerly to Mont-Royal avenue; Mont-Royal avenue westerly to the east boundary of the former Ville d'Outremont; that boundary northerly to the Canadian Pacific railway line.

"**Sud-Ouest Borough**

The part of the territory of the former Ville de Montréal bounded on the north by the ridge of the Falaise Saint-Jacques from the meeting point of Sainte-Anne-de-Bellevue boulevard with the northeast boundary of the former Ville de Montréal-Ouest to Pullman street; generally easterly, successively, Pullman street to Autoroute 20; the said autoroute to the south boundary of the former Ville de Westmount, the said south boundary to the Canadian Pacific railway line, then along that railway line to Guy street; southerly, Guy street to Notre-Dame street; northeasterly, Notre-Dame street to Autoroute Bonaventure; generally southerly, Autoroute Bonaventure to the Victoria bridge; the Victoria bridge easterly to the west shore of the St. Lawrence River; successively southerly and southwesterly, the shore of the St. Lawrence River to the boundary between the former cities of Montréal and Verdun; generally westerly, the boundary between the former Ville de Montréal and the former cities of Verdun and Lasalle to the boundary between the former cities of Montréal and Lachine; that latter boundary northwesterly to the south boundary of the former Ville de Montréal-Ouest; finally, northwesterly, the northeast boundary of the former Ville de Montréal-Ouest to Sainte-Anne-de-Bellevue boulevard.

"**Ville-Marie Borough**

The part of the territory of the former Ville de Montréal bounded on the north by Chemin Remembrance; from the northeast boundary of the former Ville de Westmount to the extension southerly of the west boundary of the former Ville d'Outremont; northerly, the said extension; successively, easterly and northerly, the south and east boundaries of the former Ville d'Outremont to Mont-Royal avenue; generally easterly, Mont-Royal avenue to Du Parc avenue; southerly, Du Parc avenue to Des Pins avenue; southwesterly, Des Pins avenue to University street; southerly, University street to Sherbrooke street; Sherbrooke street northeasterly to the Canadian Pacific railway line; successively southeasterly and southerly, the Canadian Pacific railway line to Notre-Dame street; southeasterly, perpendicularly to the northwest shore of the St. Lawrence River, a straight line to the said shore; southeasterly, a straight line so as to include Île Notre-Dame and Île Sainte-Hélène, to the boundary between the former Ville de Montréal and the former Ville de Longueuil; southwesterly, part of the boundary between the former Ville de Montréal and the former cities of Longueuil and Saint-Lambert to the Victoria bridge; the Victoria bridge westerly to Autoroute Bonaventure; generally northwesterly, Autoroute Bonaventure to Notre-Dame street; Notre-Dame street southwesterly to Guy street; Guy street northerly to the Canadian Pacific railway line; generally westerly, the said railway line to the east boundary of the former Ville de Westmount; finally, successively northerly and northwesterly, the boundary of the former Ville de Westmount to Chemin Remembrance.";

(2) by inserting "**/Montréal-Est**" after "**Rivière des Prairies/Pointe-aux-Trembles**" in Part I;

(3) by replacing "2" by "3" in the twentieth line of Part II opposite "Ville-Marie";

(4) by replacing "Plateau Mont-Royal/Centre-Sud" in the twenty-second line of Part II by "Plateau Mont-Royal".

309. Section 6 of Schedule II to the said Act is amended

(1) by striking out "amended," in the fifth line;

(2) by inserting "council" after "borough" in the seventh line.

310. Section 8 of Schedule II to the said Act is amended

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

"8. The debts and any category of surplus of each of the municipalities referred to in section 5 shall continue to burden or be credited to the immovables taxable in their respect on 31 December 2001 and that are situated in the part of the territory of the city which corresponds to the territory of that municipality.

The amounts required after 31 December 2001, in relation to a sum determined pursuant to subparagraph 4 of the second paragraph of section 137 of the Supplemental Pension Plans Act (R.S.Q., chapter R-15.1) in respect of a pension plan to which a municipality referred to in the first paragraph was a party or in relation to the amortization of any unfunded actuarial liability of such a plan, shall continue to burden the taxable immovables situated in the part of the territory of the city which corresponds to the territory of that municipality. The contributions paid after 31 December 2001, in relation to the obligations arising from a pension plan not subject to the Supplemental Pension Plans Act to which a municipality referred to in the first paragraph was a party, in respect of years of past service before 1 January 2002 shall continue to burden the taxable immovables situated in the part of the territory of the city which corresponds to the territory of that municipality.

The date of the determination of a sum pursuant to subparagraph 4 of the second paragraph of section 137 of the Supplemental Pension Plans Act or of an unfunded actuarial liability provided for in the second paragraph must be earlier than 21 June 2001. In addition, in the case of an improvement unfunded actuarial liability, the amendment must have been made before 1 January 2002. However, if a pension plan still has such a sum or unfunded actuarial liability on the date of its division, merger or termination, the contributions paid by the city for that purpose after that date are deemed to be paid in respect of any sum or the amortization of any liability to which the second paragraph refers.";

(2) by inserting ", as the case may be, all or any portion of" after "burden" in the fourth line of the second paragraph.

311. Schedule II to the said Act is amended by adding the following sections after section 8:

"8.1. Every intermunicipal agreement providing for the establishment of an intermunicipal management board composed exclusively of municipalities referred to in section 5 shall terminate on 31 December 2001, notwithstanding any inconsistent provision mentioned in the agreement.

Notwithstanding sections 468.48 and 468.49 of the Cities and Towns Act (R.S.Q., chapter C-19), an intermunicipal management board referred to in the first paragraph shall cease its activities and is dissolved on the date set out in that paragraph.

"8.2. The city succeeds to the rights, obligations and charges of a management board referred to in section 8.1. In such a case, the second paragraph of section 5 and sections 6 and 8 apply, with the necessary modifications and, in the case of section 8, as regards the debts, having regard to the apportionment determined by the agreement establishing the management board in respect of capital expenditures.

"8.3. In the case of an intermunicipal agreement providing for the establishment of an intermunicipal management board composed in part of municipalities referred to in section 5, the city may request the Minister of Municipal Affairs and Greater Montréal to terminate the agreement on a date other than the date provided for in the agreement to enable the management board to be dissolved. If the Minister accepts the request, sections 468.48 and 468.49 of the Cities and Towns Act (R.S.Q., chapter C-19) apply, with the necessary modifications, from the date a copy of the Minister's acceptance is transmitted to the intermunicipal management board and the municipalities that are members thereof.

Section 8 applies in respect of the debts arising from an agreement referred to in the first paragraph, having regard to the apportionment determined by the agreement establishing the management board in respect of capital expenditures.

"8.4. An intermunicipal agreement providing for a mode of operation other than an intermunicipal management board and entered into exclusively by municipalities referred to in section 5 shall terminate on 31 December 2001. Such an agreement entered into between such a municipality and another municipality shall terminate on 31 December 2002. Section 8 applies to the debts arising from such an agreement, having regard to the apportionment determined by the agreement in respect of capital expenditures.

"8.5. The sums derived from the operation or leasing by the city of an industrial immovable, after deduction of related administration and maintenance costs, or from the alienation of the immovable, must be used to discharge the engagements made in respect of the immovable by any municipality referred to in section 5.

If the industrial immovable referred to in the first paragraph was the subject of an agreement under section 13.1 of the Act respecting municipal industrial immovables (R.S.Q., chapter I-0.1) which provided for terms and conditions relating to the apportionment of expenditures among the municipalities, the discharge pursuant to the first paragraph of the engagements made must be consistent with those terms and conditions as regards the taxable immovables situated in any part of the territory of the city that corresponds to the territory of any such municipality.

"8.6. The city may provide that the expenditures relating to the debts of each municipality referred to in section 5 shall be financed in part by revenues derived exclusively from the territory of that municipality and, for the remainder, by revenues derived from the whole territory of the city.

The following expenditures may not be covered by such a decision and shall continue to be financed in the same manner as they were for the fiscal year 2001, subject to any other provision, where the expenditures, for that fiscal year,

(1) are not chargeable to the ratepayers of the municipality, in particular because they are financed by contributions from other bodies or by subsidies;

(2) are financed by revenues derived from

(*a*) a special tax imposed on the taxable immovables situated in only a part of the territory of the municipality or imposed solely on the immovables to the benefit of which work has been carried out;

(*b*) an amount in lieu of a tax referred to in subparagraph *a* that must be paid by the Government in accordance with the second paragraph of section 210 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1) or the first paragraph of sections 254 and 255 of that Act or by the Crown in right of Canada or by one of its mandataries;

(*c*) a source of revenue that, under section 244.9 of the Act respecting municipal taxation, is used specifically for that purpose.

For the purpose of determining which part of the expenditures covered by the decision under the first paragraph must be financed as provided in the fourth paragraph, the total of the revenues of the municipality listed in subparagraphs 1 to 4 of the fifth paragraph is divided by the total of the revenues of the municipality for the fiscal year 2001 listed in that paragraph.

The product obtained by multiplying those expenditures by the quotient thus obtained represents the portion of the expenditures that must be financed using any source of revenue specific to that purpose imposed on the part of the territory that corresponds to the territory of the municipality. The balance represents the portion of the expenditures concerned that may be financed using any source of revenue specific to that purpose imposed on the whole territory of the city or any other revenue therefrom that is not reserved for other purposes.

The revenues to be used for the purposes of the division under the third paragraph are

(1) the revenues derived from the general property tax, except the revenues not taken into account in establishing the aggregate taxation rate of the municipality and the revenues that the municipality would have collected from the surtax on vacant land had it imposed that surtax rather than fix a general property tax rate specific to the category provided for in section 244.36 of the Act respecting municipal taxation;

(2) the revenues derived from any special tax imposed on all the immovables in the territory of the municipality on the basis of their taxable value;

(3) the revenues derived from any amount in lieu of a tax referred to in subparagraph 1 or 2 that must be paid by the Government in accordance with the second paragraph of section 210 of the Act respecting municipal taxation or the first paragraph of sections 254 and 255 of that Act or by the Crown in right of Canada or by one of its mandataries, except, in the case where the amount is in lieu of the general property tax, the revenues that would be

covered by the exception provided for in subparagraph 1 if it were the tax itself;

(4) the revenues derived from the source provided for in section 244.1 of the Act respecting municipal taxation, except revenues that, under section 244.9 of that Act, are used specifically to finance expenditures related to debts;

(5) the revenues derived from the surtax on vacant land, the surtax or the tax on non-residential immovables, the business tax and any other tax imposed on the basis of the rental value of an immovable;

(6) the revenues covered by the exception under subparagraph 1 or 3;

(7) the revenues derived from any amount in lieu of a tax, other than an amount referred to in subparagraph 3, that must be paid by the Government in accordance with the second paragraph of section 210 of the Act respecting municipal taxation or sections 254 and 255 of that Act or by the Crown in right of Canada or by one of its mandataries;

(8) the revenues derived from any unconditional government transfer."

312. Section 15 of Schedule II to the said Act is amended by replacing "by the electors of" in the first line by "in".

313. Section 19 of Schedule II to the said Act is amended

(1) by inserting "city" before "council" in the first line of the first paragraph;

(2) by replacing the second paragraph by the following paragraph:

"The additional remuneration mentioned in the first paragraph is deemed to be the additional remuneration referred to in the second paragraph of section 2 of the Act respecting the remuneration of elected municipal officers (R.S.Q., chapter T-11.001)."

314. Section 32 of Schedule II to the said Act is amended by replacing subparagraph 5 of the second paragraph by the following subparagraph:

"(5) the power to dismiss, suspend without pay or reduce the salary of an officer or employee referred to in the second or third paragraph of section 71 of the Cities and Towns Act (R.S.Q., chapter C-19)."

315. Section 33 of Schedule II to the said Act is amended by replacing the second sentence by the following sentence: "The by-law may, to the extent permitted by the internal management by-laws of the city, provide for the delegation of any power of the executive committee to any officer or employee of the city and fix the conditions and procedures for the exercise of the delegated power."

316. Section 37 of Schedule II to the said Act is replaced by the following section:

"37. Subject to this Act and to any order of the Government made under section 9, the Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2) applies, with the necessary modifications, in respect of the office and election of mayor of the city and of every city councillor."

317. Section 55 of Schedule II to the said Act is amended by striking out "de la Ville".

318. Section 58 of Schedule II to the said Act is amended by replacing the second paragraph by the following paragraph:

"The city council shall appoint, by a decision made by two-thirds of the votes cast and after consulting the bodies the council considers representative of the arts community, members of the arts council and designate a president and two vice-presidents from among the members."

319. Section 62 of Schedule II of the said Act is amended by striking out "de la Ville" in the second line.

320. Schedule II to the said Act is amended by inserting the following section after section 69:

"69.1. Only the city council may submit, for the purposes of section 517 of the Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2), to all the qualified voters of all or part of the territory of the city, a question relating to a jurisdiction of the city council or a jurisdiction of a borough council."

321. Schedule II to the said Act is amended by inserting the following section after section 70:

"70.1. A borough council may, on the conditions it determines, provide to the council of another borough any service related to one of its jurisdictions. The resolution offering such a provision of service becomes effective on the adoption of a resolution accepting the offer.

Every decision under the first paragraph must be made by two-thirds of the votes cast."

322. Section 72 of Schedule II to the said Act is amended by inserting ", cultural" after "economic" in paragraph 2.

323. The heading of subdivision 3 of Division II of Chapter III of Schedule II to the said Act is amended by inserting ", *cultural*" after "*economic*".

324. Section 75 of Schedule II to the said Act is amended

(1) by inserting ", cultural" after "economic" in the second line of the second paragraph;

(2) by inserting ", cultural" after "community" in the fourth line of the second paragraph.

325. Section 85 of Schedule II to the said Act is amended by replacing "to be managed by the city council" in the second line by "that are under the authority of the city council and those that are under the authority of the borough councils".

326. Section 86 of Schedule II to the said Act is amended by striking out "to be under the management of the city council" in the first and second lines of the first paragraph.

327. Section 88 of Schedule II to the said Act is amended by striking out "under the management of the city council" in the first and second lines.

328. Section 89 of Schedule II to the said Act is amended by striking out "to be managed by the city council" in the second line.

329. Section 94 of Schedule II to the said Act is amended

(1) by replacing "management" in the fourth line of the first paragraph by "authority";

(2) by replacing "traffic signs and signals and the control of traffic" in the second and third lines of the third paragraph by "roads, traffic signs and signals, the control of traffic and parking";

(3) by replacing "traffic signs and signals and the control of traffic" in the fourth line of the third paragraph by "roads, traffic signs and signals, the control of traffic and parking".

330. Section 114 of Schedule II to the said Act is amended

(1) by inserting ", cultural" after "community" in subparagraph 4 of the first paragraph;

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

"The borough council may, by its internal management by-laws, delegate to any officer or employee assigned to the borough by the city any power relating to the exercise of its jurisdiction in respect of the approval of expenditures, the making of contracts and the management of personnel, and fix the conditions and procedures for the exercise of the delegated power.";

(3) by replacing, in the French text, "l'émission" in the first line of the third paragraph by "la délivrance".

331. The heading of subdivision 5 of Division III of Chapter III of Schedule II to the said Act is amended by inserting ", *cultural*" after "*community*".

332. Section 120 of Schedule II to the said Act is amended by inserting ", cultural" after "community" in the fifth line.

333. Section 121 of Schedule II to the said Act is amended

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

"121. The borough council exercises the powers of the city in respect of the parks and the cultural and recreational equipment within its jurisdiction pursuant to the by-law adopted under section 85, except those provided for in section 90.";

(2) by inserting "and in accordance with the rules established in the development plan prepared by the city pursuant to section 75" after "purpose" in the second line of the second paragraph.

334. Section 122 of Schedule II to the said Act is replaced by the following section:

"122. The borough council exercises, in respect of the streets and roads under its responsibility pursuant to the by-law adopted by the city council for the purposes of section 94 and in a manner consistent with the rules prescribed under the second and third paragraphs of that section, the jurisdictions of the city as regards roads, traffic signs and signals, the control of traffic and parking."

335. Section 126 of Schedule II to the said Act is amended by inserting "all or any portion of" after "on" in the third line of the second paragraph.

336. Section 128 of Schedule II to the said Act is amended by replacing the third paragraph by the following paragraph:

"Where subparagraph 2 of the second paragraph applies, sections 561.1 and 561.2 and the second paragraph of section 561.3 of the Cities and Towns Act apply, subject to the percentage of 75% provided for in the second paragraph of section 561.3 being read as 25%."

337. Schedule II to the said Act is amended by inserting the following section after section 128:

"128.1. Notwithstanding the fifth paragraph of subsection 3 of section 474 of the Cities and Towns Act (R.S.Q., chapter C-19), where, on

1 January, the city's budget is not adopted, one-quarter of each appropriation provided for in the budget of the preceding fiscal year is deemed to be adopted. The same rule applies on 1 April, 1 July and 1 October if, on each of those dates, the budget has not yet been adopted."

338. Sections 129 to 131 of Schedule II to the said Act are replaced by the following:

"§1. — *Interpretation and general provisions*

"129. For the purposes of this division, the territory of each local municipality referred to in section 5 constitutes a sector.

"129.1. The city is subject to the rules provided for by the applicable legislation in respect of all the local municipalities, in particular the rules that prevent the fixing of different general property tax rates according to the parts of the municipal territory and the rules that provide for the use of specific sources of revenue to finance expenditures relating to debts.

The city may, however, depart from those rules but only insofar as is necessary for the application of any of the provisions of this division or of section 8.6.

"§2. — *Limitation on increases in the tax burden*

"130. The city shall avail itself either of the power provided for in section 130.1 and, if it imposes the business tax, of that provided for in section 130.2, or of the power provided for in section 130.7.

"130.1. The city may, for a fiscal year, fix any general property tax rate in such manner that, in relation to the preceding fiscal year, the increase in the tax burden borne by the aggregate of the units of assessment situated in a sector and in respect of which all or part of the rate applies is not greater than 5%.

The tax burden shall consist of

(1) the revenues derived from the general property tax which result from the application of all or part of a rate of that tax;

(2) the revenues derived from other taxes, including the taxes imposed on the basis of the rental value of immovables and compensations considered by the applicable legislation to be taxes, in particular the taxes used to finance services such as the supply of drinking water, waste water purification, snow removal, waste disposal, and residual materials upgrading;

(3) the revenues derived from the amounts to stand in lieu of taxes that must be paid in respect of immovables by the Government in accordance with the second paragraph of section 210 of the Act respecting municipal taxation

(R.S.Q., chapter F-2.1) or by the Government in accordance with section 254 and the first paragraph of section 255 of that Act, or by the Crown in right of Canada or by one of its mandataries;

(4) the revenues of which the city has deprived itself by granting a credit in respect of any of the sources of revenue referred to in any of subparagraphs 1 to 3, for the application of section 8 as regards the allocation of the credit from a surplus.

However, the revenues referred to in the second paragraph which are used to finance expenditures relating to debts shall be excluded from the tax burden.

"130.2. The city may, for a fiscal year, fix the rate of the business tax in such manner that, in relation to the preceding fiscal year, the increase in the revenues derived from that tax in respect of all the business establishments situated in a sector is not greater than 5%.

The revenues derived from the amounts to stand in lieu of the business tax that must be paid by the Government in accordance with the second paragraph of section 210 or the second paragraph of section 254 and the first paragraph of section 255 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1) shall be included in those revenues.

"130.3. If the city avails itself of any of the powers provided for in sections 130.1 and 130.2, it may replace the maximum percentage increase in that section by another maximum percentage increase, applicable only to the group formed of the sectors concerned, which must be less than 5%.

