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SECOND SESSION THIRTY-SIXTH LEGISLATURE

Bill 99
(2002, chapter 35)

An Act to amend the Environment Quality Act

Introduced 7 May 2002
Passage in principle 30 May 2002
Passage 14 June 2002
Assented to 14 June 2002

Québec Official Publisher
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EXPLANATORY NOTES

This bill amends the Environment Quality Act to empower the Minister of the Environment to combine all the certificates of authorization issued by the Minister under section 22 of that Act and relating to the same works or establishment, the same activity or the same work into a single certificate, on the application of the holder of the certificates.

The bill provides that the Minister may not make any modification to the conditions set out in the certificates of authorization so combined that would have the effect of reducing the protection of the environment ensured by those conditions or subjecting the holder to new obligations.

The bill provides for the incorporation into a depollution attestation issued to an industrial establishment under Division IV.2 of the Environment Quality Act of conditions of operation initially set out in an authorization issued for that establishment under section 22, 32 or 48 of that Act.

Lastly, for the purpose of ascertaining compliance with the Environment Quality Act and the regulations made thereunder that govern agricultural activities, the bill authorizes the disclosure of information between the Minister of the Environment and La Financière agricole du Québec.

LEGISLATION AMENDED BY THIS BILL :

– Environment Quality Act (R.S.Q., chapter Q-2).

Bill 99

AN ACT TO AMEND THE ENVIRONMENT QUALITY ACT

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. The Environment Quality Act (R.S.Q., chapter Q-2) is amended by inserting the following section after section 2:

"**2.0.1.** The Minister shall transmit to La Financière agricole du Québec any information, including personal information, enabling it to ascertain compliance with this Act and the regulations thereunder as provided in the last paragraph of section 19 of the Act respecting La Financière agricole du Québec (chapter L-0.1).

La Financière agricole du Québec must, at the request of the Minister, provide any information, including personal information, enabling the Minister to ascertain compliance with this Act and with any regulation made thereunder that governs agricultural activities.

The provisions of the first and second paragraphs apply notwithstanding sections 23 and 24 of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1) and, in the case of the first paragraph, notwithstanding subparagraphs 5 and 9 of the first paragraph of section 28 of that Act."

2. The said Act is amended by inserting the following sections after section 24:

"**24.1.** On the application of the holder of several certificates of authorization issued under section 22 relating to the same works or establishment, the same activity or the same work, the Minister may, on the conditions the Minister determines, combine the certificates of authorization into a single certificate, referred to as an "administrative certificate".

When issuing an administrative certificate, the Minister may not make any modification to the conditions set out in the certificates of authorization so combined that would have the effect of either reducing the protection of the environment ensured by those conditions or subjecting the holder to new obligations.

"**24.2.** From the date of its issue, the administrative certificate replaces the certificates of authorization it combines, which cease to have effect without prejudice, however, to any offences committed, proceedings instituted or penalties incurred before that date in relation to those certificates.

"**24.3.** Once issued, the administrative certificate stands in lieu of the certificate of authorization as if it had been issued under section 22 and is considered to be a certificate of authorization for the purposes of this Act.

"**24.4.** The Minister shall determine, by order, the fees that may be charged for the processing of an application to combine certificates of authorization and for the issue of an administrative certificate under section 24.1, as well as the manner of payment of those fees.

The fees may vary, in particular, according to the classes of sources of contamination involved, the number of certificates of authorization concerned and the complexity of the technical and environmental aspects pertaining to the application."

3. Section 31.7 of the said Act is amended by replacing "or 70.11" at the end by ", 70.11 or in Division IV.2".

4. Section 31.13 of the said Act is amended by adding the following after paragraph 5:

"(6) any other condition of operation applicable to the establishment including, where applicable, a condition contained in an authorization already issued under section 22, 32 or 48 and determined by the Minister.

The Minister may, at the request of the holder of a depollution attestation issued before 14 June 2002, modify the attestation to add a condition of operation contained in an authorization issued under section 22, 32 or 48.