"130.4. Where the increase under section 130.1 or 130.2 does not result solely from the constitution of the city, the maximum shall apply only in respect of the part of the increase that results from the constitution.

"130.5. If the city avails itself of any of the powers provided for in sections 130.1 and 130.2, it shall, subject to any regulation under the second paragraph, prescribe the rules to determine whether the increase under that section results solely from the constitution of the city and, if not, to establish the part resulting from the constitution.

The Government may, by regulation, determine the only cases in which an increase is deemed not to result from the constitution of the city.

If the city does not avail itself of the power provided for in section 244.29 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1) and imposes the surtax or the tax on non-residential immovables or the surtax on vacant land, it must, if it avails itself of the power provided for in section 130.1, prescribe the rules to enable the appropriate correspondences to be made so as to obtain the same results, as regards the application of that section, were the city to impose the general property tax with rates specific to the categories comprising the units of assessment subject to each tax or surtax imposed.

"130.6. For the purpose of the establishment of the percentage increase referred to in section 130.1 for the fiscal year 2002, where the local municipality whose territory constitutes the sector concerned has appropriated as revenue for the fiscal year 2001 all or part of its surpluses from preceding fiscal years, in an amount exceeding the average of the amounts it appropriated for the fiscal years 1996 to 2000, the difference obtained by subtracting from that excess amount the amount of the sum that the municipality was exempted from paying, by the operation of sections 90 to 96 of chapter 54 of the statutes of 2000, for the special local activities financing fund, shall be included for the fiscal year 2001 in the tax burden borne by the aggregate of the units of assessment situated in the sector.

"130.7. The city may prescribe the rules enabling it to grant an abatement for a fiscal year in such manner that, in relation to the preceding fiscal year, any increase in the tax burden borne by a unit of assessment or a business establishment is not greater than 5%.

The second and third paragraphs of section 130.1 and sections 130.2 to 130.6 apply, with the necessary modifications, for the purposes of the limitation on the increase under the first paragraph.

If it avails itself of the power provided for in the first paragraph, the city shall determine the rules to enable the rules set out in the provisions among those referred to in the second paragraph which take into consideration aggregates of units or of establishments, to be adapted to each unit of assessment or business establishment considered individually.

"§3. — *Limitation on decreases in the tax burden*

"131. The city may, for a fiscal year, fix any general property tax rate in such manner that, in relation to the preceding fiscal year, the decrease in the tax burden borne by the aggregate of the units of assessment situated in a sector and in respect of which all or part of the rate applies is not greater than the percentage, applicable only to the group formed of the sectors concerned, fixed by the city.

The second and third paragraphs of section 130.1, the third paragraph of section 130.5 and section 130.6 apply, with the necessary modifications, for the purposes of the limitation on the decrease under the first paragraph.

"131.1. The city may, for a fiscal year, fix the rate of the business tax in such manner that, in relation to the preceding fiscal year, the decrease in the revenues derived from that tax in respect of the aggregate of the business establishments situated in a sector is not greater than the percentage, applicable only to the group formed of the sectors concerned, fixed by the city.

The revenues derived from the amounts to stand in lieu of the business tax that must be paid by the Government in accordance with the second paragraph of section 210 or the second paragraph of section 254 and the first paragraph of section 255 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1) shall be included in those revenues.

"131.2. If the city does not avail itself of the power provided for in section 131 or 131.1, it may prescribe the rules enabling it to require a supplement for a fiscal year in such manner that, in relation to the preceding fiscal year, the decrease in the tax burden borne by any unit of assessment or any business establishment is not greater than the percentage, applicable only to the group formed of the whole territory, fixed by the city.

The second and third paragraphs of section 130.1, the third paragraph of section 130.5 and section 130.6, in the case of a unit of assessment, or the second paragraph of section 131.1, in the case of a business establishment, apply, with the necessary modifications, for the purposes of the limitation on the decrease under the first paragraph.

If it avails itself of the power provided for in the first paragraph, the city shall determine the rules to enable the rules set out in the provisions among those referred to in the second paragraph which take into consideration aggregates of units or of establishments, to be adapted to each unit of assessment or business establishment considered individually.

"§4. — *Miscellaneous provisions*

"131.3. The city may avail itself of the powers provided for in Division III.1 of Chapter XVIII of the Act respecting municipal taxation (R.S.Q., chapter F-2.1) in respect of one sector without doing so in respect of another sector, or it may avail itself of such powers in a different manner according to the sectors.

"131.4. Where, under section 244.29 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1), the city fixes, for a fiscal year prior to the fiscal year in which the first assessment roll drawn up specifically for the city comes into force, a general property tax rate specific to any of the categories provided for in sections 244.34 and 244.35 of that Act, the coefficient referred to in section 244.44 or 244.47 of that Act is the coefficient established on the basis of a comparison of the last two property assessment rolls of the local municipality, among the local municipalities referred to in section 5, that has the largest population for 2001.

"131.5. For the fiscal year 2002, the city shall impose the business tax in respect of a sector in which that tax was imposed for the fiscal year 2001 and refrain from imposing such a tax in respect of any other sector. In the first case, the city shall fix the rate in such manner that the revenues from the business tax estimated for the fiscal year 2002 in respect of the sector are not less than the business tax revenues that the municipality concerned estimated for the fiscal year 2001.

For every fiscal year subsequent to the fiscal year 2002, if the city does not impose the business tax in respect of the whole of its territory it may impose the business tax in respect of any sector in which that tax was imposed for the fiscal years 2001 and 2002.

For the purposes of the first two paragraphs, the roll of rental values in force in the sector for the fiscal year 2001 shall continue to apply until the end of the last fiscal year for which it was drawn up. The city may, if necessary for the purposes of those paragraphs, cause a roll of rental values to be drawn up pursuant to the Act respecting municipal taxation (R.S.Q., chapter F-2.1) in respect of a sector rather than in respect of the whole of its territory.

"131.6. The city may establish a program for the purpose of granting, in the circumstances described in the second paragraph, a credit applicable in respect of the amount of the general property tax imposed, for any fiscal year from the fiscal year referred to in subparagraph 1 of that paragraph, on any unit of assessment situated in a sector and that belongs to the group described in section 244.31 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1).

The credit may be granted where the following conditions are met:

(1) for a particular fiscal year, the business tax is not imposed in respect of the sector, either separately or as part of the whole territory of the city, or, if the business tax is imposed, the estimated revenues therefrom in respect of the sector are less than those of the preceding fiscal year;

(2) the business tax was imposed in respect of the sector, for the fiscal year preceding the fiscal year referred to in subparagraph 1, without being imposed in respect of the whole territory of the city; and

(3) the general property tax revenues estimated in respect of the sector for the fiscal year referred to in subparagraph 1 and derived from the application of all or part of any of the rates specific to the categories provided for in sections 244.33 and 244.34 of the Act respecting municipal taxation are greater than they would have been were it not for the loss of or decrease in business tax revenues.

The credit shall diminish the amount payable of the general property tax imposed on any unit of assessment referred to in the first paragraph in respect of which all or part of a rate referred to in subparagraph 3 of the second paragraph applies. The amount of the credit shall be established according to the rules set out in the program.

The cost of the aggregate of the credits granted in respect of the units of assessment situated in the sector shall be a burden on the aggregate of the units situated in the sector that belong to the group referred to in the first paragraph.

If the city does not avail itself of the power provided for in section 244.29 of the Act respecting municipal taxation and imposes the surtax or the tax on

non-residential immovables, it must, if it avails itself of the power under the first paragraph, prescribe the rules enabling the appropriate correspondences to be made so as to obtain the same results, as regards the application of the first four paragraphs, were the city to impose the general property tax with rates specific to the categories comprising the units of assessment subject to the surtax or the tax on non-residential immovables.

"131.7. Where a local municipality referred to in section 5 has availed itself, in respect of its roll of assessment that came into force on 1 January 2001, of the power provided for in section 253.27 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1), the city may, on or before the adoption of the budget for the fiscal year 2002, provide that the averaging of the variation in the taxable values resulting from the coming into force of the roll will continue for that fiscal year in respect of the sector concerned."

339. Section 135 of Schedule II to the said Act is amended

(1) by adding "and a mandatary of the State" at the end of the first paragraph;

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

"The property of the transition committee forms part of the domain of the State, but the performance of its obligations may be pursued on the property.

The transition committee binds only itself when acting in its own name."

340. Section 136 of Schedule II to the said Act is replaced by the following section:

"136. Every member of the transition committee shall be paid the remuneration and allowances determined by the Minister.

The Minister may determine any other condition of employment of a member and in particular the rules relating to the reimbursement of expenses incurred by the member in the exercise of his or her functions."

341. Section 142 of Schedule II to the said Act is amended by adding the following paragraph at the end:

"Every decision made by the transition committee for the borrowing of money must be approved by the Minister of Municipal Affairs and Greater Montréal. The money borrowed by the transition committee, where such is the case, shall be borrowed at the rate of interest and on the other conditions mentioned in the approval."

342. Section 151 of Schedule II to the said Act is amended by adding the following paragraph at the end:

"The first paragraph also applies in respect of information, records and documents relating to a pension plan referred to in section 7 and held by any administrator of such a plan or by any public body exercising under law a responsibility in respect of such a plan."

343. Section 154 of Schedule II to the said Act is amended by replacing the second sentence of the first paragraph by the following sentences: "The committee may designate the employee whose services are necessary. The committee and the employer shall agree on the costs to be paid by the committee for the use of the services. However, the employer shall place the designated employee at the disposal of the committee as of the time indicated by the committee, notwithstanding the absence of an agreement respecting the costs for the services."

344. Section 155 of Schedule II to the said Act is amended by adding the following paragraphs at the end:

"No municipality or body referred to in the first paragraph may prohibit or otherwise prevent its officers or employees from cooperating with the transition committee acting in the pursuit of its mission, or take or threaten to take any disciplinary measure against them for having cooperated with the committee.

Section 123 of the Act respecting labour standards (R.S.Q., chapter N-1.1) applies, with the necessary modifications, to any officer or employee who believes he or she has been the victim of a practice prohibited by the second paragraph."

345. Section 157 of Schedule II to the said Act is amended by adding the following paragraph after the third paragraph:

"The transition committee may, at any time, approve a decision, collective agreement or contract of employment in respect of which an authorization is required under the first, second or third paragraph. The approval of the transition committee is deemed to be such an authorization."

346. Section 159 of Schedule II to the said Act is amended

(1) by striking out "and a determination of their boundaries" in the third and fourth lines of the second paragraph;

(2) by inserting ", with or without amendments," after "adopted" in the third line of the third paragraph.

347. Section 160 of Schedule II to the said Act is replaced by the following section:

"160. The transition committee may examine the circumstances of the hiring of officers and employees referred to in section 7 after 15 November 2000 and the situation relating to the employees of any intermunicipal

management board in respect of whom the intermunicipal agreement does not provide for the maintenance of employment in any of the municipalities party to the agreement at the expiry of the agreement.

The transition committee may make any recommendation in respect of those officers and employees to the Minister."

348. Section 162 of Schedule II to the said Act is amended by adding the following paragraph at the end:

"However, the Minister of Labour may, where applicable and if the Minister of Labour considers it appropriate, designate a mediator-arbitrator for each disagreement or group of disagreements relating to the determination of the reassignment procedure concerning a class of employment or a group of employees."

349. Section 165 of Schedule II to the said Act is amended by replacing the second paragraph by the following paragraph:

"The transition committee may create the various departments within the city, and determine the scope of their activities. It may appoint the department heads and assistant heads as well as the other officers and employees not represented by a certified association, and define their functions."

350. Section 166 of Schedule II to the said Act is repealed.

351. Section 167 of Schedule II to the said Act is amended

(1) by replacing "boroughs" in the third line by "borough councils";

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

"It must propose a draft of any resolution from among the resolutions that may be adopted under Division II of Chapter IV on which the draft budget is based."

352. Section 173 of Schedule II to the said Act is amended

(1) by replacing ", or be appointed as," in the second line by "elected or appointed as";

(2) by striking out the second sentence.

353. Section 174 of Schedule II to the said Act is amended by striking out "that must be held for the sole purposes of section 175" in the second and third lines.

354. Section 175 of Schedule II to the said Act is amended by replacing the third paragraph by the following paragraph:

"If on 1 January 2002, the budget is not adopted, one-quarter of each appropriation provided for in the budget prepared by the transition committee is deemed to be adopted. The same rule applies on 1 April, 1 July and 1 October if, on each of those dates, the budget has not yet been adopted."

355. Schedule II to the said Act is amended by inserting the following section after section 175:

"175.1. The city council may, by the first by-law respecting remuneration adopted under the Act respecting the remuneration of elected municipal officers (R.S.Q., chapter T-11.001), fix any remuneration to be paid by the city to the mayor, the borough chairs, the other members of the city council and the borough councillors for the functions they exercised between the first day of their terms and 31 December 2001. The method for fixing the remuneration may differ, in relation to that period, from the method applicable from the date of the constitution of the city.

The remuneration paid under the first paragraph to an elected officer must be reduced by an amount equal to the amount of any remuneration received from another local municipality during the same period. However, for the purposes of the pension plan established under the Act respecting the Pension Plan of Elected Municipal Officers (R.S.Q., chapter R-9.3), only the part of the remuneration received from the municipality that has adhered to that pension plan in respect of the elected officer may be considered as pensionable salary."

356. Section 176 of Schedule II to the said Act is amended by replacing "131" by "131.7".

357. Section 177 of Schedule II to the said Act is amended by inserting ", except any provision having as its object, in respect of such a municipality, to validate or ratify a document or an act performed or intended to clarify a title of ownership or to confirm or grant the power to acquire or alienate a particular immovable," after "section 5" in the third line.

358. Schedule II-A to the said Act is amended by replacing the third paragraph of the description of the boundaries of the territory of Ville de Québec by the following paragraph:

"Also excluded from the territory of Ville de Québec is the Wendake Reserve."

359. Part I of Schedule II-B of the said Act is replaced by the following:

"I- BOUNDARIES OF THE BOROUGHS OF VILLE DE QUÉBEC

Borough 1

To the south, the south boundaries of the former Ville de Québec from the centre line of the Saint-Charles river estuary to the east boundary of the former Ville de Sillery.

To the west, successively the east and north boundaries of the former Ville de Sillery to the dividing line between the former cities of Sainte-Foy and Québec; northerly, the dividing line between the former cities of Sainte-Foy and Québec to the centre line of Charest-Ouest boulevard; westerly, the centre line of Charest-Ouest boulevard to the centre line of the Du Vallon autoroute; the centre line of the Du Vallon autoroute northerly to the dividing line between the former cities of Sainte-Foy and Québec; generally easterly, the broken line separating the former cities of Sainte-Foy and Québec to the centre line of Charest-Ouest boulevard; easterly, the centre line of Charest-Ouest boulevard to the centre line of Saint-Sacrement avenue; the centre line of Saint-Sacrement avenue northerly to the centre line of Wilfrid-Hamel boulevard; the centre line of Wilfrid-Hamel boulevard easterly to its intersection with the centre line of the Saint-Charles river, then along the centre line of that river and its estuary to the boundary of the former Ville de Québec.

The territory of the Hôpital Général is excluded from Borough 1.

Borough 2

To the south, the centre line of the Saint-Charles river from the centre line of the Laurentienne autoroute to its intersection with the centre line of Wilfrid-Hamel boulevard; the centre line of Wilfrid-Hamel boulevard westerly to the centre line of Saint-Sacrement avenue; southerly, the centre line of Saint-Sacrement avenue to the centre line of Charest-Ouest boulevard; westerly, the centre line of Charest-Ouest boulevard to the dividing line between the former cities of Québec and Sainte-Foy; generally westerly, the broken line separating the former cities of Québec and Sainte-Foy to the centre line of the Du Vallon autoroute; the centre line of the Du Vallon autoroute southerly to the centre line of Charest-Ouest boulevard; westerly, the centre line of Charest-Ouest boulevard to the centre line of the Henri IV autoroute.

To the west, the centre line of the Henri IV autoroute northerly to the dividing line between the former cities of Québec and Sainte-Foy; successively westerly, northerly and easterly, the dividing line between the former cities of Québec and Sainte-Foy to the south boundary of the former Ville de L'Ancienne-Lorette; successively northerly and easterly, the east and south boundaries of the former Ville de L'Ancienne-Lorette to the centre line of the Henri IV autoroute; the centre line of the Henri IV autoroute northerly to the centre line of Chauveau boulevard.

To the north, the centre line of Chauveau boulevard easterly to the centre line of the Saint-Charles river, then the centre line of the Saint-Charles river northerly to the south boundary of the former Ville de Loretteville; easterly, the south boundary of the former Ville de Loretteville; northerly, the dividing line between the former cities of Québec and Loretteville; successively easterly, southerly, easterly and northerly, the dividing lines between the former cities of Québec and Saint-Émile to the dividing line between the former cities of Québec and Charlesbourg; easterly, the dividing line between the said former cities of Québec and Charlesbourg.

To the east successively, the east boundary of the former Ville de Québec southerly, then in the former Ville de Québec, the centre line of the Laurentienne autoroute to the centre line of the Saint-Charles river.

Borough 3

To the south, the south boundary of the former cities of Sillery and Sainte-Foy.

To the west, the east boundary of the former Ville de Cap-Rouge to the centre line of the Canadian National railway line.

To the north, northerly and easterly, the centre line of the Canadian National railway line crossing the Duplessis autoroute to the centre line of the Henri IV autoroute; northerly, the centre line of the Henri IV autoroute to the centre line of Charest-Ouest boulevard; easterly, the centre line of Charest-Ouest boulevard to the dividing line between the former cities of Sainte-Foy and Québec.

To the east, the dividing line between the former cities of Sainte-Foy and Québec, then successively easterly and southerly the north and east boundaries of the former Ville de Sillery.

Borough 4

The boundaries of the territory of the former Ville de Charlesbourg.

Borough 5

The boundaries of the territory of the former Ville de Beauport.

Borough 6

To the south, the centre line between the Saint-Charles river and its estuary, from the boundary of the former Ville de Québec to the centre line of the Laurentienne autoroute.

To the west, the centre line of the Laurentienne autoroute to the dividing line between the former cities of Québec and Charlesbourg.

To the north, the dividing line between the former cities of Québec and Charlesbourg.

To the east, the dividing line between the former cities of Québec and Beauport to the centre line of the Saint-Charles river.

Borough 7

To the south, successively westerly, northerly and westerly, the dividing line between the former cities of Saint-Émile and Québec to the dividing line between the former cities of Québec and Loretteville; southerly, the dividing line between the said former cities; westerly, the south boundary of the former Ville de Loretteville to its intersection with the centre line of the Saint-Charles river then the centre line of the Saint-Charles river to the centre line of Chauveau boulevard; westerly, the centre line of Chauveau boulevard to the east boundary of the former Ville de Sainte-Foy.

To the west, successively the east and north boundaries of the former Ville de Sainte-Foy to the centre line of the Henri IV autoroute; northerly, along the centre line of the Henri IV autoroute to the south boundary of the former Ville de Val-Bélair; easterly and northerly, the south and east boundaries of the former Ville de Val-Bélair then easterly and northerly, the south and east boundaries of the former Ville de Val-Bélair.

To the north, the north boundary of the former Ville de Québec to its intersection with the north boundary of the former Ville de Lac-Saint-Charles; the north boundary of the former Ville de Lac-Saint-Charles.

To the east, the east boundaries of the former cities of Lac-Saint-Charles and Saint-Émile.

The Wendake Reserve is excluded from Borough 7.

Borough 8

To the south, the south boundaries of the former Ville de Cap-Rouge and the former Municipalité de Saint-Augustin-de-Desmaures.

To the west, the west boundary of the former Municipalité de Saint-Augustin-de-Desmaures.

To the north, the north boundaries of the former Municipalité de Saint-Augustin-de-Desmaures, then northerly, the west boundary of the former Ville de Val-Bélair; thence, the north boundary of the former Ville de Val-Bélair.

To the east, successively southerly, westerly and southerly, the boundaries of the former Ville de Val-Bélair to its south boundary; thence, westerly, the south boundary of the former Ville de Val-Bélair to the centre line of the Henri IV autoroute; southerly, the centre line of the Henri IV autoroute, to the south boundary of the former Ville de Val-Bélair, then in the former Ville de

Québec to the north boundary of the former Ville de Sainte-Foy; successively easterly and southerly, the north and east boundaries of the former Ville de Sainte-Foy to the centre line of Chauveau boulevard; easterly, the centre line of Chauveau boulevard to the centre line of the Henri IV autoroute; southerly, the centre line of the Henri IV autoroute to the dividing line between the former cities of L'Ancienne-Lorette and Québec; successively westerly and southerly, the dividing lines between the former cities of Québec and L'Ancienne-Lorette to the north boundary of the former Ville de Sainte-Foy; successively southerly and easterly, the east and north boundaries of the former Ville de Sainte-Foy to the centre line of the Henri IV autoroute; southerly, the centre line of the Henri IV autoroute in the former Ville de Sainte-Foy, to the centre line of the Canadian National railway line, then the centre line of the railway line westerly and southerly, crossing the Duplessis autoroute, to the east boundary of the former Ville de Cap-Rouge; southerly, the east boundary of the former Ville de Cap-Rouge."

360. Section 6 of Schedule III to the said Act is amended

(1) by striking out "amended," in the fifth line;

(2) by inserting "council" after "borough" in the seventh line.

361. Section 8 of Schedule III to the said Act is amended

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

"8. The debts and any category of surplus of each of the municipalities referred to in section 5 shall continue to burden or be credited to the immovables taxable in their respect on 31 December 2001 and that are situated in the part of the territory of the city which corresponds to the territory of that municipality.

The amounts required after 31 December 2001, in relation to a sum determined pursuant to subparagraph 4 of the second paragraph of section 137 of the Supplemental Pension Plans Act (R.S.Q., chapter R-15.1) in respect of a pension plan to which a municipality referred to in the first paragraph was a party or in relation to the amortization of any unfunded actuarial liability of such a plan, shall continue to burden the taxable immovables situated in the part of the territory of the city which corresponds to the territory of that municipality. The contributions paid after 31 December 2001, in relation to the obligations arising from a pension plan not subject to the Supplemental Pension Plans Act to which a municipality referred to in the first paragraph was a party, in respect of years of past service before 1 January 2002 shall continue to burden the taxable immovables situated in the part of the territory of the city which corresponds to the territory of that municipality.

The date of the determination of a sum pursuant to subparagraph 4 of the second paragraph of section 137 of the Supplemental Pension Plans Act or of an unfunded actuarial liability provided for in the second paragraph must be earlier than 21 June 2001. In addition, in the case of an improvement unfunded

actuarial liability, the amendment must have been made before 1 January 2002. However, if a pension plan still has such a sum or unfunded actuarial liability on the date of its division, merger or termination, the contributions paid by the city for that purpose after that date are deemed to be paid in respect of any sum or the amortization of any liability to which the second paragraph refers.";

(2) by inserting ", as the case may be, all or any portion of" after "burden" in the fourth line of the second paragraph.

362. Schedule III to the said Act is amended by adding the following sections after section 8:

"8.1. Every intermunicipal agreement providing for the establishment of an intermunicipal management board composed exclusively of municipalities referred to in section 5 shall terminate on 31 December 2001, notwithstanding any inconsistent provision mentioned in the agreement.

Notwithstanding sections 468.48 and 468.49 of the Cities and Towns Act (R.S.Q., chapter C-19), an intermunicipal management board referred to in the first paragraph shall cease its activities and is dissolved on the date set out in that paragraph.

"8.2. The city succeeds to the rights, obligations and charges of a management board referred to in section 8.1. In such a case, the second paragraph of section 5 and sections 6 and 8 apply, with the necessary modifications and, in the case of section 8, as regards the debts, having regard to the apportionment determined by the agreement establishing the management board in respect of capital expenditures.

"8.3. In the case of an intermunicipal agreement providing for the establishment of an intermunicipal management board composed in part of municipalities referred to in section 5, the city may request the Minister of Municipal Affairs and Greater Montréal to terminate the agreement on a date other than the date provided for in the agreement to enable the management board to be dissolved. If the Minister accepts the request, sections 468.48 and 468.49 of the Cities and Towns Act (R.S.Q., chapter C-19) apply, with the necessary modifications, from the date a copy of the Minister's acceptance is transmitted to the intermunicipal management board and the municipalities that are members thereof.

Section 8 applies in respect of the debts arising from an agreement referred to in the first paragraph, having regard to the apportionment determined by the agreement establishing the management board in respect of capital expenditures.

"8.4. An intermunicipal agreement providing for a mode of operation other than an intermunicipal management board and entered into exclusively by municipalities referred to in section 5 shall terminate on 31 December 2001. Such an agreement entered into between such a municipality and

another municipality shall terminate on 31 December 2002. Section 8 applies to the debts arising from such an agreement, having regard to the apportionment determined by the agreement in respect of capital expenditures.

"8.5. The sums derived from the operation or leasing by the city of an industrial immovable, after deduction of related administration and maintenance costs, or from the alienation of the immovable, must be used to discharge the engagements made in respect of the immovable by any municipality referred to in section 5.

If the industrial immovable referred to in the first paragraph was the subject of an agreement under section 13.1 of the Act respecting municipal industrial immovables (R.S.Q., chapter I-0.1) which provided for terms and conditions relating to the apportionment of expenditures among the municipalities, the discharge pursuant to the first paragraph of the engagements made must be consistent with those terms and conditions as regards the taxable immovables situated in any part of the territory of the city that corresponds to the territory of any such municipality.

"8.6. The city may provide that the expenditures relating to the debts of each municipality referred to in section 5 shall be financed in part by revenues derived exclusively from the territory of that municipality and, for the remainder, by revenues derived from the whole territory of the city.

The following expenditures may not be covered by such a decision and shall continue to be financed in the same manner as they were for the fiscal year 2001, subject to any other provision, where the expenditures, for that fiscal year,

(1) are not chargeable to the ratepayers of the municipality, in particular because they are financed by contributions from other bodies or by subsidies;

(2) are financed by revenues derived from

(*a*) a special tax imposed on the taxable immovables situated in only a part of the territory of the municipality or imposed solely on the immovables to the benefit of which work has been carried out;

(*b*) an amount in lieu of a tax referred to in subparagraph *a* that must be paid by the Government in accordance with the second paragraph of section 210 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1) or the first paragraph of sections 254 and 255 of that Act or by the Crown in right of Canada or by one of its mandataries;

(*c*) a source of revenue that, under section 244.9 of the Act respecting municipal taxation, is used specifically for that purpose.

For the purpose of determining which part of the expenditures covered by the decision under the first paragraph must be financed as provided in the fourth paragraph, the total of the revenues of the municipality listed in subparagraphs 1 to 4 of the fifth paragraph is divided by the total of the revenues of the municipality for the fiscal year 2001 listed in that paragraph.

The product obtained by multiplying those expenditures by the quotient thus obtained represents the portion of the expenditures that must be financed using any source of revenue specific to that purpose imposed on the part of the territory that corresponds to the territory of the municipality. The balance represents the portion of the expenditures concerned that may be financed using any source of revenue specific to that purpose imposed on the whole territory of the city or any other revenue therefrom that is not reserved for other purposes.

The revenues to be used for the purposes of the division under the third paragraph are

(1) the revenues derived from the general property tax, except the revenues not taken into account in establishing the aggregate taxation rate of the municipality and the revenues that the municipality would have collected from the surtax on vacant land had it imposed that surtax rather than fix a general property tax rate specific to the category provided for in section 244.36 of the Act respecting municipal taxation;

(2) the revenues derived from any special tax imposed on all the immovables in the territory of the municipality on the basis of their taxable value;

(3) the revenues derived from any amount in lieu of a tax referred to in subparagraph 1 or 2 that must be paid by the Government in accordance with the second paragraph of section 210 of the Act respecting municipal taxation or the first paragraph of sections 254 and 255 of that Act or by the Crown in right of Canada or by one of its mandataries, except, in the case where the amount is in lieu of the general property tax, the revenues that would be covered by the exception provided for in subparagraph 1 if it were the tax itself;

(4) the revenues derived from the source provided for in section 244.1 of the Act respecting municipal taxation, except revenues that, under section 244.9 of that Act, are used specifically to finance expenditures related to debts;

(5) the revenues derived from the surtax on vacant land, the surtax or the tax on non-residential immovables, the business tax and any other tax imposed on the basis of the rental value of an immovable;

(6) the revenues covered by the exception under subparagraph 1 or 3;

(7) the revenues derived from any amount in lieu of a tax, other than an amount referred to in subparagraph 3, that must be paid by the Government in accordance with the second paragraph of section 210 of the Act respecting

municipal taxation or sections 254 and 255 of that Act or by the Crown in right of Canada or by one of its mandataries;

(8) the revenues derived from any unconditional government transfer."

363. Section 17 of Schedule III to the said Act is amended by replacing "by the electors of" in the first line by "in".

364. Section 21 of Schedule III to the said Act is amended

(1) by inserting "city" before "council" in the first line;

(2) by replacing the second paragraph by the following paragraph:

"The additional remuneration mentioned in the first paragraph is deemed to be the additional remuneration referred to in the second paragraph of section 2 of the Act respecting the remuneration of elected municipal officers (R.S.Q., chapter T-11.001)."

365. Section 22 of Schedule III to the said Act is amended by replacing "six" in the first line of the first paragraph by "seven".

366. Section 34 of Schedule III to the said Act is amended by replacing subparagraph 5 of the second paragraph by the following subparagraph:

"(5) the power to dismiss, suspend without pay or reduce the salary of an officer or employee referred to in the second or third paragraph of section 71 of the Cities and Towns Act (R.S.Q., chapter C-19)."

367. Section 35 of Schedule III to the said Act is amended by replacing the second sentence by the following sentence: "The by-law may, to the extent permitted by the internal management by-laws of the city, provide for the delegation of any power of the executive committee to any officer or employee of the city and fix the conditions and procedures for the exercise of the delegated power."

368. Section 37 of Schedule III to the said Act is replaced by the following section:

"37. Subject to this Act and to any order of the Government made under section 9, the Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2) applies, with the necessary modifications, in respect of the office and election of mayor of the city and of every city councillor."

369. Schedule III to the said Act is amended by inserting the following division after section 54:

“DIVISION VI

“CONSEIL DES ARTS

“54.1. The council may, by by-law, establish an arts council.

“54.2. The arts council has the following functions:

(1) to draw up and keep a permanent list of the associations, societies, organizations, groups or persons engaged in artistic and cultural activities in the territory of the city;

(2) to combine, coordinate and promote artistic or cultural initiatives in the territory of the city; and

(3) within the limits of the funds available for that purpose, to designate the associations, societies, organizations, groups or persons and the artistic or cultural events worthy of receiving grants, fix the amount of any grant and recommend the payment of it by the city.

The city council may, by by-law, confer any other power on the arts council or impose on it any other duty it considers advisable to better enable it to attain its objects.

“54.3. The city council shall determine, by the by-law referred to in section 54.1, the number of members composing the arts council, the qualifications they must have, the duration of their terms and the time and method of their appointment and replacement, as well as the rules of internal management and operation of the arts council, and the rules of procedure for its meetings.

“54.4. The members of the arts council must be Canadian citizens and be domiciled in the territory of the city.

The members are appointed by the city council which shall designate a chair and two vice-chairs from among the members.

“54.5. The members of the arts council are not remunerated. However, they are entitled to reimbursement by the arts council for all expenses authorized by the arts council and incurred by the members in the exercise of their functions.

“54.6. The members of the arts council may retain the services of the personnel they require, including a secretary, and fix their remuneration.

The employees of the arts council are not by that sole fact officers or employees of the city.

The treasurer of the city or such assistant as the treasurer may designate is by virtue of office the treasurer of the arts council.

"54.7. The fiscal year of the arts council coincides with that of the city, and the city's auditor shall audit the financial statements of the arts council and, within 120 days following the expiry of the fiscal year, make a report of that audit to the city.

"54.8. A special fund is established for the arts council and entrusted to the custody of the treasurer of the arts council.

"54.9. The fund is constituted of

(1) the gifts, legacies and grants made to the arts council;

(2) the sums voted annually for that purpose out of the city's budget; and

(3) the sums put at the disposal of the arts council every year that have not been used before the end of the fiscal year.

The city council may, by by-law, prescribe the minimum amount that must be allocated every year for the purposes of subparagraph 2 of the first paragraph. As long as the by-law remains in force, the treasurer of the city must include the amount so prescribed in the certificate the treasurer prepares in accordance with section 474 of the Cities and Towns Act (R.S.Q., chapter C-19).

"54.10. The fund shall be used exclusively to pay grants, on the recommendation of the arts council, and to defray the administrative costs of the arts council.

At the end of each fiscal year, the treasurer of the arts council shall render account to it of the sums paid under the first paragraph.

"54.11. The jurisdiction of the arts council extends to every municipality whose territory is situated in whole or in part within a 50-kilometre radius of the territory of the city and which has expressed such a desire by a resolution of its council transmitted to the clerk of the city.

The council of such a municipality is empowered to pass the resolution provided for in the first paragraph.

The resolution remains in force for a period of three years; it is thereafter tacitly renewed every three years for a new three-year period unless the municipality has given the clerk of the city a notice to the opposite effect at least six months before the date of expiry of the three-year period then in effect.

The arts council has jurisdiction in respect of the municipality as long as the resolution remains in force.

"54.12. The city shall fix the annual contribution that must be paid into the fund by a municipality in respect of which the arts council has jurisdiction pursuant to section 54.11; it shall also fix the terms and conditions and the time of payment of the contribution.

A municipality may require the city to fix in its respect, for a period of three years, the contribution, the terms and conditions and the time referred to in the first paragraph before it transmits its resolution to the clerk of the city in accordance with the first paragraph of section 54.11, or, where applicable, at least one month before the expiry of the time allowed it to give a notice in accordance with the third paragraph of that section.

"54.13. A municipality in respect of which the arts council has jurisdiction pursuant to section 54.11 is authorized and required to pay into the fund the annual contribution fixed in its regard in accordance with section 54.12.

"54.14. For the purposes of this division, "territory of the city" includes the territory of a municipality in respect of which the arts council has jurisdiction pursuant to section 54.11."

370. Schedule III to the said Act is amended by inserting the following section after section 55:

"55.1. Only the city council may submit, for the purposes of section 517 of the Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2), to all the qualified voters of all or part of the territory of the city a question relating to a jurisdiction of the city council or a jurisdiction of a borough council."

371. Schedule III to the said Act is amended by inserting the following section after section 56:

"56.1. A borough council may, on the conditions it determines, provide to the council of another borough any service related to one of its jurisdictions. The resolution offering such a provision of service becomes effective on the adoption of a resolution accepting the offer.

Every decision under the first paragraph must be made by two-thirds of the votes cast."

372. Section 58 of Schedule III to the said Act is amended by inserting ", cultural" after "economic" in paragraph 2.

373. The heading of subdivision 3 of Division II of Chapter III of Schedule III to the said Act is amended by inserting ", *cultural*" after "*economic*".

374. Section 60 of Schedule III to the said Act is amended

(1) by inserting ", cultural" after "economic" in the second line of the second paragraph;

(2) by inserting ", cultural" after "community" in the fourth line of the second paragraph.

375. Section 61 of Schedule III to the said Act is amended by replacing "to be managed by the city council" in the second line by "that are under the authority of the city council and those that are under the authority of the borough councils".

376. Section 62 of Schedule III to the said Act is amended by striking out "to be under the management of the city council" in the first and second lines of the first paragraph.

377. Section 64 of Schedule III to the said Act is amended by striking out "under the management of the city council" in the first and second lines.

378. Section 65 of Schedule III to the said Act is amended by striking out "to be managed by the city council" in the second line.

379. Section 69 of Schedule III to the said Act is amended

(1) by replacing "management" in the fourth line of the first paragraph by "authority";

(2) by replacing "traffic signs and signals and the control of traffic" in the second and third lines of the third paragraph by "roads, traffic signs and signals, the control of traffic and parking";

(3) by replacing "traffic signs and signals and the control of traffic" in the fourth line of the third paragraph by "roads, traffic signs and signals, the control of traffic and parking".

380. Section 71 of Schedule III to the said Act is amended

(1) by inserting ", cultural" after "community" in subparagraph 4 of the first paragraph;

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

"The borough council may, by its internal management by-laws, delegate to any officer or employee assigned to the borough by the city any power relating to the exercise of its jurisdiction with respect to the approval of expenditures, the making of contracts and the management of personnel, and fix the conditions and procedures for the exercise of the delegated power.";

(3) by replacing, in the French text, "l'émission" in the first line of the third paragraph by "la délivrance".

381. The heading of subdivision 5 of Division III of Chapter III of Schedule III to the said Act is amended by inserting ", *cultural*" after "*community*".

382. Section 77 of Schedule III to the said Act is amended by inserting ", cultural" after "community" in the fifth line.

383. Section 78 of Schedule III to the said Act is amended

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

"78. The borough council exercises the powers of the city in respect of the parks and the cultural and recreational equipment within its jurisdiction pursuant to the by-law adopted under section 61, except those provided for in section 66.";

(2) by inserting "and in accordance with the rules established in the development plan prepared by the city pursuant to section 60" after "purpose" in the second line of the second paragraph.

384. Section 79 of Schedule III to the said Act is replaced by the following section:

"79. The borough council exercises, in respect of the streets and roads under its responsibility pursuant to the by-law adopted by the city council for the purposes of section 69 and in a manner consistent with the rules prescribed under the second and third paragraphs of that section, the jurisdictions of the city as regards roads, traffic signs and signals, the control of traffic and parking."

385. Section 83 of Schedule III to the said Act is amended by inserting "all or any portion of" after "on" in the third line of the second paragraph.

386. Sections 86 to 88 of Schedule III to the said Act are replaced by the following:

"§1. — *Interpretation and general provisions*

"86. For the purposes of this division, the territory of each local municipality referred to in section 5 constitutes a sector.

"86.1. The city is subject to the rules provided for by the applicable legislation in respect of all the local municipalities, in particular the rules that prevent the fixing of different general property tax rates according to the parts of the municipal territory and the rules that provide for the use of specific sources of revenue to finance expenditures relating to debts.

The city may, however, depart from those rules but only insofar as is necessary for the application of any of the provisions of this division or of section 8.6.

"§2. — *Limitation on increases in the tax burden*

"87. The city shall avail itself either of the power provided for in section 87.1 and, if it imposes the business tax, of that provided for in section 87.2, or of the power provided for in section 87.7.

"87.1. The city may, for a fiscal year, fix any general property tax rate in such manner that, in relation to the preceding fiscal year, the increase in the tax burden borne by the aggregate of the units of assessment situated in a sector and in respect of which all or part of the rate applies is not greater than 5%.

The tax burden shall consist of

(1) the revenues derived from the general property tax which result from the application of all or part of a rate of that tax;

(2) the revenues derived from other taxes, including the taxes imposed on the basis of the rental value of immovables and compensations considered by the applicable legislation to be taxes, in particular the taxes used to finance services such as the supply of drinking water, waste water purification, snow removal, waste disposal, and residual materials upgrading;

(3) the revenues derived from the amounts to stand in lieu of taxes that must be paid in respect of immovables by the Government in accordance with the second paragraph of section 210 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1) or by the Government in accordance with section 254 and the first paragraph of section 255 of that Act, or by the Crown in right of Canada or by one of its mandataries;

(4) the revenues of which the city has deprived itself by granting a credit in respect of any of the sources of revenue referred to in any of subparagraphs 1 to 3, for the application of section 8 as regards the allocation of the credit from a surplus.