Any condition contained in an authorization issued under section 22, 32 or 48 ceases to be contained therein where it is incorporated into a depollution attestation under subparagraph 6 of the first paragraph or under the second paragraph of this section."

5. Section 31.26 of the said Act is amended by adding the following subparagraph after subparagraph 3 of the first paragraph:

"(4) where a modification to the conditions of operation becomes necessary following the issue of a certificate of authorization under section 22."

6. Section 31.41 of the said Act is amended

(1) by inserting "or the application for a modification to the attestation made under the second paragraph of section 31.13" after "attestation" in the second line of paragraph 6;

(2) by adding the following subparagraph after subparagraph *c* of paragraph 6:

"(*d*) the complexity of the processing of the application, in particular the fact that the conditions of operation contained in an authorization issued under section 22, 32 or 48 must be incorporated into the attestation;".

7. The certificates issued by the Minister of the Environment before the coming into force of this Act and whose object is to combine into a single certificate several certificates of authorization previously issued by the Minister under section 22 of the Environment Quality Act are validated, to the extent that the issue of the certificates was not authorized by law. Sections 24.2 and 24.3, enacted by section 2 of this Act, apply to certificates so validated as of the date on which the certificates are issued.

8. This Act comes into force on 14 June 2002, except the first paragraph of section 2.0.1 of the Environment Quality Act, enacted by section 1, which will take effect on the date of coming into force of section 35 of chapter 35 of the statutes of 2001.

NATIONAL ASSEMBLY

SECOND SESSION THIRTY-SIXTH LEGISLATURE

Bill 106
(2002, chapter 37)

An Act to amend various legislative provisions concerning municipal affairs

Introduced 8 May 2002
Passage in principle 23 May 2002
Passage 14 June 2002
Assented to 14 June 2002

Québec Official Publisher
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EXPLANATORY NOTES

This bill enacts, amends or removes various provisions governing municipal bodies.

The bill amends the Act respecting land use planning and development to give local municipalities new powers in matters of planning by-laws. Local municipalities will consequently be able to adopt zoning by-laws to limit the number of identical or similar uses in a particular sector within their territory. Through the adoption of two new by-laws, it will be possible for municipalities, on a case-by-case basis according to predetermined criteria and subject to specific conditions, to authorize uses which the zoning by-law does not allow unconditionally as well as to permit special construction, alteration or land occupancy proposals that are at variance with the general planning regulation.

The bill amends the Act respecting land use planning and development to authorize the Minister of the Environment to request a regional county municipality to amend its development plan if it is not consistent with the protection policy for lakeshores, riverbanks, littoral zones and floodplains, does not respect the limits of a floodplain or, considering the distinctive features of the locality, fails to provide adequate protection for lakeshores, riverbanks, littoral zones and floodplains.

The bill amends the Act respecting land use planning and development to enable municipalities through their building by-laws to provide for special construction standards for buildings which are to be used as residences for the elderly. It requires building permit applicants to state in writing whether or not the application concerns an immovable to be used as a residence for the elderly. The municipality must transmit the statements concerning residences for the elderly to the regional board on 1 April each year.

The bill makes various amendments to the Municipal Code of Québec, the Cities and Towns Act and other legislation concerning the metropolitan communities of Montréal and Québec as regards the rules for the awarding of contracts. It provides that the regulation to be made by the Government to determine rules for the awarding of contracts for certain professional services may provide for cases in which a municipal body will be required, before awarding a

contract, to obtain the approval or authorization of the Government or of one of its ministers or bodies or to comply with the rules the latter have established in that respect.

The bill further provides that, as regards the awarding of any contract for the procurement of professional services, municipal bodies will be required, from 1 November 2002, to use a new bid weighting and evaluating system. The bill also amends the Act respecting public transit authorities to ensure that the Act is consistent with the municipal legislation concerning the awarding of contracts and with public procurement agreements applicable to municipal bodies.