However, the revenues referred to in the second paragraph which are used to finance expenditures relating to debts shall be excluded from the tax burden.

"87.2. The city may, for a fiscal year, fix the rate of the business tax in such manner that, in relation to the preceding fiscal year, the increase in the revenues derived from that tax in respect of all the business establishments situated in a sector is not greater than 5%.

The revenues derived from the amounts to stand in lieu of the business tax that must be paid by the Government in accordance with the second paragraph of section 210 or the second paragraph of section 254 and the first paragraph of section 255 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1) shall be included in those revenues.

"87.3. If the city avails itself of any of the powers provided for in sections 87.1 and 87.2, it may replace the maximum percentage increase in that section by another maximum percentage increase, applicable only to the group formed of the sectors concerned, which must be less than 5%.

"87.4. Where the increase under section 87.1 or 87.2 does not result solely from the constitution of the city, the maximum shall apply only in respect of the part of the increase that results from the constitution.

"87.5. If the city avails itself of any of the powers provided for in sections 87.1 and 87.2, it shall, subject to any regulation under the second paragraph, prescribe the rules to determine whether the increase under that section results solely from the constitution of the city and, if not, to establish the part resulting from the constitution.

The Government may, by regulation, determine the only cases in which an increase is deemed not to result from the constitution of the city.

If the city does not avail itself of the power provided for in section 244.29 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1) and imposes the surtax or the tax on non-residential immovables or the surtax on vacant land, it must, if it avails itself of the power provided for in section 87.1, prescribe the rules to enable the appropriate correspondences to be made so as to obtain the same results, as regards the application of that section, were the city to impose the general property tax with rates specific to the categories comprising the units of assessment subject to each tax or surtax imposed.

"87.6. For the purpose of the establishment of the percentage increase referred to in section 87.1 for the fiscal year 2002, where the local municipality whose territory constitutes the sector concerned has appropriated as revenue for the fiscal year 2001 all or part of its surpluses from preceding fiscal years, in an amount exceeding the average of the amounts it appropriated for the fiscal years 1996 to 2000, the difference obtained by subtracting from that excess amount the amount of the sum that the municipality was exempted from paying, by the operation of sections 90 to 96 of chapter 54 of the statutes of 2000, for the special local activities financing fund, shall be included for the fiscal year 2001 in the tax burden borne by the aggregate of the units of assessment situated in the sector.

"87.7. The city may prescribe the rules enabling it to grant an abatement for a fiscal year in such manner that, in relation to the preceding fiscal year, any increase in the tax burden borne by a unit of assessment or a business establishment is not greater than 5%.

The second and third paragraphs of section 87.1 and sections 87.2 to 87.6 apply, with the necessary modifications, for the purposes of the limitation on the increase under the first paragraph.

If it avails itself of the power provided for in the first paragraph, the city shall determine the rules to enable the rules set out in the provisions among those referred to in the second paragraph which take into consideration aggregates of units or of establishments, to be adapted to each unit of assessment or business establishment considered individually.

"§3. — *Limitation on decreases in the tax burden*

"88. The city may, for a fiscal year, fix any general property tax rate in such manner that, in relation to the preceding fiscal year, the decrease in the tax burden borne by the aggregate of the units of assessment situated in a sector and in respect of which all or part of the rate applies is not greater than the percentage, applicable only to the group formed of the sectors concerned, fixed by the city.

The second and third paragraphs of section 87.1, the third paragraph of section 87.5 and section 87.6 apply, with the necessary modifications, for the purposes of the limitation on the decrease under the first paragraph.

"88.1. The city may, for a fiscal year, fix the rate of the business tax in such manner that, in relation to the preceding fiscal year, the decrease in the revenues derived from that tax in respect of the aggregate of the business establishments situated in a sector is not greater than the percentage, applicable only to the group formed of the sectors concerned, fixed by the city.

The revenues derived from the amounts to stand in lieu of the business tax that must be paid by the Government in accordance with the second paragraph of section 210 or the second paragraph of section 254 and the first paragraph of section 255 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1) shall be included in those revenues.

"88.2. If the city does not avail itself of the power provided for in section 88 or 88.1, it may prescribe the rules enabling it to require a supplement for a fiscal year in such manner that, in relation to the preceding fiscal year, the decrease in the tax burden borne by any unit of assessment or any business establishment is not greater than the percentage, applicable only to the group formed of the whole territory, fixed by the city.

The second and third paragraphs of section 87.1, the third paragraph of section 87.5 and section 87.6, in the case of a unit of assessment, or the second paragraph of section 88.1, in the case of a business establishment, apply, with the necessary modifications, for the purposes of the limitation on the decrease under the first paragraph.

If it avails itself of the power provided for in the first paragraph, the city shall determine the rules to enable the rules set out in the provisions among those referred to in the second paragraph which take into consideration aggregates of units or of establishments, to be adapted to each unit of assessment or business establishment considered individually.

"§4. — *Miscellaneous provisions*

"88.3. The city may avail itself of the powers provided for in Division III.1 of Chapter XVIII of the Act respecting municipal taxation (R.S.Q., chapter F-2.1) in respect of one sector without doing so in respect of another sector, or it may avail itself of such powers in a different manner according to the sectors.

"88.4. Where, under section 244.29 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1), the city fixes, for a fiscal year prior to the fiscal year in which the first assessment roll drawn up specifically for the city comes into force, a general property tax rate specific to any of the categories provided for in sections 244.34 and 244.35 of that Act, the coefficient referred to in section 244.44 or 244.47 of that Act is the coefficient established on the basis of a comparison of the last two property assessment rolls of the local municipality, among the local municipalities referred to in section 5, that has the largest population for 2001.

"88.5. For the fiscal year 2002, the city shall impose the business tax in respect of a sector in which that tax was imposed for the fiscal year 2001 and refrain from imposing such a tax in respect of any other sector. In the first case, the city shall fix the rate in such manner that the revenues from the business tax estimated for the fiscal year 2002 in respect of the sector are not less than the business tax revenues that the municipality concerned estimated for the fiscal year 2001.

For every fiscal year subsequent to the fiscal year 2002, if the city does not impose the business tax in respect of the whole of its territory it may impose the business tax in respect of any sector in which that tax was imposed for the fiscal years 2001 and 2002.

For the purposes of the first two paragraphs, the roll of rental values in force in the sector for the fiscal year 2001 shall continue to apply until the end of the last fiscal year for which it was drawn up. The city may, if necessary for the purposes of those paragraphs, cause a roll of rental values to be drawn up pursuant to the Act respecting municipal taxation (R.S.Q., chapter F-2.1) in respect of a sector rather than in respect of the whole of its territory.

"88.6. The city may establish a program for the purpose of granting, in the circumstances described in the second paragraph, a credit applicable in respect of the amount of the general property tax imposed, for any fiscal year from the fiscal year referred to in subparagraph 1 of that paragraph, on any

unit of assessment situated in a sector and that belongs to the group described in section 244.31 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1).

The credit may be granted where the following conditions are met:

(1) for a particular fiscal year, the business tax is not imposed in respect of the sector, either separately or as part of the whole territory of the city, or, if the business tax is imposed, the estimated revenues therefrom in respect of the sector are less than those of the preceding fiscal year;

(2) the business tax was imposed in respect of the sector, for the fiscal year preceding the fiscal year referred to in subparagraph 1, without being imposed in respect of the whole territory of the city; and

(3) the general property tax revenues estimated in respect of the sector for the fiscal year referred to in subparagraph 1 and derived from the application of all or part of any of the rates specific to the categories provided for in sections 244.33 and 244.34 of the Act respecting municipal taxation are greater than they would have been were it not for the loss of or decrease in business tax revenues.

The credit shall diminish the amount payable of the general property tax imposed on any unit of assessment referred to in the first paragraph in respect of which all or part of a rate referred to in subparagraph 3 of the second paragraph applies. The amount of the credit shall be established according to the rules set out in the program.

The cost of the aggregate of the credits granted in respect of the units of assessment situated in the sector shall be a burden on the aggregate of the units situated in the sector that belong to the group referred to in the first paragraph.

If the city does not avail itself of the power provided for in section 244.29 of the Act respecting municipal taxation and imposes the surtax or the tax on non-residential immovables, it must, if it avails itself of the power under the first paragraph, prescribe the rules enabling the appropriate correspondences to be made so as to obtain the same results, as regards the application of the first four paragraphs, were the city to impose the general property tax with rates specific to the categories comprising the units of assessment subject to the surtax or the tax on non-residential immovables.

"88.7. Where a local municipality referred to in section 5 has availed itself, in respect of its roll of assessment that came into force on 1 January 2001, of the power provided for in section 253.27 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1), the city may, on or before the adoption of the budget for the fiscal year 2002, provide that the averaging of the variation in the taxable values resulting from the coming into force of the roll will continue for that fiscal year in respect of the sector concerned."

387. Section 92 of Schedule III to the said Act is amended

(1) by adding "and a mandatary of the State" at the end of the first paragraph;

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

"The property of the transition committee forms part of the domain of the State, but the performance of its obligations may be pursued on the property.

The transition committee binds only itself when acting in its own name."

388. Section 93 of Schedule III to the said Act is replaced by the following section:

"93. Every member of the transition committee shall be paid the remuneration and allowances determined by the Minister.

The Minister may determine any other condition of employment of a member and in particular the rules relating to the reimbursement of expenses incurred by the member in the exercise of his or her functions."

389. Section 99 of Schedule III to the said Act is amended by adding the following paragraph at the end:

"Every decision made by the transition committee for the borrowing of money must be approved by the Minister of Municipal Affairs and Greater Montréal. The money borrowed by the transition committee, where such is the case, shall be borrowed at the rate of interest and on the other conditions mentioned in the approval."

390. Section 108 of Schedule III to the said Act is amended by adding the following paragraph at the end:

"The first paragraph also applies in respect of information, records and documents relating to a pension plan referred to in section 7 and held by any administrator of such a plan or by any public body exercising under law a responsibility in respect of such a plan."

391. Section 111 of Schedule III to the said Act is amended by replacing the second sentence of the first paragraph by the following sentences: "The committee may designate the employee whose services are necessary. The committee and the employer shall agree on the costs to be paid by the committee for the use of the services. However, the employer shall place the designated employee at the disposal of the committee as of the time indicated by the committee, notwithstanding the absence of an agreement respecting the costs for the services."

392. Section 112 of Schedule III to the said Act is amended by adding the following paragraphs at the end:

"No municipality or body referred to in the first paragraph may prohibit or otherwise prevent its officers or employees from cooperating with the transition committee acting in the pursuit of its mission, or take or threaten to take any disciplinary measure against them for having cooperated with the committee.

Section 123 of the Act respecting labour standards (R.S.Q., chapter N-1.1) applies, with the necessary modifications, to any officer or employee who believes he or she has been the victim of a practice prohibited by the second paragraph."

393. Section 114 of Schedule III to the said Act is amended by adding the following paragraph after the third paragraph:

"The transition committee may, at any time, approve a decision, collective agreement or contract of employment in respect of which an authorization is required under the first, second or third paragraph. The approval of the transition committee is deemed to be such an authorization."

394. Section 116 of Schedule III to the said Act is amended

(1) by striking out "and a determination of their boundaries" in the third and fourth lines of the second paragraph;

(2) by inserting ", with or without amendments," after "adopted" in the third line of the third paragraph.

395. Section 117 of Schedule III to the said Act is replaced by the following section:

"117. The transition committee may examine the circumstances of the hiring of officers and employees referred to in section 7 after 15 November 2000 and the situation relating to the employees of any intermunicipal management board in respect of whom the intermunicipal agreement does not provide for the maintenance of employment in any of the municipalities party to the agreement at the expiry of the agreement.

The transition committee may make any recommendation in respect of those officers and employees to the Minister."

396. Section 119 of Schedule III to the said Act is amended by adding the following paragraph at the end:

"However, the Minister of Labour may, where applicable and if the Minister of Labour considers it appropriate, designate a mediator-arbitrator for each disagreement or group of disagreements relating to the determination of the

reassignment procedure concerning a class of employment or a group of employees."

397. Section 122 of Schedule III to the said Act is amended by replacing the second paragraph by the following paragraph:

"The transition committee may create the various departments within the city, and determine the scope of their activities. It may appoint the department heads and assistant heads as well as the other officers and employees not represented by a certified association, and define their functions."

398. Section 123 of Schedule III to the said Act is repealed.

399. Section 124 of Schedule III to the said Act is amended

(1) by replacing "boroughs" in the third line by "borough councils";

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

"It must propose a draft of any resolution from among the resolutions that may be adopted under Division II of Chapter IV on which the draft budget is based."

400. Section 132 of Schedule III to the said Act is amended

(1) by replacing ", or be appointed as," in the second line by "elected or appointed as";

(2) by striking out the second sentence.

401. Section 133 of Schedule III to the said Act is amended by striking out "held for the sole purposes of section 134" in the second and third lines.

402. Section 134 of Schedule III to the said Act is amended by replacing the third paragraph by the following paragraph:

"If, on 1 January 2002, the budget is not adopted, one-quarter of each appropriation provided for in the budget prepared by the transition committee is deemed to be adopted. The same rule applies on 1 April, 1 July and 1 October if, on each of those dates, the budget has not yet been adopted."

403. Schedule III to the said Act is amended by inserting the following section after section 134:

"134.1. The city council may, by the first by-law respecting remuneration adopted under the Act respecting the remuneration of elected municipal officers (R.S.Q., chapter T-11.001), fix any remuneration to be paid by the city to the mayor, the borough chairs, the other members of the city council and the borough councillors for the functions they exercised between the first

day of their terms and 31 December 2001. The method for fixing the remuneration may differ, in relation to that period, from the method applicable from the date of the constitution of the city.

The remuneration paid under the first paragraph to an elected officer must be reduced by an amount equal to the amount of any remuneration received from another local municipality during the same period. However, for the purposes of the pension plan established under the Act respecting the Pension Plan of Elected Municipal Officers (R.S.Q., chapter R-9.3), only the part of the remuneration received from the municipality that has adhered to that pension plan in respect of the elected officer may be considered as pensionable salary."

404. Section 135 of Schedule III to the said Act is amended by replacing "88" by "88.7".

405. Section 136 of Schedule III to the said Act is amended by inserting ", except any provision having as its object, in respect of such a municipality, to validate or ratify a document or an act performed or intended to clarify a title of ownership or to confirm or grant the power to acquire or alienate a particular immovable," after "section 5" in the second line.

406. Section 5 of Schedule IV to the said Act is amended by striking out ", to the extent provided for in this Act or in any order of the Government made under section 9," in the first and second lines of the first paragraph.

407. Section 6 of Schedule IV to the said Act is amended by striking out "amended," in the fifth line.

408. Section 8 of Schedule IV to the said Act is amended

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

"8. The debts and any category of surplus of each of the municipalities referred to in section 5 shall continue to burden or be credited to the immovables taxable in their respect on 31 December 2001 and that are situated in the part of the territory of the city which corresponds to the territory of that municipality.

The amounts required after 31 December 2001, in relation to a sum determined pursuant to subparagraph 4 of the second paragraph of section 137 of the Supplemental Pension Plans Act (R.S.Q., chapter R-15.1) in respect of a pension plan to which a municipality referred to in the first paragraph was a party or in relation to the amortization of any unfunded actuarial liability of such a plan, shall continue to burden the taxable immovables situated in the part of the territory of the city which corresponds to the territory of that municipality. The contributions paid after 31 December 2001, in relation to the obligations arising from a pension plan not subject to the Supplemental Pension Plans Act to which a municipality referred to in the first paragraph was a party, in respect of years of past service before 1 January 2002 shall

continue to burden the taxable immovables situated in the part of the territory of the city which corresponds to the territory of that municipality.

The date of the determination of a sum pursuant to subparagraph 4 of the second paragraph of section 137 of the Supplemental Pension Plans Act or of an unfunded actuarial liability provided for in the second paragraph must be earlier than 21 June 2001. In addition, in the case of an improvement unfunded actuarial liability, the amendment must have been made before 1 January 2002. However, if a pension plan still has such a sum or unfunded actuarial liability on the date of its division, merger or termination, the contributions paid by the city for that purpose after that date are deemed to be paid in respect of any sum or the amortization of any liability to which the second paragraph refers.";

(2) by inserting ", as the case may be, all or any portion of" after "burden" in the fourth line of the second paragraph.

409. Schedule IV to the said Act is amended by adding the following sections after section 8:

"8.1. Every intermunicipal agreement providing for the establishment of an intermunicipal management board composed exclusively of municipalities referred to in section 5 shall terminate on 31 December 2001, notwithstanding any inconsistent provision mentioned in the agreement.

Notwithstanding sections 468.48 and 468.49 of the Cities and Towns Act (R.S.Q., chapter C-19), an intermunicipal management board referred to in the first paragraph shall cease its activities and is dissolved on the date set out in that paragraph.

"8.2. The city succeeds to the rights, obligations and charges of a management board referred to in section 8.1. In such a case, the second paragraph of section 5 and sections 6 and 8 apply, with the necessary modifications and, in the case of section 8, as regards the debts, having regard to the apportionment determined by the agreement establishing the management board in respect of capital expenditures.

"8.3. In the case of an intermunicipal agreement providing for the establishment of an intermunicipal management board composed in part of municipalities referred to in section 5, the city may request the Minister of Municipal Affairs and Greater Montréal to terminate the agreement on a date other than the date provided for in the agreement to enable the management board to be dissolved. If the Minister accepts the request, sections 468.48 and 468.49 of the Cities and Towns Act (R.S.Q., chapter C-19) apply, with the necessary modifications, from the date a copy of the Minister's acceptance is transmitted to the intermunicipal management board and the municipalities that are members thereof.

Section 8 applies in respect of the debts arising from an agreement referred to in the first paragraph, having regard to the apportionment determined by the agreement establishing the management board in respect of capital expenditures.

"8.4. An intermunicipal agreement providing for a mode of operation other than an intermunicipal management board and entered into exclusively by municipalities referred to in section 5 shall terminate on 31 December 2001. Such an agreement entered into between such a municipality and another municipality shall terminate on 31 December 2002. Section 8 applies to the debts arising from such an agreement, having regard to the apportionment determined by the agreement in respect of capital expenditures.

"8.5. The sums derived from the operation or leasing by the city of an industrial immovable, after deduction of related administration and maintenance costs, or from the alienation of the immovable, must be used to discharge the engagements made in respect of the immovable by any municipality referred to in section 5.

If the industrial immovable referred to in the first paragraph was the subject of an agreement under section 13.1 of the Act respecting municipal industrial immovables (R.S.Q., chapter I-0.1) which provided for terms and conditions relating to the apportionment of expenditures among the municipalities, the discharge pursuant to the first paragraph of the engagements made must be consistent with those terms and conditions as regards the taxable immovables situated in any part of the territory of the city that corresponds to the territory of any such municipality.

"8.6. The city may provide that the expenditures relating to the debts of each municipality referred to in section 5 shall be financed in part by revenues derived exclusively from the territory of that municipality and, for the remainder, by revenues derived from the whole territory of the city.

The following expenditures may not be covered by such a decision and shall continue to be financed in the same manner as they were for the fiscal year 2001, subject to any other provision, where the expenditures, for that fiscal year,

(1) are not chargeable to the ratepayers of the municipality, in particular because they are financed by contributions from other bodies or by subsidies;

(2) are financed by revenues derived from

(*a*) a special tax imposed on the taxable immovables situated in only a part of the territory of the municipality or imposed solely on the immovables to the benefit of which work has been carried out;

(*b*) an amount in lieu of a tax referred to in subparagraph *a* that must be paid by the Government in accordance with the second paragraph of section 210 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1) or the first

paragraph of sections 254 and 255 of that Act or by the Crown in right of Canada or by one of its mandataries;

(*c*) a source of revenue that, under section 244.9 of the Act respecting municipal taxation, is used specifically for that purpose.

For the purpose of determining which part of the expenditures covered by the decision under the first paragraph must be financed as provided in the fourth paragraph, the total of the revenues of the municipality listed in subparagraphs 1 to 4 of the fifth paragraph is divided by the total of the revenues of the municipality for the fiscal year 2001 listed in that paragraph.

The product obtained by multiplying those expenditures by the quotient thus obtained represents the portion of the expenditures that must be financed using any source of revenue specific to that purpose imposed on the part of the territory that corresponds to the territory of the municipality. The balance represents the portion of the expenditures concerned that may be financed using any source of revenue specific to that purpose imposed on the whole territory of the city or any other revenue therefrom that is not reserved for other purposes.

The revenues to be used for the purposes of the division under the third paragraph are

(1) the revenues derived from the general property tax, except the revenues not taken into account in establishing the aggregate taxation rate of the municipality and the revenues that the municipality would have collected from the surtax on vacant land had it imposed that surtax rather than fix a general property tax rate specific to the category provided for in section 244.36 of the Act respecting municipal taxation;

(2) the revenues derived from any special tax imposed on all the immovables in the territory of the municipality on the basis of their taxable value;

(3) the revenues derived from any amount in lieu of a tax referred to in subparagraph 1 or 2 that must be paid by the Government in accordance with the second paragraph of section 210 of the Act respecting municipal taxation or the first paragraph of sections 254 and 255 of that Act or by the Crown in right of Canada or by one of its mandataries, except, in the case where the amount is in lieu of the general property tax, the revenues that would be covered by the exception provided for in subparagraph 1 if it were the tax itself;

(4) the revenues derived from the source provided for in section 244.1 of the Act respecting municipal taxation, except revenues that, under section 244.9 of that Act, are used specifically to finance expenditures related to debts;

(5) the revenues derived from the surtax on vacant land, the surtax or the tax on non-residential immovables, the business tax and any other tax imposed on the basis of the rental value of an immovable;

(6) the revenues covered by the exception under subparagraph 1 or 3;

(7) the revenues derived from any amount in lieu of a tax, other than an amount referred to in subparagraph 3, that must be paid by the Government in accordance with the second paragraph of section 210 of the Act respecting municipal taxation or sections 254 and 255 of that Act or by the Crown in right of Canada or by one of its mandataries;

(8) the revenues derived from any unconditional government transfer."

410. Section 23 of Schedule IV to the said Act is amended by replacing subparagraph 5 of the second paragraph by the following subparagraph:

"(5) the power to dismiss, suspend without pay or reduce the salary of an officer or employee referred to in the second or third paragraph of section 71 of the Cities and Towns Act (R.S.Q., chapter C-19)."

411. Section 24 of Schedule IV to the said Act is amended by replacing the second sentence by the following sentence: "The by-law may, to the extent permitted by the internal management by-laws of the city, provide for the delegation of any power of the executive committee to any officer or employee of the city and fix the conditions and procedures for the exercise of the delegated power."

412. Section 41 of Schedule IV to the said Act is amended

(1) by inserting ", community, cultural and social" after "economic" in paragraph 2;

(2) by inserting "disposal," after "materials" in paragraph 3 of the English text.

413. Section 42 of the French text of Schedule IV to the said Act is amended by replacing "l'émission" in the first line of the first paragraph by "la délivrance".

414. The heading of Division I of Chapter IV of Schedule IV to the said Act is amended by adding ", COMMUNITY, CULTURAL AND SOCIAL" after "ECONOMIC".

415. Section 43 of Schedule IV to the said Act is replaced by the following section:

"43. The city shall prepare a plan relating to the development of its territory providing, in particular, for the objectives pursued by the city as regards economic, community, cultural and social development."

416. Section 44 of the English text of Schedule IV to the said Act is amended by replacing ", outside its territory, any" in the first and second lines of the first paragraph by "the".

417. Schedule IV to the said Act is amended by inserting the following after the heading of Chapter V:

"DIVISION I

"LOANS".

418. Sections 75 to 77 of Schedule IV to the said Act are replaced by the following:

"DIVISION II

"FISCAL PROVISIONS

"§1. — *Interpretation and general provisions*

"75. For the purposes of this division, the territory of each local municipality referred to in section 5 constitutes a sector.

"75.1. The city is subject to the rules provided for by the applicable legislation in respect of all the local municipalities, in particular the rules that prevent the fixing of different general property tax rates according to the parts of the municipal territory and the rules that provide for the use of specific sources of revenue to finance expenditures relating to debts.

The city may, however, depart from those rules but only insofar as is necessary for the application of any of the provisions of this division or of section 8.6.

"§2. — *Limitation on increases in the tax burden*

"76. The city shall avail itself either of the power provided for in section 76.1 and, if it imposes the business tax, of that provided for in section 76.2, or of the power provided for in section 76.7.

"76.1. The city may, for a fiscal year, fix any general property tax rate in such manner that, in relation to the preceding fiscal year, the increase in the tax burden borne by the aggregate of the units of assessment situated in a sector and in respect of which all or part of the rate applies is not greater than 5%.

The tax burden shall consist of

(1) the revenues derived from the general property tax which result from the application of all or part of a rate of that tax;

(2) the revenues derived from other taxes, including the taxes imposed on the basis of the rental value of immovables and compensations considered by the applicable legislation to be taxes, in particular the taxes used to finance services such as the supply of drinking water, waste water purification, snow removal, waste disposal, and residual materials upgrading;

(3) the revenues derived from the amounts to stand in lieu of taxes that must be paid in respect of immovables by the Government in accordance with the second paragraph of section 210 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1) or by the Government in accordance with section 254 and the first paragraph of section 255 of that Act, or by the Crown in right of Canada or by one of its mandataries;

(4) the revenues of which the city has deprived itself by granting a credit in respect of any of the sources of revenue referred to in any of subparagraphs 1 to 3, for the application of section 8 as regards the allocation of the credit from a surplus.

However, the revenues referred to in the second paragraph which are used to finance expenditures relating to debts shall be excluded from the tax burden.

"76.2. The city may, for a fiscal year, fix the rate of the business tax in such manner that, in relation to the preceding fiscal year, the increase in the revenues derived from that tax in respect of all the business establishments situated in a sector is not greater than 5%.

The revenues derived from the amounts to stand in lieu of the business tax that must be paid by the Government in accordance with the second paragraph of section 210 or the second paragraph of section 254 and the first paragraph of section 255 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1) shall be included in those revenues.

"76.3. If the city avails itself of any of the powers provided for in sections 76.1 and 76.2, it may replace the maximum percentage increase in that section by another maximum percentage increase, applicable only to the group formed of the sectors concerned, which must be less than 5%.

"76.4. Where the increase under section 76.1 or 76.2 does not result solely from the constitution of the city, the maximum shall apply only in respect of the part of the increase that results from the constitution.

"76.5. If the city avails itself of any of the powers provided for in sections 76.1 and 76.2, it shall, subject to any regulation under the second paragraph, prescribe the rules to determine whether the increase under that section results solely from the constitution of the city and, if not, to establish the part resulting from the constitution.

The Government may, by regulation, determine the only cases in which an increase is deemed not to result from the constitution of the city.

If the city does not avail itself of the power provided for in section 244.29 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1) and imposes the surtax or the tax on non-residential immovables or the surtax on vacant land, it must, if it avails itself of the power provided for in section 76.1, prescribe the rules to enable the appropriate correspondences to be made so as to obtain the same results, as regards the application of that section, were the city to impose the general property tax with rates specific to the categories comprising the units of assessment subject to each tax or surtax imposed.

"76.6. For the purpose of the establishment of the percentage increase referred to in section 76.1 for the fiscal year 2002, where the local municipality whose territory constitutes the sector concerned has appropriated as revenue for the fiscal year 2001 all or part of its surpluses from preceding fiscal years, in an amount exceeding the average of the amounts it appropriated for the fiscal years 1996 to 2000, the difference obtained by subtracting from that excess amount the amount of the sum that the municipality was exempted from paying, by the operation of sections 90 to 96 of chapter 54 of the statutes of 2000, for the special local activities financing fund, shall be included for the fiscal year 2001 in the tax burden borne by the aggregate of the units of assessment situated in the sector.

"76.7. The city may prescribe the rules enabling it to grant an abatement for a fiscal year in such manner that, in relation to the preceding fiscal year, any increase in the tax burden borne by a unit of assessment or a business establishment is not greater than 5%.

The second and third paragraphs of section 76.1 and sections 76.2 to 76.6 apply, with the necessary modifications, for the purposes of the limitation on the increase under the first paragraph.

If it avails itself of the power provided for in the first paragraph, the city shall determine the rules to enable the rules set out in the provisions among those referred to in the second paragraph which take into consideration aggregates of units or of establishments, to be adapted to each unit of assessment or business establishment considered individually.

"§3. — *Limitation on decreases in the tax burden*

"77. The city may, for a fiscal year, fix any general property tax rate in such manner that, in relation to the preceding fiscal year, the decrease in the

tax burden borne by the aggregate of the units of assessment situated in a sector and in respect of which all or part of the rate applies is not greater than the percentage, applicable only to the group formed of the sectors concerned, fixed by the city.

The second and third paragraphs of section 76.1, the third paragraph of section 76.5 and section 76.6 apply, with the necessary modifications, for the purposes of the limitation on the decrease under the first paragraph.

"77.1. The city may, for a fiscal year, fix the rate of the business tax in such manner that, in relation to the preceding fiscal year, the decrease in the revenues derived from that tax in respect of the aggregate of the business establishments situated in a sector is not greater than the percentage, applicable only to the group formed of the sectors concerned, fixed by the city.

The revenues derived from the amounts to stand in lieu of the business tax that must be paid by the Government in accordance with the second paragraph of section 210 or the second paragraph of section 254 and the first paragraph of section 255 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1) shall be included in those revenues.

"77.2. If the city does not avail itself of the power provided for in section 77 or 77.1, it may prescribe the rules enabling it to require a supplement for a fiscal year in such manner that, in relation to the preceding fiscal year, the decrease in the tax burden borne by any unit of assessment or any business establishment is not greater than the percentage, applicable only to the group formed of the whole territory, fixed by the city.

The second and third paragraphs of section 76.1, the third paragraph of section 76.5 and section 76.6, in the case of a unit of assessment, or the second paragraph of section 77.1, in the case of a business establishment, apply, with the necessary modifications, for the purposes of the limitation on the decrease under the first paragraph.

If it avails itself of the power provided for in the first paragraph, the city shall determine the rules to enable the rules set out in the provisions among those referred to in the second paragraph which take into consideration aggregates of units or of establishments, to be adapted to each unit of assessment or business establishment considered individually.

"§4. — *Miscellaneous provisions*

"77.3. The city may avail itself of the powers provided for in Division III.1 of Chapter XVIII of the Act respecting municipal taxation (R.S.Q., chapter F-2.1) in respect of one sector without doing so in respect of another sector, or it may avail itself of such powers in a different manner according to the sectors.

"77.4. Where, under section 244.29 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1), the city fixes, for a fiscal year prior to the fiscal year in which the first assessment roll drawn up specifically for the city comes into force, a general property tax rate specific to any of the categories provided for in sections 244.34 and 244.35 of that Act, the coefficient referred to in section 244.44 or 244.47 of that Act is the coefficient established on the basis of a comparison of the last two property assessment rolls of the local municipality, among the local municipalities referred to in section 5, that has the largest population for 2001.

"77.5. For the fiscal year 2002, the city shall impose the business tax in respect of a sector in which that tax was imposed for the fiscal year 2001 and refrain from imposing such a tax in respect of any other sector. In the first case, the city shall fix the rate in such manner that the revenues from the business tax estimated for the fiscal year 2002 in respect of the sector are not less than the business tax revenues that the municipality concerned estimated for the fiscal year 2001.

For every fiscal year subsequent to the fiscal year 2002, if the city does not impose the business tax in respect of the whole of its territory it may impose the business tax in respect of any sector in which that tax was imposed for the fiscal years 2001 and 2002.

For the purposes of the first two paragraphs, the roll of rental values in force in the sector for the fiscal year 2001 shall continue to apply until the end of the last fiscal year for which it was drawn up. The city may, if necessary for the purposes of those paragraphs, cause a roll of rental values to be drawn up pursuant to the Act respecting municipal taxation (R.S.Q., chapter F-2.1) in respect of a sector rather than in respect of the whole of its territory.

"77.6. The city may establish a program for the purpose of granting, in the circumstances described in the second paragraph, a credit applicable in respect of the amount of the general property tax imposed, for any fiscal year from the fiscal year referred to in subparagraph 1 of that paragraph, on any unit of assessment situated in a sector and that belongs to the group described in section 244.31 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1).

The credit may be granted where the following conditions are met:

(1) for a particular fiscal year, the business tax is not imposed in respect of the sector, either separately or as part of the whole territory of the city, or, if the business tax is imposed, the estimated revenues therefrom in respect of the sector are less than those of the preceding fiscal year;

(2) the business tax was imposed in respect of the sector, for the fiscal year preceding the fiscal year referred to in subparagraph 1, without being imposed in respect of the whole territory of the city; and

(3) the general property tax revenues estimated in respect of the sector for the fiscal year referred to in subparagraph 1 and derived from the application of all or part of any of the rates specific to the categories provided for in sections 244.33 and 244.34 of the Act respecting municipal taxation are greater than they would have been were it not for the loss of or decrease in business tax revenues.

The credit shall diminish the amount payable of the general property tax imposed on any unit of assessment referred to in the first paragraph in respect of which all or part of a rate referred to in subparagraph 3 of the second paragraph applies. The amount of the credit shall be established according to the rules set out in the program.

The cost of the aggregate of the credits granted in respect of the units of assessment situated in the sector shall be a burden on the aggregate of the units situated in the sector that belong to the group referred to in the first paragraph.

If the city does not avail itself of the power provided for in section 244.29 of the Act respecting municipal taxation and imposes the surtax or the tax on non-residential immovables, it must, if it avails itself of the power under the first paragraph, prescribe the rules enabling the appropriate correspondences to be made so as to obtain the same results, as regards the application of the first four paragraphs, were the city to impose the general property tax with rates specific to the categories comprising the units of assessment subject to the surtax or the tax on non-residential immovables.

"77.7. Where a local municipality referred to in section 5 has availed itself, in respect of its roll of assessment that came into force on 1 January 2001, of the power provided for in section 253.27 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1), the city may, on or before the adoption of the budget for the fiscal year 2002, provide that the averaging of the variation in the taxable values resulting from the coming into force of the roll will continue for that fiscal year in respect of the sector concerned."

419. Section 93 of Schedule IV to the said Act is amended

(1) by adding "and a mandatary of the State" at the end of the first paragraph;

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

"The property of the transition committee forms part of the domain of the State, but the performance of its obligations may be pursued on the property.

The transition committee binds only itself when acting in its own name."

420. Section 94 of Schedule IV to the said Act is replaced by the following section:

"94. Every member of the transition committee shall be paid the remuneration and allowances determined by the Minister.

The Minister may determine any other condition of employment of a member and in particular the rules relating to the reimbursement of expenses incurred by the member in the exercise of his or her functions."

421. Section 100 of Schedule IV to the said Act is amended by adding the following paragraph at the end:

"Every decision made by the transition committee for the borrowing of money must be approved by the Minister of Municipal Affairs and Greater Montréal. The money borrowed by the transition committee, where such is the case, shall be borrowed at the rate of interest and on the other conditions mentioned in the approval."

422. Section 109 of Schedule IV to the said Act is amended by adding the following paragraph at the end:

"The first paragraph also applies in respect of information, records and documents relating to a pension plan referred to in section 7 and held by any administrator of such a plan or by any public body exercising under law a responsibility in respect of such a plan."

423. Section 112 of Schedule IV to the said Act is amended by replacing the second sentence of the first paragraph by the following sentences: "The committee may designate the employee whose services are necessary. The committee and the employer shall agree on the costs to be paid by the committee for the use of the services. However, the employer shall place the designated employee at the disposal of the committee as of the time indicated by the committee, notwithstanding the absence of an agreement respecting the costs for the services."

424. Section 113 of Schedule IV to the said Act is amended by adding the following paragraphs at the end:

"No municipality or body referred to in the first paragraph may prohibit or otherwise prevent its officers or employees from cooperating with the transition committee acting in the pursuit of its mission, or take or threaten to take any disciplinary measure against them for having cooperated with the committee.

Section 123 of the Act respecting labour standards (R.S.Q., chapter N-1.1) applies, with the necessary modifications, to any officer or employee who believes he or she has been the victim of a practice prohibited by the second paragraph."

425. Section 115 of Schedule IV to the said Act is amended by adding the following paragraph after the third paragraph:

"The transition committee may, at any time, approve a decision, collective agreement or contract of employment in respect of which an authorization is required under the first, second or third paragraph. The approval of the transition committee is deemed to be such an authorization."

426. Section 117 of Schedule IV to the said Act is amended by inserting ", with or without amendments," after "adopted" in the third line of the fourth paragraph.

427. Section 118 of Schedule IV to the said Act is replaced by the following section:

"118. The transition committee may examine the circumstances of the hiring of officers and employees referred to in section 7 after 15 November 2000 and the situation relating to the employees of any intermunicipal management board in respect of whom the intermunicipal agreement does not provide for the maintenance of employment in any of the municipalities party to the agreement at the expiry of the agreement.

The transition committee may make any recommendation in respect of those officers and employees to the Minister."

428. Section 120 of Schedule IV to the said Act is amended by adding the following paragraph at the end:

"However, the Minister of Labour may, where applicable and if the Minister of Labour considers it appropriate, designate a mediator-arbitrator for each disagreement or group of disagreements relating to the determination of the reassignment procedure concerning a class of employment or a group of employees."

429. Section 123 of Schedule IV to the said Act is amended by replacing the second paragraph by the following paragraph:

"The transition committee may create the various departments within the city, and determine the scope of their activities. It may appoint the department heads and assistant heads as well as the other officers and employees not represented by a certified association, and define their functions."

430. Section 124 of Schedule IV to the said Act is repealed.

431. Section 125 of Schedule IV to the said Act is amended by adding the following paragraph at the end:

"It must propose a draft of any resolution from among the resolutions that may be adopted under Division II of Chapter V on which the draft budget is based."

432. Section 133 of Schedule IV to the said Act is amended by striking out the second sentence.

433. Section 134 of Schedule IV to the said Act is amended by striking out "held for the sole purposes of section 135" in the second and third lines.

434. Section 135 of Schedule IV to the said Act is amended by replacing the third paragraph by the following paragraph:

"If, on 1 January 2002, the budget is not adopted, one-quarter of each appropriation provided for in the budget prepared by the transition committee is deemed to be adopted. The same rule applies on 1 April, 1 July and 1 October if, on each of those dates, the budget has not yet been adopted."

435. Schedule IV to the said Act is amended by inserting the following section after section 135:

"135.1. The city council may, by the first by-law respecting remuneration adopted under the Act respecting the remuneration of elected municipal officers (R.S.Q., chapter T-11.001), fix any remuneration to be paid by the city to the mayor and the other members of the city council for the functions they exercised between the first day of their terms and 31 December 2001. The method for fixing the remuneration may differ, in relation to that period, from the method applicable from the date of the constitution of the city.