The bill amends the Cities and Towns Act to introduce an obligation for an executive committee that has been authorized to enter into contracts on behalf of the local municipality to table before the council, each month, a list of all the contracts involving an expenditure exceeding $25,000 it entered into in the preceding month. The amendment proposed by the bill also requires the executive committee to table a list of all contracts involving an expenditure exceeding $2,000 entered into by it since the beginning of the fiscal year with the same contracting party if those contracts involve a total expenditure exceeding $25,000. A similar provision will apply to the executive committee of a metropolitan community.

The bill makes amendments to the charters of the cities of Lévis, Longueuil, Montréal and Québec and to the constituting orders of the cities of Sherbrooke and Saguenay so that certain conditions apply when a borough council delegates to an officer its power to authorize expenditures, in particular a condition requiring the officer to report to the borough council at the first regular sitting held five days after the authorization.

The bill amends the Act respecting the Commission municipale to enable the Commission to initiate a process of mediation in the case of any dispute in respect of which the Commission may intervene pursuant to a legislative provision.

The bill amends the constituting Acts of the metropolitan communities of Montréal and Québec to clarify the scope of their obligations as regards a tax base growth sharing program. It specifies that such a program may include an element of tax base sharing that applies to the tax base of a member municipality of the community, regardless of the existence or non-existence of growth.

The bill amends the Act respecting duties on transfers of immovables to give effect to an Information Bulletin issued by the Minister of Finance on 20 December 2001. Any property transfer made after that date will be exempt from transfer duties if the transferor and the transferee are registered charities, or if the property is transferred through a trust created for the benefit of a natural person whereby the person will eventually recover ownership of the property transferred.

The bill amends the Act respecting elections and referendums in municipalities to clarify certain provisions or to harmonize them with those of the Election Act, in particular as concerns advance polling, the posting up of election publicity, pre-election expenses and penal provisions.

The bill amends the Act respecting municipal taxation to modify the special method that applies to the assessment of single-use immovables of an industrial or institutional nature, in particular to allow a proceeding to be brought directly before the Administrative Tribunal of Québec, without having to resort to the administrative review procedure, if the owner and the assessor attest that all the exchanges required by the special method have taken place without any agreement being reached on the value of the immovable.

The bill amends the Act respecting municipal industrial immovables to allow for the sale price of an industrial immovable alienated by a local municipality to be fixed on the basis of either the cost price of the immovable or its value on the property assessment roll, and thus for a ministerial authorization to be required only if the sale price is less than either the cost price or the value on the property assessment roll.

The bill amends the Act respecting the Ministère des Affaires municipales et de la Métropole to provide for a power authorizing the Minister to establish, after consultation with bodies representing municipalities, performance indicators in relation to the administration of the municipalities and other municipal bodies, and to prescribe the conditions and implementation procedures. The Minister is also empowered to prescribe the terms according to which the citizens are to be informed of the results measured using the performance indicators.

The bill amends the Act respecting the Société d'habitation du Québec to provide rules to govern the operation of the social housing development funds established under various statutes and to require

municipalities and metropolitan communities that have such a fund to pay minimum contributions into it.

LEGISLATION AMENDED BY THIS BILL:

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

– Charter of Ville de Lévis (R.S.Q., chapter C-11.2);

– Charter of Ville de Longueuil (R.S.Q., chapter C-11.3);

– Charter of Ville de Montréal (R.S.Q., chapter C-11.4);

– Charter of Ville de Québec (R.S.Q., chapter C-11.5);

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

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

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

– Act respecting the Communauté métropolitaine de Montréal (R.S.Q., chapter C-37.01);

– Act respecting the Communauté métropolitaine de Québec (R.S.Q., chapter C-37.02);

– James Bay Region Development and Municipal Organization Act (R.S.Q., chapter D-8);

– Act respecting duties on transfers of immovables (R.S.Q., chapter D-15.1);

– 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 municipal industrial immovables (R.S.Q., chapter I-0.1);