The remuneration paid under the first paragraph to an elected officer must be reduced by an amount equal to the amount of any remuneration received from another local municipality during the same period. However, for the purposes of the pension plan established under the Act respecting the Pension Plan of Elected Municipal Officers (R.S.Q., chapter R-9.3), only the part of the remuneration received from the municipality that has adhered to that pension plan in respect of the elected officer may be considered as pensionable salary."

436. Section 137 of Schedule IV to the said Act is amended by replacing "77" by "77.7".

437. Section 138 of Schedule IV to the said Act is amended by inserting ", except any provision having as its object, in respect of such a municipality, to validate or ratify a document or an act performed or intended to clarify a title of ownership or to confirm or grant the power to acquire or alienate a particular immovable," after "section 5" in the sixth line.

438. Schedule IV to the said Act is amended by adding the following section after section 138:

"139. Notwithstanding the Police Act (2000, chapter 12), the part of the territory of the city which corresponds to the territory of Ville de Buckingham,

mentioned in section 5, continues to be served by the Sûreté du Québec until 31 December 2002."

439. Section 6 of Schedule V to the said Act is amended

(1) by striking out "amended," in the fifth line;

(2) by inserting "council" after "borough" in the seventh line.

440. Section 8 of Schedule V to the said Act is amended

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

"8. The debts and any category of surplus of each of the municipalities referred to in section 5 shall continue to burden or be credited to the immovables taxable in their respect on 31 December 2001 and that are situated in the part of the territory of the city which corresponds to the territory of that municipality.

The amounts required after 31 December 2001, in relation to a sum determined pursuant to subparagraph 4 of the second paragraph of section 137 of the Supplemental Pension Plans Act (R.S.Q., chapter R-15.1) in respect of a pension plan to which a municipality referred to in the first paragraph was a party or in relation to the amortization of any unfunded actuarial liability of such a plan, shall continue to burden the taxable immovables situated in the part of the territory of the city which corresponds to the territory of that municipality. The contributions paid after 31 December 2001, in relation to the obligations arising from a pension plan not subject to the Supplemental Pension Plans Act to which a municipality referred to in the first paragraph was a party, in respect of years of past service before 1 January 2002 shall continue to burden the taxable immovables situated in the part of the territory of the city which corresponds to the territory of that municipality.

The date of the determination of a sum pursuant to subparagraph 4 of the second paragraph of section 137 of the Supplemental Pension Plans Act or of an unfunded actuarial liability provided for in the second paragraph must be earlier than 21 June 2001. In addition, in the case of an improvement unfunded actuarial liability, the amendment must have been made before 1 January 2002. However, if a pension plan still has such a sum or unfunded actuarial liability on the date of its division, merger or termination, the contributions paid by the city for that purpose after that date are deemed to be paid in respect of any sum or the amortization of any liability to which the second paragraph refers.";

(2) by inserting ", as the case may be, all or any portion of" after "burden" in the fourth line of the second paragraph.

441. Schedule V to the said Act is amended by adding the following sections after section 8:

"8.1. Every intermunicipal agreement providing for the establishment of an intermunicipal management board composed exclusively of municipalities referred to in section 5 shall terminate on 31 December 2001, notwithstanding any inconsistent provision mentioned in the agreement.

Notwithstanding sections 468.48 and 468.49 of the Cities and Towns Act (R.S.Q., chapter C-19), an intermunicipal management board referred to in the first paragraph shall cease its activities and is dissolved on the date set out in that paragraph.

"8.2. The city succeeds to the rights, obligations and charges of a management board referred to in section 8.1. In such a case, the second paragraph of section 5 and sections 6 and 8 apply, with the necessary modifications and, in the case of section 8, as regards the debts, having regard to the apportionment determined by the agreement establishing the management board in respect of capital expenditures.

"8.3. In the case of an intermunicipal agreement providing for the establishment of an intermunicipal management board composed in part of municipalities referred to in section 5, the city may request the Minister of Municipal Affairs and Greater Montréal to terminate the agreement on a date other than the date provided for in the agreement to enable the management board to be dissolved. If the Minister accepts the request, sections 468.48 and 468.49 of the Cities and Towns Act (R.S.Q., chapter C-19) apply, with the necessary modifications, from the date a copy of the Minister's acceptance is transmitted to the intermunicipal management board and the municipalities that are members thereof.

Section 8 applies in respect of the debts arising from an agreement referred to in the first paragraph, having regard to the apportionment determined by the agreement establishing the management board in respect of capital expenditures.

"8.4. An intermunicipal agreement providing for a mode of operation other than an intermunicipal management board and entered into exclusively by municipalities referred to in section 5 shall terminate on 31 December 2001. Such an agreement entered into between such a municipality and another municipality shall terminate on 31 December 2002. Section 8 applies to the debts arising from such an agreement, having regard to the apportionment determined by the agreement in respect of capital expenditures.

"8.5. The sums derived from the operation or leasing by the city of an industrial immovable, after deduction of related administration and maintenance costs, or from the alienation of the immovable, must be used to discharge the engagements made in respect of the immovable by any municipality referred to in section 5.

If the industrial immovable referred to in the first paragraph was the subject of an agreement under section 13.1 of the Act respecting municipal industrial immovables (R.S.Q., chapter I-0.1) which provided for terms and conditions

relating to the apportionment of expenditures among the municipalities, the discharge pursuant to the first paragraph of the engagements made must be consistent with those terms and conditions as regards the taxable immovables situated in any part of the territory of the city that corresponds to the territory of any such municipality.

"8.6. The city may provide that the expenditures relating to the debts of each municipality referred to in section 5 shall be financed in part by revenues derived exclusively from the territory of that municipality and, for the remainder, by revenues derived from the whole territory of the city.

The following expenditures may not be covered by such a decision and shall continue to be financed in the same manner as they were for the fiscal year 2001, subject to any other provision, where the expenditures, for that fiscal year,

(1) are not chargeable to the ratepayers of the municipality, in particular because they are financed by contributions from other bodies or by subsidies;

(2) are financed by revenues derived from

(*a*) a special tax imposed on the taxable immovables situated in only a part of the territory of the municipality or imposed solely on the immovables to the benefit of which work has been carried out;

(*b*) an amount in lieu of a tax referred to in subparagraph *a* that must be paid by the Government in accordance with the second paragraph of section 210 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1) or the first paragraph of sections 254 and 255 of that Act or by the Crown in right of Canada or by one of its mandataries;

(*c*) a source of revenue that, under section 244.9 of the Act respecting municipal taxation, is used specifically for that purpose.

For the purpose of determining which part of the expenditures covered by the decision under the first paragraph must be financed as provided in the fourth paragraph, the total of the revenues of the municipality listed in subparagraphs 1 to 4 of the fifth paragraph is divided by the total of the revenues of the municipality for the fiscal year 2001 listed in that paragraph.

The product obtained by multiplying those expenditures by the quotient thus obtained represents the portion of the expenditures that must be financed using any source of revenue specific to that purpose imposed on the part of the territory that corresponds to the territory of the municipality. The balance represents the portion of the expenditures concerned that may be financed using any source of revenue specific to that purpose imposed on the whole territory of the city or any other revenue therefrom that is not reserved for other purposes.

The revenues to be used for the purposes of the division under the third paragraph are

(1) the revenues derived from the general property tax, except the revenues not taken into account in establishing the aggregate taxation rate of the municipality and the revenues that the municipality would have collected from the surtax on vacant land had it imposed that surtax rather than fix a general property tax rate specific to the category provided for in section 244.36 of the Act respecting municipal taxation;

(2) the revenues derived from any special tax imposed on all the immovables in the territory of the municipality on the basis of their taxable value;

(3) the revenues derived from any amount in lieu of a tax referred to in subparagraph 1 or 2 that must be paid by the Government in accordance with the second paragraph of section 210 of the Act respecting municipal taxation or the first paragraph of sections 254 and 255 of that Act or by the Crown in right of Canada or by one of its mandataries, except, in the case where the amount is in lieu of the general property tax, the revenues that would be covered by the exception provided for in subparagraph 1 if it were the tax itself;

(4) the revenues derived from the source provided for in section 244.1 of the Act respecting municipal taxation, except revenues that, under section 244.9 of that Act, are used specifically to finance expenditures related to debts;

(5) the revenues derived from the surtax on vacant land, the surtax or the tax on non-residential immovables, the business tax and any other tax imposed on the basis of the rental value of an immovable;

(6) the revenues covered by the exception under subparagraph 1 or 3;

(7) the revenues derived from any amount in lieu of a tax, other than an amount referred to in subparagraph 3, that must be paid by the Government in accordance with the second paragraph of section 210 of the Act respecting municipal taxation or sections 254 and 255 of that Act or by the Crown in right of Canada or by one of its mandataries;

(8) the revenues derived from any unconditional government transfer."

442. Section 15 of Schedule V to the said Act is amended by replacing "by the electors of" in the first line by "in".

443. Section 19 of Schedule V to the said Act is amended

(1) by inserting "city" before "council" in the first line of the first paragraph;

(2) by replacing the second paragraph by the following paragraph:

"The additional remuneration mentioned in the first paragraph is deemed to be the additional remuneration referred to in the second paragraph of section 2 of the Act respecting the remuneration of elected municipal officers (R.S.Q., chapter T-11.001)."

444. Section 32 of Schedule V to the said Act is amended by replacing subparagraph 5 of the second paragraph by the following subparagraph:

"(5) the power to dismiss, suspend without pay or reduce the salary of an officer or employee referred to in the second or third paragraph of section 71 of the Cities and Towns Act (R.S.Q., chapter C-19)."

445. Section 33 of Schedule V to the said Act is amended by replacing the second sentence by the following sentence: "The by-law may, to the extent permitted by the internal management by-laws of the city, provide for the delegation of any power of the executive committee to any officer or employee of the city and fix the conditions and procedures for the exercise of the delegated power."

446. Section 35 of Schedule V to the said Act is replaced by the following section:

"35. Subject to this Act and to any order of the Government made under section 9, the Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2) applies, with the necessary modifications, in respect of the office and election of mayor of the city and of every city councillor."

447. Schedule V to the said Act is amended by inserting the following section after section 67:

"67.1. Only the city council may submit, for the purposes of section 517 of the Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2), to all the qualified voters of all or part of the territory of the city, a question relating to a jurisdiction of the city council or a jurisdiction of a borough council."

448. Schedule V to the said Act is amended by inserting the following section after section 69:

"69.1. A borough council may, on the conditions it determines, provide to the council of another borough any service related to one of its jurisdictions. The resolution offering such a provision of service becomes effective on the adoption of a resolution accepting the offer.

Every decision under the first paragraph must be made by two-thirds of the votes cast."

449. Section 71 of Schedule V to the said Act is amended by inserting ", cultural" after "economic" in paragraph 2.

450. The heading of subdivision 3 of Division II of Chapter III of Schedule V to the said Act is amended by inserting ", *cultural*" after "*economic*".

451. Section 73 of Schedule V to the said Act is amended

(1) by inserting ", cultural" after "economic" in the second line of the second paragraph;

(2) by inserting ", cultural" after "community" in the fourth line of the second paragraph.

452. Section 74 of Schedule V to the said Act is amended by replacing "to be managed by the city council" in the second line by "that are under the authority of the city council and those that are under the authority of the borough councils".

453. Section 75 of Schedule V to the said Act is amended by striking out "to be under the management of the city council" in the first and second lines of the first paragraph.

454. Section 77 of Schedule V to the said Act is amended by striking out "under the management of the city council" in the first and second lines.

455. Section 78 of Schedule V to the said Act is amended by striking out "to be managed by the city council" in the second line.

456. Section 82 of Schedule V to the said Act is amended

(1) by replacing "management" in the fourth line of the first paragraph by "authority";

(2) by replacing "traffic signs and signals and the control of traffic" in the second and third lines of the third paragraph by "roads, traffic signs and signals, the control of traffic and parking";

(3) by replacing "traffic signs and signals and the control of traffic" in the fourth line of the third paragraph by "roads, traffic signs and signals, the control of traffic and parking".

457. Section 85 of Schedule V to the said Act is amended

(1) by inserting ", cultural" after "community" in subparagraph 4 of the first paragraph;

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

"The borough council may, by its internal management by-laws, delegate to any officer or employee assigned to the borough by the city any power relating

to the exercise of its jurisdiction with respect to the approval of expenditures, the making of contracts and the management of personnel, and fix the conditions and procedures for the exercise of the delegated power.";

(3) by replacing, in the French text, "l'émission" in the first line of the third paragraph by "la délivrance".

458. The heading of subdivision 5 of Division III of Chapter III of Schedule V to the said Act is amended by inserting ", *cultural*" after "*community*".

459. Section 91 of Schedule V to the said Act is amended by inserting ", cultural" after "community" in the fifth line.

460. Section 92 of Schedule V to the said Act is amended

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

"92. The borough council exercises the powers of the city in respect of the parks and the cultural and recreational equipment within its jurisdiction pursuant to the by-law adopted under section 74, except those provided for in section 79.";

(2) by inserting "and in accordance with the rules established in the development plan prepared by the city pursuant to section 73" after "purpose" in the second line of the second paragraph.

461. Section 93 of Schedule V to the said Act is replaced by the following section:

"93. The borough council exercises, in respect of the streets and roads under its responsibility pursuant to the by-law adopted by the city council for the purposes of section 82 and in a manner consistent with the rules prescribed under the second and third paragraphs of that section, the jurisdictions of the city as regards roads, traffic signs and signals, the control of traffic and parking."

462. Section 97 of Schedule V to the said Act is amended by inserting "all or any portion of" after "on" in the third line of the second paragraph.

463. Sections 100 to 102 of Schedule V to the said Act are replaced by the following:

"§1. — *Interpretation and general provisions*

"100. For the purposes of this division, the territory of each local municipality referred to in section 5 constitutes a sector.

"100.1. The city is subject to the rules provided for by the applicable legislation in respect of all the local municipalities, in particular the rules that prevent the fixing of different general property tax rates according to the parts of the municipal territory and the rules that provide for the use of specific sources of revenue to finance expenditures relating to debts.

The city may, however, depart from those rules but only insofar as is necessary for the application of any of the provisions of this division or of section 8.6.

"§2. — *Limitation on increases in the tax burden*

"101. The city shall avail itself either of the power provided for in section 101.1 and, if it imposes the business tax, of that provided for in section 101.2, or of the power provided for in section 101.7.

"101.1. The city may, for a fiscal year, fix any general property tax rate in such manner that, in relation to the preceding fiscal year, the increase in the tax burden borne by the aggregate of the units of assessment situated in a sector and in respect of which all or part of the rate applies is not greater than 5%.

The tax burden shall consist of

(1) the revenues derived from the general property tax which result from the application of all or part of a rate of that tax;

(2) the revenues derived from other taxes, including the taxes imposed on the basis of the rental value of immovables and compensations considered by the applicable legislation to be taxes, in particular the taxes used to finance services such as the supply of drinking water, waste water purification, snow removal, waste disposal, and residual materials upgrading;

(3) the revenues derived from the amounts to stand in lieu of taxes that must be paid in respect of immovables by the Government in accordance with the second paragraph of section 210 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1) or by the Government in accordance with section 254 and the first paragraph of section 255 of that Act, or by the Crown in right of Canada or by one of its mandataries;

(4) the revenues of which the city has deprived itself by granting a credit in respect of any of the sources of revenue referred to in any of subparagraphs 1 to 3, for the application of section 8 as regards the allocation of the credit from a surplus.

However, the revenues referred to in the second paragraph which are used to finance expenditures relating to debts shall be excluded from the tax burden.

"101.2. The city may, for a fiscal year, fix the rate of the business tax in such manner that, in relation to the preceding fiscal year, the increase in the revenues derived from that tax in respect of all the business establishments situated in a sector is not greater than 5%.

The revenues derived from the amounts to stand in lieu of the business tax that must be paid by the Government in accordance with the second paragraph of section 210 or the second paragraph of section 254 and the first paragraph of section 255 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1) shall be included in those revenues.

"101.3. If the city avails itself of any of the powers provided for in sections 101.1 and 101.2, it may replace the maximum percentage increase in that section by another maximum percentage increase, applicable only to the group formed of the sectors concerned, which must be less than 5%.

"101.4. Where the increase under section 101.1 or 101.2 does not result solely from the constitution of the city, the maximum shall apply only in respect of the part of the increase that results from the constitution.

"101.5. If the city avails itself of any of the powers provided for in sections 101.1 and 101.2, it shall, subject to any regulation under the second paragraph, prescribe the rules to determine whether the increase under that section results solely from the constitution of the city and, if not, to establish the part resulting from the constitution.

The Government may, by regulation, determine the only cases in which an increase is deemed not to result from the constitution of the city.

If the city does not avail itself of the power provided for in section 244.29 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1) and imposes the surtax or the tax on non-residential immovables or the surtax on vacant land, it must, if it avails itself of the power provided for in section 101.1, prescribe the rules to enable the appropriate correspondences to be made so as to obtain the same results, as regards the application of that section, were the city to impose the general property tax with rates specific to the categories comprising the units of assessment subject to each tax or surtax imposed.

"101.6. For the purpose of the establishment of the percentage increase referred to in section 101.1 for the fiscal year 2002, where the local municipality whose territory constitutes the sector concerned has appropriated as revenue for the fiscal year 2001 all or part of its surpluses from preceding fiscal years, in an amount exceeding the average of the amounts it appropriated for the fiscal years 1996 to 2000, the difference obtained by subtracting from that excess amount the amount of the sum that the municipality was exempted from paying, by the operation of sections 90 to 96 of chapter 54 of the statutes of 2000, for the special local activities financing fund, shall be included for the fiscal year 2001 in the tax burden borne by the aggregate of the units of assessment situated in the sector.

"101.7. The city may prescribe the rules enabling it to grant an abatement for a fiscal year in such manner that, in relation to the preceding fiscal year, any increase in the tax burden borne by a unit of assessment or a business establishment is not greater than 5%.

The second and third paragraphs of section 101.1 and sections 101.2 to 101.6 apply, with the necessary modifications, for the purposes of the limitation on the increase under the first paragraph.

If it avails itself of the power provided for in the first paragraph, the city shall determine the rules to enable the rules set out in the provisions among those referred to in the second paragraph which take into consideration aggregates of units or of establishments, to be adapted to each unit of assessment or business establishment considered individually.

"§3. — *Limitation on decreases in the tax burden*

"102. The city may, for a fiscal year, fix any general property tax rate in such manner that, in relation to the preceding fiscal year, the decrease in the tax burden borne by the aggregate of the units of assessment situated in a sector and in respect of which all or part of the rate applies is not greater than the percentage, applicable only to the group formed of the sectors concerned, fixed by the city.

The second and third paragraphs of section 101.1, the third paragraph of section 101.5 and section 101.6 apply, with the necessary modifications, for the purposes of the limitation on the decrease under the first paragraph.

"102.1. The city may, for a fiscal year, fix the rate of the business tax in such manner that, in relation to the preceding fiscal year, the decrease in the revenues derived from that tax in respect of the aggregate of the business establishments situated in a sector is not greater than the percentage, applicable only to the group formed of the sectors concerned, fixed by the city.

The revenues derived from the amounts to stand in lieu of the business tax that must be paid by the Government in accordance with the second paragraph of section 210 or the second paragraph of section 254 and the first paragraph of section 255 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1) shall be included in those revenues.

"102.2. If the city does not avail itself of the power provided for in section 102 or 102.1, it may prescribe the rules enabling it to require a supplement for a fiscal year in such manner that, in relation to the preceding fiscal year, the decrease in the tax burden borne by any unit of assessment or any business establishment is not greater than the percentage, applicable only to the group formed of the whole territory, fixed by the city.

The second and third paragraphs of section 101.1, the third paragraph of section 101.5 and section 101.6, in the case of a unit of assessment, or the second paragraph of section 102.1, in the case of a business establishment, apply, with the necessary modifications, for the purposes of the limitation on the decrease under the first paragraph.

If it avails itself of the power provided for in the first paragraph, the city shall determine the rules to enable the rules set out in the provisions among those referred to in the second paragraph which take into consideration aggregates of units or of establishments, to be adapted to each unit of assessment or business establishment considered individually.

"§4. — *Miscellaneous provisions*

"102.3. The city may avail itself of the powers provided for in Division III.1 of Chapter XVIII of the Act respecting municipal taxation (R.S.Q., chapter F-2.1) in respect of one sector without doing so in respect of another sector, or it may avail itself of such powers in a different manner according to the sectors.

"102.4. Where, under section 244.29 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1), the city fixes, for a fiscal year prior to the fiscal year in which the first assessment roll drawn up specifically for the city comes into force, a general property tax rate specific to any of the categories provided for in sections 244.34 and 244.35 of that Act, the coefficient referred to in section 244.44 or 244.47 of that Act is the coefficient established on the basis of a comparison of the last two property assessment rolls of the local municipality, among the local municipalities referred to in section 5, that has the largest population for 2001.

"102.5. For the fiscal year 2002, the city shall impose the business tax in respect of a sector in which that tax was imposed for the fiscal year 2001 and refrain from imposing such a tax in respect of any other sector. In the first case, the city shall fix the rate in such manner that the revenues from the business tax estimated for the fiscal year 2002 in respect of the sector are not less than the business tax revenues that the municipality concerned estimated for the fiscal year 2001.

For every fiscal year subsequent to the fiscal year 2002, if the city does not impose the business tax in respect of the whole of its territory it may impose the business tax in respect of any sector in which that tax was imposed for the fiscal years 2001 and 2002.

For the purposes of the first two paragraphs, the roll of rental values in force in the sector for the fiscal year 2001 shall continue to apply until the end of the last fiscal year for which it was drawn up. The city may, if necessary for the purposes of those paragraphs, cause a roll of rental values to be drawn up pursuant to the Act respecting municipal taxation (R.S.Q., chapter F-2.1) in respect of a sector rather than in respect of the whole of its territory.

"102.6. The city may establish a program for the purpose of granting, in the circumstances described in the second paragraph, a credit applicable in respect of the amount of the general property tax imposed, for any fiscal year from the fiscal year referred to in subparagraph 1 of that paragraph, on any unit of assessment situated in a sector and that belongs to the group described in section 244.31 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1).

The credit may be granted where the following conditions are met:

(1) for a particular fiscal year, the business tax is not imposed in respect of the sector, either separately or as part of the whole territory of the city, or, if the business tax is imposed, the estimated revenues therefrom in respect of the sector are less than those of the preceding fiscal year;

(2) the business tax was imposed in respect of the sector, for the fiscal year preceding the fiscal year referred to in subparagraph 1, without being imposed in respect of the whole territory of the city; and

(3) the general property tax revenues estimated in respect of the sector for the fiscal year referred to in subparagraph 1 and derived from the application of all or part of any of the rates specific to the categories provided for in sections 244.33 and 244.34 of the Act respecting municipal taxation are greater than they would have been were it not for the loss of or decrease in business tax revenues.

The credit shall diminish the amount payable of the general property tax imposed on any unit of assessment referred to in the first paragraph in respect of which all or part of a rate referred to in subparagraph 3 of the second paragraph applies. The amount of the credit shall be established according to the rules set out in the program.

The cost of the aggregate of the credits granted in respect of the units of assessment situated in the sector shall be a burden on the aggregate of the units situated in the sector that belong to the group referred to in the first paragraph.

If the city does not avail itself of the power provided for in section 244.29 of the Act respecting municipal taxation and imposes the surtax or the tax on non-residential immovables, it must, if it avails itself of the power under the first paragraph, prescribe the rules enabling the appropriate correspondences to be made so as to obtain the same results, as regards the application of the first four paragraphs, were the city to impose the general property tax with rates specific to the categories comprising the units of assessment subject to the surtax or the tax on non-residential immovables.

"102.7. Where a local municipality referred to in section 5 has availed itself, in respect of its roll of assessment that came into force on 1 January 2001, of the power provided for in section 253.27 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1), the city may, on or before the

adoption of the budget for the fiscal year 2002, provide that the averaging of the variation in the taxable values resulting from the coming into force of the roll will continue for that fiscal year in respect of the sector concerned."

464. Section 106 of Schedule V to the said Act is amended

(1) by adding "and a mandatary of the State" at the end of the first paragraph;

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

"The property of the transition committee forms part of the domain of the State, but the performance of its obligations may be pursued on the property.

The transition committee binds only itself when acting in its own name."

465. Section 107 of Schedule V to the said Act is replaced by the following section:

"107. Every member of the transition committee shall be paid the remuneration and allowances determined by the Minister.

The Minister may determine any other condition of employment of a member and in particular the rules relating to the reimbursement of expenses incurred by the member in the exercise of his or her functions."

466. Section 113 of Schedule V to the said Act is amended by adding the following paragraph at the end:

"Every decision made by the transition committee for the borrowing of money must be approved by the Minister of Municipal Affairs and Greater Montréal. The money borrowed by the transition committee, where such is the case, shall be borrowed at the rate of interest and on the other conditions mentioned in the approval."

467. Section 122 of Schedule V to the said Act is amended by adding the following paragraph at the end:

"The first paragraph also applies in respect of information, records and documents relating to a pension plan referred to in section 7 and held by any administrator of such a plan or by any public body exercising under law a responsibility in respect of such a plan."

468. Section 125 of Schedule V to the said Act is amended by replacing the second sentence of the first paragraph by the following sentences: "The committee may designate the employee whose services are necessary. The committee and the employer shall agree on the costs to be paid by the committee for the use of the services. However, the employer shall place the designated employee at the disposal of the committee as of the time indicated

by the committee, notwithstanding the absence of an agreement respecting the costs for the services."

469. Section 126 of Schedule V to the said Act is amended by adding the following paragraphs at the end:

"No municipality or body referred to in the first paragraph may prohibit or otherwise prevent its officers or employees from cooperating with the transition committee acting in the pursuit of its mission, or take or threaten to take any disciplinary measure against them for having cooperated with the committee.

Section 123 of the Act respecting labour standards (R.S.Q., chapter N-1.1) applies, with the necessary modifications, to any officer or employee who believes he or she has been the victim of a practice prohibited by the second paragraph."

470. Section 128 of Schedule V to the said Act is amended by adding the following paragraph after the third paragraph:

"The transition committee may, at any time, approve a decision, collective agreement or contract of employment in respect of which an authorization is required under the first, second or third paragraph. The approval of the transition committee is deemed to be such an authorization."

471. Section 130 of Schedule V to the said Act is amended

(1) by striking out "and a determination of their boundaries" in the third and fourth lines of the second paragraph;

(2) by inserting ", with or without amendments," after "adopted" in the third line of the third paragraph.

472. Section 131 of Schedule V to the said Act is replaced by the following section:

"131. The transition committee may examine the circumstances of the hiring of officers and employees referred to in section 7 after 15 November 2000 and the situation relating to the employees of any intermunicipal management board in respect of whom the intermunicipal agreement does not provide for the maintenance of employment in any of the municipalities party to the agreement at the expiry of the agreement.

The transition committee may make any recommendation in respect of those officers and employees to the Minister."

473. Section 133 of Schedule V to the said Act is amended by adding the following paragraph at the end:

"However, the Minister of Labour may, where applicable and if the Minister of Labour considers it appropriate, designate a mediator-arbitrator for each disagreement or group of disagreements relating to the determination of the reassignment procedure concerning a class of employment or a group of employees."

474. Section 136 of Schedule V to the said Act is amended by replacing the second paragraph by the following paragraph:

"The transition committe may create the various departments within the city, and determine the scope of their activities. It may appoint the department heads and assistant heads as well as the other officers and employees not represented by a certified association, and define their functions."

475. Section 137 of Schedule V to the said Act is repealed.

476. Section 138 of Schedule V to the said Act is amended

(1) by replacing "boroughs" in the third line of the English text by "borough councils";

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

"It must propose a draft of any resolution from among the resolutions that may be adopted under Division II of Chapter IV on which the draft budget is based."

477. Section 145 of Schedule V to the said Act is amended

(1) by replacing ", or be appointed as," in the second line by "elected or appointed as";

(2) by striking out the second sentence.

478. Section 146 of Schedule V to the said Act is amended by striking out "that must be held for the sole purposes of section 147" in the second and third lines.

479. Section 147 of Schedule V to the said Act is amended by replacing the third paragraph by the following paragraph:

"If, on 1 January 2002, the budget is not adopted, one-quarter of each appropriation provided for in the budget prepared by the transition committee is deemed to be adopted. The same rule applies on 1 April, 1 July and 1 October if, on each of those dates, the budget has not yet been adopted."

480. Schedule V to the said Act is amended by inserting the following section after section 147:

"147.1. The city council may, by the first by-law respecting remuneration adopted under the Act respecting the remuneration of elected municipal officers (R.S.Q., chapter T-11.001), fix any remuneration to be paid by the city to the mayor, the borough chairs, the other members of the city council and the borough councillors for the functions they exercised between the first day of their terms and 31 December 2001. The method for fixing the remuneration may differ, in relation to that period, from the method applicable from the date of the constitution of the city.

The remuneration paid under the first paragraph to an elected officer must be reduced by an amount equal to the amount of any remuneration received from another local municipality during the same period. However, for the purposes of the pension plan established under the Act respecting the Pension Plan of Elected Municipal Officers (R.S.Q., chapter R-9.3), only the part of the remuneration received from the municipality that has adhered to that pension plan in respect of the elected officer may be considered as pensionable salary."

481. Section 148 of Schedule V to the said Act is amended by replacing "102" by "102.7".

482. Section 149 of Schedule V to the said Act is amended by inserting ", except any provision having as its object, in respect of such a municipality, to validate or ratify a document or an act performed or intended to clarify a title of ownership or to confirm or grant the power to acquire or alienate a particular immovable," after "section 5" in the third line.

483. Section 64 of Schedule VI to the said Act is amended by replacing "who believes that a measure described in the first paragraph has been imposed without good and sufficient cause" in the first and second lines of the second paragraph by "on whom a measure described in the first paragraph is imposed".

484. Section 66 of Schedule VI to the said Act is amended by replacing the lines preceding paragraph 1 by the following:

"66. The labour commissioner may".

485. Section 99 of Schedule VI to the said Act is amended

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

"99. The following contracts may be awarded only in accordance with section 101 if they involve an expenditure of $100,000 or more and are not covered by paragraph 2 of section 105.2:

(1) insurance contracts;

(2) contracts for the performance of work;

(3) contracts for the supply of materials or equipment, including contracts for the lease of equipment with an option to purchase;

(4) contracts for the providing of services other than professional services

(*a*) referred to in paragraph 1 of section 105.2;

(*b*) necessary for the purposes of a proceeding before a tribunal, a body or a person exercising judicial or adjudicative functions.

Contracts covered by any of the subparagraphs of the first paragraph or by section 105.2 may be awarded only in accordance with section 100 if they involve an expenditure of at least $25,000 and of less than $100,000.";

(2) by replacing "The first paragraph does not apply" in the second paragraph by "The first two paragraphs do not apply";

(3) by striking out subparagraph 3 of the second paragraph;

(4) by replacing the third paragraph by the following paragraph:

"A contract which, as a result of an exception provided for in subparagraph 2 of the third paragraph of section 101, is not a supply contract for the purposes of the second paragraph of that section, is not a contract for the supply of equipment or materials for the purposes of subparagraph 3 of the first paragraph of this section."

486. Section 100 of Schedule VI to the said Act is amended

(1) by replacing "first" in the second line by "second";

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

"Subject to section 102, the Community may not, without the prior authorization of the Minister, award the contract to any person other than the person who submitted the lowest tender within the prescribed time. However, where it is necessary, to comply with the conditions for a government grant, that the contract be awarded to a person other than the person who submitted the lowest tender within the prescribed time, the Community may, without the authorization of the Minister, award the contract to the person whose tender is the lowest among the tenders submitted within the prescribed time that fulfil the conditions for the grant."

487. Section 105 of Schedule VI to the said Act is amended by inserting "and section 105.1" after "101" in the first line.

488. Schedule VI to the said Act is amended by inserting the following sections after section 105:

"105.1. The Government shall, by regulation, establish the rules relating to the awarding of a contract referred to in section 105.2.

The regulation shall determine whether such a contract is to be awarded after a call for public tenders published in an electronic tendering system approved by the Government, after a call for tenders by way of an advertisement published in a newspaper or after the use of a register of suppliers.

Where the regulation determines that the contract is to be awarded after the use of a register of suppliers, it must designate the body responsible for the establishment of the register and for its management and financing and must set out, in particular, the rules that apply to the registration of suppliers and to their selection as suppliers who may tender.

In each case, the regulation must establish a rate schedule fixing the maximum hourly rate that may be paid by the Community.

"105.2. The following contracts, if they involve an expenditure of $100,000 or more, must be awarded in accordance with the regulation under section 105.1:

(1) a contract for the supply of services that can, under an Act or a regulation, be provided only by a physician, dentist, nurse, pharmacist, veterinary surgeon, engineer, land surveyor, architect, chartered accountant, advocate or notary, except if the service is necessary for the purposes of a proceeding before a tribunal, a body or a person exercising judicial or adjudicative functions;

(2) a contract whose purpose is to obtain energy savings for the Community, where it involves both the providing of professional services and the performance of work or the supply of equipment, materials or services other than professional services.

"105.3. The Community may not divide into several contracts having similar subject-matter an insurance contract or a contract for the performance of work, the supply of equipment or materials or the providing of services other than professional services necessary for the purposes of a proceeding before a tribunal, a body or a person exercising judicial or adjudicative functions unless the division is warranted on grounds of sound administration."

489. Section 106 of Schedule VI to the said Act is amended

(1) by inserting "or otherwise than in accordance with the regulation under section 105.1" after "tenders" in the second line of the first paragraph;

(2) by inserting "or rather than as required in the regulation" after "newspaper" in the fourth line of the first paragraph.

490. Section 111 of Schedule VI to the said Act is amended by striking out "other than professional services" in the sixth line of the first paragraph.

491. Section 227 of Schedule VI to the said Act is replaced by the following section:

"227. Until the coming into force of the metropolitan land use and development plan, the Minister of Municipal Affairs and Greater Montréal shall, before giving an opinion under any of sections 51, 53.7, 56.4, 56.14 and 65 of the Act respecting land use planning and development (R.S.Q., chapter A-19.1) to a regional county municipality whose territory is situated entirely or partially within the territory of the Communauté métropolitaine de Québec, request the Community's opinion on the document submitted to it.

In the case of an opinion referred to in any of sections 51, 53.7 and 65 of the Act respecting land use planning and development, the Community's opinion must be received by the Minister within 45 days of the Minister's request, and a period of 105 days applies to the Minister rather than the 60-day period provided for in those sections; in the case of an opinion referred to in section 56.4 or 56.14 of that Act, the Community's opinion must be received by the Minister within 60 days of the Minister's request, and a period of 180 days applies rather than the 120-day period provided for in those sections.

The first two paragraphs do not apply where the Minister gives an opinion

(1) pursuant to section 53.7 of the Act respecting land use planning and development in respect of a by-law referred to in the second paragraph of section 53.8 of that Act;

(2) pursuant to section 56.14 of the Act respecting land use planning and development in respect of a revised plan adopted following a request made by the Minister pursuant to the second paragraph of that section.

In addition to reasons relating to the government aims or guidelines referred to in those sections, an objection or disapproval expressed by the Minister under any of the sections referred to in the first paragraph may be based on the opinion of the Community."

492. Section 231 of Schedule VI to the said Act is amended by replacing ", as if it were an updating provided for in" in the second and third lines of the third paragraph by "under".

493. Section 235 of Schedule VI to the said Act is repealed.

494. Schedule VI-A to the said Act is amended by replacing "Municipalité" in the fifth line by "Ville".

MISCELLANEOUS, TRANSITIONAL AND FINAL PROVISIONS

495. The following Acts are repealed: chapter 93 of the statutes of 1988, chapter 101 of the statutes of 1989, chapter 95 of the statutes of 1990, chapter 73 of the statutes of 1992 and chapter 118 of the statutes of 1997.

496. Every municipality or urban community referred to, as the case may be, in section 5 of any of Schedules I to V of the Act to reform the municipal

territorial organization of the metropolitan regions of Montréal, Québec and the Outaouais (2000, chapter 56), and every body of such municipality or urban community must, to alienate any property having a value greater than $10,000, obtain the authorization of the Minister of Municipal Affairs and Greater Montréal.

The Minister may, before deciding an application for authorization, request the opinion of the transition committee that was constituted in the territory comprising the territory of the municipality, urban community or body.

497. Every contract awarding process in progress on 21 June 2001, in accordance with a provision amended, replaced or struck out by this Act, shall be continued according to that provision and to any provision of the Act so amended which refers or is related thereto, notwithstanding the amendment, replacement or striking out thereof by this Act.

498. Section 264 of the Act respecting the Communauté métropolitaine de Montréal (2000, chapter 34), as it read before being replaced by section 213 of this Act, continues to apply in respect of any document, referred to in that section, that was served on the Minister of Municipal Affairs and Greater Montréal before 21 June 2001. However, the obligation, set out in that section, to obtain the opinion of the Community, is deemed to be met by the sole fact that the opinion was requested from the Community by the Minister.

499. Sections 30 and 200 have effect for the purposes of municipal fiscal years from the fiscal year 2002.

500. The provisions of the Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2) relating to the notion of elector for the purposes of the division of the territory into electoral districts, as they read on 20 June 2001, continue to apply in respect of a local municipality which, on that date, has adopted the draft by-law dividing its territory into electoral districts.

501. For the purposes of any regular election to be held in 2001, the date of 1 January provided for in sections 162.1 and 512.4.1 of the Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2), enacted by sections 86 and 101, respectively, is replaced by 21 June 2001.

502. Every property assessment roll that comes into force on 1 January 2002 must contain, upon being deposited, the entries referred to in section 57.1 and the first paragraph of section 57.1.1 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1) as amended by sections 111 and 112.

Every property assessment roll in force on 21 June 2001 that does not contain those entries must be amended not later than 15 September 2001 to include such entries, unless it must be replaced by the property assessment roll referred to in the first paragraph.

In order to add the entries, the competent assessor may, instead of proceeding in accordance with the provisions of the Act respecting municipal taxation relating to the updating of the roll, file a global certificate for all the alterations. In such a case,

(1) for any fiscal year for which the roll applies, the local municipality concerned may neither levy the surtax or the tax on non-residential immovables nor avail itself of section 244.29 of the Act respecting municipal taxation to levy the general property tax at a rate specific to the category of non-residential immovables provided for in section 244.33 of that Act;

(2) the clerk or the secretary-treasurer of the local municipality is not required to send a notice of alteration;

(3) no application for review may be filed nor any action to quash or set aside be brought with regard to the alterations.

503. Sections 119, 121 and 122 have effect for the purpose of any fiscal year from the fiscal year 2002.

For the purposes of the third paragraph of section 231.5 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1) enacted by section 121, if the preceding fiscal year referred to in that paragraph is the fiscal year 2001, all of the territories and the budgets of the municipalities referred to in section 5 of Schedule I to chapter 56 of the statutes of 2000 are, for that fiscal year, considered to be, respectively, the territory and the budget of Ville de Montréal constituted by section 1 of the Schedule.