– Act respecting Immobilière SHQ (R.S.Q., chapter I-0.3);

– Act respecting the Ministère des Affaires municipales et de la Métropole (R.S.Q., chapter M-22.1);

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

– Act respecting the Régie des installations olympiques (R.S.Q., chapter R-7);

– 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 québécoise d'assainissement des eaux (R.S.Q., chapter S-18.2.1);

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

– Act to amend the Act respecting municipal industrial immovables (1994, chapter 34);

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

– Act respecting public transit authorities (2001, chapter 23);

– Act to amend various legislative provisions concerning municipal affairs (2001, chapter 68).

Bill 106

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 section after section 8:

"**8.1.** The Government may, by regulation, prescribe rules concerning the form in which the content of a development plan must be presented."

2. Section 48 of the said Act is amended by replacing "its by-law respecting comprehensive development programs, site planning and architectural integration programs or municipal works agreements" in the fourth, fifth and sixth lines of the second paragraph by "any of its by-laws under Divisions VII to XI of Chapter IV".

3. Section 53.7 of the said Act, amended by section 22 of chapter 35 of the statutes of 2001, is again amended by replacing "second" in the second line of the fourth paragraph by "third".

4. Section 53.10 of the said Act is amended by replacing "its by-law respecting comprehensive development programs, site planning and architectural integration programs or municipal works agreements" in the fifth and sixth lines of the first paragraph by "any of its by-laws under Divisions VII to XI of Chapter IV".

5. Section 53.12 of the said Act is amended by striking out the fifth paragraph.

6. The said Act is amended by inserting the following section after section 53.12:

"**53.13.** The Minister of the Environment may, by way of a notice briefly stating reasons setting forth the nature and purpose of the amendments to be made, request that the development plan in force be amended if the Minister is of the opinion that the development plan is not consistent with the policy of the Government referred to in section 2.1 of the Environment Quality Act (chapter Q-2), does not respect the limits of a floodplain situated

within the territory of the regional county municipality or, considering the distinctive features of the locality, fails to provide adequate protection for lakeshores, riverbanks, littoral zones and floodplains.

The third and fourth paragraphs of section 53.12 apply, with the necessary modifications, to a request made in accordance with the first paragraph."

7. Section 56.14 of the said Act, amended by section 23 of chapter 35 of the statutes of 2001, is again amended by replacing "second" in the second line of the fourth paragraph by "third".

8. Section 56.16 of the said Act is amended by replacing "second" in the fourth line of the second paragraph by "third".

9. The said Act is amended by inserting the following section after section 57:

"**57.1.** The Government may, by regulation, prescribe rules, complementary to those provided for in the provisions of this division, concerning the preparation of a revised development plan."

10. Section 58 of the said Act is amended by replacing "its by-law respecting comprehensive development programs, site planning and architectural integration programs or municipal works agreements" in the second, third and fourth lines of subparagraph 1 of the second paragraph by "any of its by-laws under Divisions VII to XI of Chapter IV".

11. Section 59.1 of the said Act is amended by replacing subparagraphs 2 to 8 of the first paragraph by the following subparagraphs:

"(2) its zoning, subdivision and building by-laws;

"(3) its by-laws under Divisions VII to XI of Chapter IV;

"(4) its by-law under section 116."

12. Section 59.5 of the said Act is amended by replacing "its by-law on the comprehensive development program, site planning and architectural integration programs or municipal works agreements" in the second, third and fourth lines of subparagraph 1 of the second paragraph by "any of its by-laws under Divisions VII to XI of Chapter IV".

13. Section 59.6 of the said Act is amended by replacing subparagraphs 1 to 7 of the first paragraph by the following subparagraphs:

"(1) its zoning, subdivision and building by-laws;

"(2) its by-laws under Divisions VII to XI of Chapter IV;

"(3) its by-law under section 116."