504. The Minister of International Relations may indicate, in respect of any recognition granted before 21 June 2001 under a regulation made by the Government under section 210 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1), the date on which the recognition became effective.

That section, as amended by section 120, applies in such a case in respect of the exemption and obligation arising from the recognition in respect of the payment of a sum provided for in that section.

505. The Government may, following the constitution of a new city in the Saguenay region by an order under section 125.27 of the Act respecting municipal territorial organization (R.S.Q., chapter O-9), enacted by section 143 of this Act, establish a joint commission whose object is to coordinate residual materials management in the territory of the new city and in any adjacent territory of a regional county municipality designated as a rural regional county municipality.

The order establishing the commission shall determine the number of its members and its composition, the manner in which those members are designated, the commission's mission, its procedure and its powers.

The Government may also, rather than creating a separate commission, assign to a joint land use planning commission established under section 75.1 of the Act respecting land use planning and development (R.S.Q., chapter A-19.1), such functions as it considers useful to entrust to the joint commission for the purpose of coordinating residual materials management in the territory in which the commission has jurisdiction.

506. For the purposes of the fiscal year 2002, sections 29, 30 and 34 of the Act respecting the Société de promotion économique du Québec métropolitain (R.S.Q., chapter S-11.04) shall be read as follows:

"29. Before 15 January 2002, the Société must submit its budget estimates for the current fiscal year to the Communauté métropolitaine de Québec.

The budget estimates must be approved by the Community not later than 28 February.

If, on 1 March, the budget estimates of the Société have not been approved by the Community, the budget estimates for the fiscal year 2001 shall be renewed.

"30. The Communauté métropolitaine de Québec shall pay its contribution to the Société on the date and according to such terms and conditions as the board of directors of the Société determines after consultation with the Community.

"34. Before 15 January 2002, the Société shall transmit its orientations and the means of action envisaged for the fiscal year 2002 to the Communauté métropolitaine de Québec."

507. The council of Ville de Montréal must adopt not later than 31 March 2002 the complementary document to the planning program referred to in section 88 of Schedule I to the Act to reform the municipal territorial organization of the metropolitan regions of Montréal, Québec and the Outaouais (2000, chapter 56), replaced by section 265 of this Act.

The coming into force of the by-law adopting the complementary document to the planning program has the same effect, provided for in the Act respecting land use planning and development (R.S.Q., chapter A-19.1), as an amendment to the city's planning program.

508. Every regional county municipality designated as a rural regional county municipality may, by by-law, order that an election for the office of warden must be held in 2001, 2002 or 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 chosen is considered to be the year in which the general election must 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 that Act if, depending on whether the year chosen is 2001, 2002 or 2003, it is in force on 1 August 2001, 1 January 2002 or 1 January 2003.

The holding of such an election in the chosen year does not set aside the obligation to hold an election in 2005.

The sections referred to in the first paragraph are those enacted by section 151.

509. Until the coming into force of the first amendment to the Regulation respecting the maximum annual remuneration of elected municipal officers, made by Order in Council 1672-92 (1992, G.O. 2, 5081) for the purpose of fixing the maximum annual amount of remuneration which a warden elected in accordance with section 210.29.2 of the Act respecting municipal territorial organization (R.S.Q., chapter O-9), enacted by section 151, is entitled to receive, that amount is $65,000.

510. The amounts provided for in the Regulation respecting the tariff of remuneration payable for municipal elections and referendums (R.R.Q., 1981, chapter E-2.2, r.2) shall be increased by 10% from 21 June 2001. If the amount computed after the increase includes a decimal part, the decimal part shall be struck out and, where the first decimal would have been a figure greater than 5, the whole number shall be increased by 1. However, where the computed amount is to be multiplied by the number of electors or of qualified voters, the first three decimals are taken into account and, where the fourth decimal would have been a figure greater than 5, the third decimal shall be increased by 1. The chief electoral officer shall publish the results of the increase in the *Gazette officielle du Québec*.

The increase does not apply in the case of a by-election in respect of which the notice of election was given before 21 June 2001 or in the case of a referendum for which, on that date, the public notice required under section 572 of the Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2) has been given.

511. A general election must be held in 2005 in all local municipalities to which Title I of the Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2) applies.

No regular election may be held in 2004 in such a local municipality.

512. This Act comes into force on 21 June 2001, except the following provisions which come into force on 1 January 2002: sections 12 to 27, paragraph 1 of section 31, sections 32, 44 and 45, section 52, paragraph 1 of section 59, sections 133, 134, 179 to 188, 218 to 224, 227 to 230, 232, 235 to

239, 240, 247 to 249, 254 to 259, 260 to 286, 304, 305, 308 to 311, 313, 314, 317 to 338, 354, 356, 360 to 362, 364 to 367, 369 to 386, 404, 406 to 418, 436, 439 to 441, 443, 444, 445, 447 to 463, 465, 481, 483 to 491, 493 to 495 and 507.

However, sections 143 to 148, 215, 225, 231, 233, 241 to 246, 250 to 252, 287, 288, 290 to 292, 294 to 298, 299, 300, 302, 306, 312, 316, 339, 340, 342 to 344, 346 to 350, 351, 352, 357 to 359, 363, 368, 387, 388, 390 to 392, 394 to 400, 402, 405, 419, 420, 422 to 424, 426 to 432, 434, 437, 442, 446, 464, 467 to 469, 471 to 477, 479, 482 and 492 have effect from 20 December 2000 and sections 190, 212, 293, 345, 393, 425 and 470 have effect from 1 January 2001.

Regulations and other acts

Amendments to the Rules of practice of the Superior Court of Québec in civil matters

Notice is hereby given that the Rules to amend the Rules of practice of the Superior Court of Québec in civil matters, the text of which appears below, were made by the judges of the Superior Court of Québec by way of a consultation by mail, on June 14, 2001, in accordance with article 47 of the Code of Civil Procedure (R.S.Q., c. C-25).

Montréal, July 13, 2001

LYSE LEMIEUX,
Chief Justice

Rules amending the Rules of practice of the superior Court in civil matters

Code of Civil Procedure
(R.S.Q., c. C-25, s. 47)

1. The following rule is added after Rule 12:

"**12.1 Protective supervision.** Upon receipt of an objection in the context of Article 280 *C.C.Q.* or Article 863.10 *C.C.P.*, the Clerk inscribes the case on the roll of the Practice Division and sends a notice of presentation to all interested persons at least ten days prior to the date fixed in the notice.".

2. The following rule is added after Rule 44:

"**44.1 Letter format.** The transcript of the recording or the stenographic notes of a deposition may be filed in the format used for a factum in the Court of Appeal.".

3. The following rule is added after Rule 50:

"**50.1 Abusive proceedings.** The Clerk transmits a copy of any order filed in his Office preventing a person from commencing or continuing any legal claim without prior judicial authorization to the Clerks of all the judicial districts and to the Chief Justice in Montreal.".

4. The following chapter is added after Rule 69:

"**CHAPTER XIII**
SETTLEMENT CONFERENCE

70. Purpose. A settlement conference is intended to assist the parties in settling their case out of court.

71. Consent. The conference is held only with the consent of the parties to the case.

72. Authorization. Upon request setting out a brief summary of the case, the Chief Justice or the Judge he designates may authorize the holding of a conference and name a judge to preside at it.

73. Stay of proceedings. The authorization does not constitute a stay of proceedings but the judge who presides at the conference may issue a stay of proceedings for a limited period of time.

74. Procedure. After consulting with the parties, the Judge fixes a schedule, identifies who may participate at the conference and adopts any measure to facilitate its conduct.

75. Agreement of transaction. At the request of the parties, the Judge may ratify any agreement of transaction (Article 2633 *C.C.Q.*).

76. Confidentiality. The conference takes place *in camera*. Nothing that is said or written during the conference is admissible in evidence, nor may be brought up during the trial.

77. Pre-trial conference. If a settlement cannot be achieved, the Judge may, with the consent of the parties, transform the settlement conference into a pre-trial conference governed by Article 279 *C.C.P.*

78. Adjournment. If the case continues the Judge abstains from acting unless the parties request him to do so.".

5. Form IV is repealed.

6. The Table of Contents is amended by:

(a) the addition in the required place of the new rules and the new Chapter XIII, that is:

12.1 : Protective supervision

44.1 : Letter format

50.1 : Abusive proceedings

Chapter XIII

70 : Purpose

71 : Consent

72 : Authorization

73 : Stay of proceedings

74 : Procedure

75 : Agreement of transaction

76 : Confidentiality

77 : Pre-trial conference

78 : Adjournment

(b) the indication that Rule 48 and Form IV have been repealed.

7. These Rules come into force ten days after their publication in the *Gazette officielle du Québec*.

4473

Amendments to the Rules of practice of the Superior Court of Québec in family matters

Notice is hereby given that the Rules to amend the Rules of practice of the Superior Court of Québec in family matters, the text of which appears below, were made by the judges of the Superior Court of Québec by way of a consultation by mail, on June 14, 2001, in accordance with article 47 of the Code of Civil Procedure (R.S.Q., c. C-25).

Montréal, July 13, 2001

LYSE LEMIEUX,
Chief Justice

Rules amending the Rules of practice of the Superior Court in family matters

Code of Civil Procedure
(R.S.Q., c. C-25, s. 47)

1. The following rule is added after Rule 41 :

"**41.1** Extract of judgment. Upon request, the Clerk may issue an extract of a judgment that is limited to the conclusions.

2. Form VIII is amended by the replacement of the words :

"WHEREFORE :
The Court renders a judgment of divorce between"

by the words :

"WHEREFORE THE COURT :
Pronounces the divorce of".

3. The Table of Contents is amended by the addition in the required place of a new rule, that is :

41.1 Extract of judgment

4. These rules come into force ten days after their publication in the *Gazette officielle du Québec*.

4475

Amendments to the Rules of Practice of the Superior Court of the district of Québec in civil matters and family matters

Notice is hereby given that the Rules to amend the Rules of Practice of the Superior Court for the district of Québec in civil matters, the text of which appears below, were established by the judges of the Superior Court appointed for the district of Québec, at their annual meeting on June 1st, 2001, in accordance with section 47 of the Code of Civil Procedure (R.S.Q., c. C-25).

Québec, 26 July 2001

RENÉ W. DIONNE,
Associate Chief Justice

Amendments to the Rules of practice of the Superior Court of the district of Québec in civil matters and family matters

Code of Civil Procedure
(R.S.Q., c. C-25, a. 47)

1. The Rules of Practice of the Superior Court for the district of Québec in civil matters are rescinded and the following Rules are established:

Rules of Practice[1] of the Superior Court for the district of Québec in civil matters

DIVISION I
AT THE OFFICE OF THE COURT

1. Confidential exhibit. The party who wishes that be kept confidential a medical report or any report prepared by a physician, a psychologist or a social worker shall file the same with the Office of the Court in a sealed envelope, identified like the backing of a proceeding, and marked "Confidential" (3 *R.p.S.c.*).

DIVISION II
IN THE PRACTICE DIVISION

2. Evidence out of Court. A Judge who authorizes that a witness be heard out of Court under 196 *C.c.p.* must keep the matter before him.

3. Joinder of actions

3.1 Service. All motions for joinder of actions made under section 270 and 271 of the Code of Civil Procedure shall be served on all the parties named in each action.

3.2 Consolidated certificate. The Clerk who joins actions shall issue one consolidated certificate of readiness for all the cases; he may ask each party for a new declaration (Form II, paragraph 4) on the estimated duration of the joined cases.

4. Administrative Division

4.1 A lengthy Practice Division matter which cannot be heard on the day of its presentation because of the state of the roll, may be referred by the Judge to the roll of the Administrative Division.

The roll of the Administrative Division is kept by the Office of the Chief Justice, where one must obtain a set date of hearing when the case is ready to proceed.

DIVISION III
FAMILY DIVISION

5. Instructions. The procedure in the Family Division is established by written instructions from the Chief Justice; copies of same are available at the Office of the Court.

6. Date of hearing

6.1 Before completing the notice of presentation of a motion or an inscription by default or *ex parte,* the party must obtain from the Office ˆà the Court, a date for hearing in the Practice Division (193 *C.c.p.*).

6.2 The party who files a joint demand must immediately require the Office of the Court to set a date for hearing (814.1 *C.c.p.*).

7. Proof by means of affidavit. If the proof is made by means of affidavits, a Judge may dispose without hearing of the joint demands and the cases by default and *ex parte* (38 *C.c.p.*) (25, Divorce Act).

DIVISION IV
PROOF AND HEARING

8. A hearing which has begun shall be terminated without delay (288 *C.c.p.*).

9. Judgment at the hearing. When a Judge renders a judgment in open court, any request for transcription of recording or translation of stenographic notes shall be presented to the same Judge.

10. Lenghty cases (275, 276 *C.c.p.*)

10.1 A lengthy case is one where the estimated duration of the hearing as per the Certificate of Readiness is more than five days.

10.2 The Chief Justice designates a Judge responsible for all lenghty cases for all the districts of the Division.

10.3 The Judge responsible for a district countersigns the Certificate of Readiness issued by the Clerk, after checking the duration, and the file is then forwarded to the Judge responsible for lenghty cases.

[1] Adopted in virtue of the inherent power of the Court and of section 47 of the Code of Civil Procedure of Québec.

10.4 Once the Certificate of Readiness is issued, copy of any incidental demand shall be reported to the Judge in charge of lenghty cases until the case has been referred to a Judge for proof and hearing, after which, notification shall be given to that Judge who may decide to keep the proceeding before him.

DIVISION V
BEFORE THE CHIEF JUSTICE

11. Juridiction. The following motions shall be made before the Chief Justice : for adjournement made prior to the beginning of the trial, for preferential hearing and for joinder of actions if either case is already inscribed on a roll for hearing.

12. Hearings. Hearings before the Chief Justice are held in his chambers twice a week, on Wednesdays and Fridays, between 10 h and 12 h a.m., but on Wednesdays only during the judicial vacation : if a matter is urgent, one may request a hearing at any time.

DIVISION VI
CASE MANAGEMENT

13. Forclusion in accordance with Rule 15. A party who omits to file her declaration of inscription on the roll for hearing may be summoned before the Court to remedy the situation.

14. Inactive files. If a case remains inactive for a long period of time, a Judge may summon the parties before him and, after discussion, make the appropriate orders to remedy the situation.

2. These Rules come into force ten days after their publication in the *Gazette officielle du Québec.*

4474

Draft Regulations

Draft Regulation

Professional Code
(R.S.Q., c. C-26)

Land surveyors
— Code of ethics
— Amendments

Notice is hereby given, in accordance with the Regulations Act (R.S.Q., c. R-18.1), that the Bureau de l'Ordre des arpenteurs-géomètres du Québec, at its meeting held on the 26 and 27 of April 2001, made the Regulation to amend the Code of ethics of land surveyors.

The Regulation, the text of which appears below, will be examined by the Office des professions du Québec under section 95 of the Professional Code. Then, it will be submitted, along with the recommendation of the Office, to the Government who, under the same section, may approve it, with or without amendments, upon the expiry of 45 days following this publication.

The purpose of this Regulation is to update the Code of ethics of land surveyors of Québec concerning the duties and obligations of land surveyors regarding the client and the profession.

This Regulation clarifies the rules applicable to land surveyors especially concerning requirements and executory provisions of the access right and rectification of the information included in the records of their clients, as well as the obligation to deliver them the documents.

According to the Ordre des arpenteurs-géomètres du Québec,

(1) concerning protection of the public, the Regulation specifies the rights of clients regarding access to records, regarding the possibility to make recifications to a record concerning them and, to obtain documents, in compliance with sections 60.5 and 60.6 of the Professional Code.

(2) this Regulation has no impact on small or medium-sized businesses or others.

Further information may be obtained on the proposed draft Regulation by contacting Mr. Luc St-Pierre, Director General and Secretary, Ordre des arpenteurs-géomètres du Québec, 2954, boulevard Laurier, bureau 350, Sainte-Foy (Québec) G1V 4T2, by telephone at (418) 656-0730 or by fax at (418) 656-6352.

Any person having comments to make is asked to send them, before the expiry of the 45-day period, to the Chairman of the Office des professions du Québec, 800, place D'Youville, 10e étage, Québec (Québec) G1R 5Z3. These comments will be forwarded by the Office to the Minister responsible for the administration of legislation respecting the professions; they may also be forwarded to the professional order that made the regulation as well as to interested persons, departments and agencies.

JEAN-K. SAMSON,
Chairman of the Office
des professions du Québec

Regulation to amend the Code of ethics of land surveyors*

Professional Code
(R.S.Q., c. C-26, s. 87)

1. The following is substituted for Subdivision 7 of Division III of the Code of ethics of land surveyors:

"***§7.*** *Terms and conditions of the exercice of the rights of access and corrections provided for in section 60.5 and 60.6 of the Professional Code and obligation for a land surveyor to give documents to a client.*

3.07.01. A land surveyor may require that a request referred to in section 3.07.02, 3.07.05 or 3.07.08 be made at his place of business during his regular working hours.

3.07.02. In addition to the particular rules prescribed by law, a land surveyor shall promptly follow up, no later than 30 days after its receipt, on any request made by his client whose purpose is:

* The Code of ethics of land surveyors (R.R.Q., 1981, c. A-23, r. 4) was last amended by the Regulation made by order in Council 1415-92 dated 23 September 1992 (1992, *G.O.* 2, 4511).

(1) to examine documents that concern him in any record established in his respect;

(2) to obtain a copy of the documents that concern him in any record established in his respect.

3.07.03. A land surveyor who grants a request referred to in section 3.07.02 shall allow his client access to documents, free of charge. However, a land surveyor who receives a request referred to in paragraph 2 of section 3.07.02 may charge reasonable fees not exceeding the cost for reproducing or transcribing documents or the cost for forwarding a copy.

A land surveyor charging such fees shall, before proceeding with the reproduction, transcription or fowarding of the information, inform his client of the approximate amount he will have to pay.

3.07.04. A land surveyor who, pursuant to the second paragraph of section 60.5 of the Professional Code, refuses to allow his client access to the information contained in a record established in his respect shall specify to the client, in writing, that the disclosure would be likely to cause serious harm to the client or to a third party.

3.07.05. In addition to the particular rules prescribed by law, a land surveyor shall promptly follow up, no later than 30 days after its receipt, on any request made by his client whose purpose is:

(1) to cause to be corrected any information that is inaccurate, incomplete or ambiguous with regard to the purpose for which it was collected, contained in a document concerning him in any record established in his respect;

(2) to cause to be deleted any information that is outdated or not justified by the object of the record established in his respect;

(3) to file in the record established in his respect the written comments that he prepared.

3.07.06. A land surveyor who grants a request referred to in section 3.07.05 shall issue to his client, free of charge, a copy of the document or part of the document so that his client may see for himself that the information was corrected or deleted or, as the case may be, an attestation that the written comments prepared by his client were filed in the record.

3.07.07. Upon written request from his client, a land surveyor shall forward a copy, free of charge for the client, of corrected information or an attestation that the information was deleted or, as the case may be, that written comments were filed in the record to any person from whom the member received the information that was subject to the correction, deletion or comments and to any person to whom the information was provided.

3.07.08. A land surveyor shall promptly follow up on any written request made by his client, whose purpose is to take back a document entrusted to him by his client.

A land surveyor shall indicate in his client's record, where applicable, the reasons in support of his client's request.".

2. The words "the president, the vice-president or a person designated by the president" are substituted for the words "the administrative comittee" in paragraph *i* of section 4.01.01.

3. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec.*

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Index Statutory Instruments

Abbreviations: **A**: Abrogated, **N**: New, **M**: Modified