14. Section 64 of the said Act, amended by section 24 of chapter 35 of the statutes of 2001, is again amended by replacing the third paragraph by the following paragraph:

"Notwithstanding subparagraph *a* of subparagraph 1 of the second paragraph of section 62, the council may avail itself, as regards an agricultural zone established under the Act respecting the preservation of agricultural land and agricultural activities (chapter P-41.1), of any of the powers provided for in subparagraphs 3, 4 and 5 of the second paragraph of section 113."

15. Section 67 of the said Act is amended by replacing "fourth" in the first line of the second paragraph by "fifth".

16. Section 68 of the said Act, amended by section 26 of chapter 35 of the statutes of 2001, is again amended by replacing "adopted under" in the third line of the second paragraph by "adopted under any of".

17. Section 95 of the said Act is amended by replacing the third paragraph by the following paragraph:

"It may, in addition, submit to the consultation any draft by-law concerning any matter referred to in Divisions VI to XI of Chapter IV."

18. Section 110.4 of the said Act is amended by replacing "its by-law respecting comprehensive development programs, site planning and architectural integration programs or municipal works agreements" in the second, third and fourth lines of subparagraph 1 of the second paragraph by "any of its by-laws under Divisions VII to XI of Chapter IV".

19. Section 110.5 of the said Act is amended by replacing "the by-law respecting the comprehensive development program, site planning and architectural integration programs or municipal works agreements" in the fourth and fifth lines of the first paragraph by "any of the by-laws under Divisions VII to XI of Chapter IV".

20. Section 110.6 of the said Act is amended by replacing "its by-law respecting the comprehensive development program, site planning and architectural integration programs or municipal works agreements" in the fifth, sixth and seventh lines of the first paragraph by "any of its by-laws under Divisions VII to XI of Chapter IV".

21. Section 113 of the said Act, amended by section 18 of chapter 40 of the statutes of 1999, is again amended by inserting the following subparagraph after subparagraph 4 of the second paragraph:

"(4.1) without restricting the generality of the other subparagraphs, to specify, for each zone, the maximum number of places that may be used for

identical or similar uses, including those in the same immovable, the minimum distance required between such places or the maximum floor or land area allowed for such uses; however, no rule so provided may apply to agricultural activities within the meaning of the Act respecting the preservation of agricultural land and agricultural activities (chapter P-41.1) in an agricultural zone established under that Act;".

22. The said Act is amended by inserting the following section after section 118:

"**118.1.** The building by-law may, as regards a residence for the elderly, prescribe special building standards and special rules applicable to the layout of the building and the elements and accessories that must be integrated therein to ensure the residents have the services appropriate to their needs.

For the purposes of the first paragraph, a residence for the elderly is a congregate residential facility where rooms or apartments intended for elderly persons are offered for rent along with a varied range of services relating, in particular, to security, housekeeping assistance and assistance with social activities, except a facility operated by an institution within the meaning of the Act respecting health services and social services (chapter S-4.2) and a building or residential facility where the services of an intermediate resource or a family-type resource within the meaning of that Act are offered."

23. The said Act is amended by inserting the following section after section 120:

"**120.0.1.** In addition to the conditions provided for in section 120, the officer designated under paragraph 7 of section 119 must also, prior to the issuance of a building permit, receive from the applicant a written statement establishing whether or not the permit applied for concerns an immovable to be used as a residence for the elderly as defined in the second paragraph of section 118.1.

On 1 April each year, the officer shall transmit to the regional health and social services board whose territory includes that of the municipality the statements received in the preceding 12 months according to which the permit applied for concerns an immovable to be used as a residence for the elderly."

24. Section 123 of the said Act is amended

(1) by replacing subparagraph 3 of the first paragraph by the following subparagraph:

"(3) by-laws under any of the provisions of Divisions VI to XI;";

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

"For the purposes of this division, the conditional use by-law provided for in section 145.31 or any by-law that amends or replaces the conditional use by-law is also subject to approval by way of referendum."

25. Section 137.2 of the said Act is amended by replacing the first paragraph by the following paragraph:

"**137.2.** As soon as practicable after the adoption of a by-law referred to in this paragraph, the clerk or the secretary-treasurer shall transmit a certified copy of the by-law and of the resolution adopting it to the regional county municipality whose territory includes that of the municipality. The by-laws concerned are

(1) by-laws amending or replacing the zoning, subdivision or building by-law;

(2) any of the by-laws under Divisions VII to XI and section 116;

(3) by-laws amending or replacing a by-law referred to in subparagraph 2."

26. The said Act is amended by inserting the following after section 145.30:

"**DIVISION X**

"CONDITIONAL USES

"**145.31.** The council of a municipality that has an advisory planning committee may adopt a conditional use by-law.

The by-law may not, however, apply to agricultural activities within the meaning of the Act respecting the preservation of agricultural land and agricultural activities (chapter P-41.1) in an agricultural zone established under that Act.

"**145.32.** The conditional use by-law must

(1) indicate any zone provided for in the zoning by-law where a conditional use may be authorized;

(2) specify, for each zone indicated under subparagraph 1, the conditional use that may be authorized;

(3) determine the procedure for an application for authorization of a conditional use, in particular the documents to be submitted with the application;

(4) determine the criteria to be used to assess an application for authorization of a conditional use.

The by-law may define classes of conditional uses and prescribe different rules according to the classes, the zones or combinations of a class and a zone.

"**145.33.** Not later than 15 days before the holding of the sitting at which the council is to decide the application for authorization of a conditional use, the clerk or the secretary-treasurer of the municipality shall, by means of a public notice given in accordance with the Act governing the municipality and a poster or sign placed in full view on the site to which the application relates, indicate the date, time and place of the sitting, the nature of the application and that any person interested may be heard at the sitting in relation to the application.

The notice shall situate the immovable to which the application relates using street names and the street number of the immovable or, if the immovable has no street number, the cadastral number.

"**145.34.** The council shall, after consulting with the advisory planning committee, grant or refuse an application for authorization of a conditional use submitted to it in accordance with the by-law.

The resolution by which the council grants the application shall provide for any condition, having regard to the jurisdiction of the municipality, that must be satisfied in relation to the establishment or exercise of the use.

The resolution by which the council refuses the application shall state the grounds for the refusal.

As soon as practicable after the passing of the resolution, the clerk or the secretary-treasurer shall transmit a certified copy of the resolution to the applicant.

"**145.35.** Notwithstanding sections 120, 121 and 122, the officer referred to in those sections shall issue a permit or certificate upon being presented with a certified copy of the resolution by which the council grants the application for authorization of a conditional use, if the conditions referred to in the section are satisfied, subject to the second paragraph, including any condition required by the resolution to be satisfied at the latest at the time the permit or certificate application is made.

Where the condition requires the application to be in conformity with a by-law referred to in paragraph 1 of section 120 or 121 or subparagraph 1 of the first paragraph of section 122, the application must be in conformity with the provisions of the by-law that are not the subject of the conditional use authorization.

"**DIVISION XI**

"SPECIFIC CONSTRUCTION, ALTERATION OR OCCUPANCY PROPOSALS FOR AN IMMOVABLE

"**145.36.** The council of a municipality that has an advisory planning committee may adopt a by-law concerning specific construction, alteration or occupancy proposals for an immovable.

The object of the by-law is to enable the council to authorize, upon application and subject to certain conditions, a specific construction, alteration or occupancy proposal in respect of an immovable if the proposal is at variance with a by-law under this chapter.

To be authorized, a specific proposal must be consistent with the aims of the municipality's planning program.

"**145.37.** The by-law must

(1) delimit the part of the territory of the municipality where a specific proposal may be authorized, which part may not include a zone where land occupation is subject to special restrictions for reasons of public safety;

(2) determine the procedure for an application for authorization of a specific proposal, in particular the documents to be submitted with the application;

(3) determine the criteria to be used to assess an application for authorization of a specific proposal.

The by-law may define classes of specific proposals and prescribe different rules according to the classes, the parts of the territory or combinations of a class and such a part.

"**145.38.** The council shall, after consulting with the advisory planning committee, grant or refuse an application for authorization of a specific proposal submitted to it in accordance with the by-law.

The resolution by which the council grants the application shall provide for any condition, having regard to the jurisdiction of the municipality, that must be satisfied in relation to the carrying out of the proposal.

Sections 124 to 137, 137.2 to 137.5 and 137.15 apply, with the necessary modifications, in respect of the resolution by which the council grants the application; however, where there is no development plan in force in the territory of the municipality, section 137.16 applies instead of sections 137.2 to 137.5 and 137.15. For that purpose, the resolution is subject to approval by way of referendum where the specific proposal is at variance with a provision referred to in subparagraph 1 of the third paragraph of section 123.

The resolution by which the council refuses the application shall state the grounds for the refusal.

As soon as practicable after the coming into force of the resolution, the clerk or the secretary-treasurer shall transmit a certified copy of the resolution to the applicant.

"**145.39.** As soon as practicable after the passing under section 124 of a draft resolution granting the application for authorization of a specific proposal, the clerk or the secretary-treasurer of the municipality shall, by means of a poster or sign placed in full view on the site to which the application relates, indicate the nature of the application and the place where any person interested may obtain information relating to the specific proposal.

That obligation ceases when the council passes the resolution granting the application for authorization or declines to do so. However, where the resolution passed must be approved by qualified voters, the obligation ceases when the referendum process ends.

"**145.40.** Notwithstanding sections 120, 121 and 122, the officer referred to in those sections shall issue a permit or certificate upon being presented with a certified copy of the resolution in force by which the council grants the application for authorization of a specific proposal, if the conditions referred to in the section are satisfied, subject to the second paragraph, including any condition required by the resolution to be satisfied at the latest at the time the permit or certificate application is made.

Where the condition requires the application to be in conformity with a by-law referred to in paragraph 1 of section 120 or 121 or subparagraph 1 of the first paragraph of section 122, the application must be in conformity with the provisions of the by-law that are not the subject of the specific proposal authorization."

27. Section 188 of the said Act, amended by section 3 of chapter 25 of the statutes of 2001, is again amended by striking out subparagraph 4 of the fourth paragraph.

28. Section 202 of the said Act, amended by section 7 of chapter 25 of the statutes of 2001, is again amended

(1) by replacing "The" in the first line of the first paragraph by "Subject to the second, third, fourth and fifth paragraphs, the";

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

"Where the representative of a municipality whose population is greater than half of the population of the regional county municipality has, in accordance with the first paragraph, a number of votes equivalent to at least half of the number of votes that all the representatives have, the representative

shall have, for the application of section 201 in respect of a proposal, the number of votes obtained by multiplying, by the percentage that the municipality's population is of the population of the regional county municipality, the number of votes cast by the other representatives in respect of the proposal.

Where the representative of a municipality has, in accordance with the first paragraph, a number of votes equivalent to a least half of the number of votes that all the representatives have, the representative shall have, for the application of section 210.26 of the Act respecting municipal territorial organization (chapter O-9), the number of votes obtained by multiplying, by the percentage that the municipality's population is of the population of the regional county municipality, the number of votes that the other representatives have.

Where the number of votes obtained under the second or third paragraph, as the case may be, has a decimal fraction, the decimal fraction is disregarded and, if the first decimal would have been greater than 5, the number is increased by 1.

For the purposes of the second and third paragraphs, the expression "representative of a municipality" also means all the representatives of a municipality if the municipality has more than one representative. In that case, the number of votes obtained under either of those paragraphs shall be apportioned among the representatives in the same proportion as that established under the first paragraph."

29. Section 221 of the said Act is amended

(1) by replacing "a by-law respecting comprehensive development programs, site planning and architectural integration programs or municipal works agreements" in the third and fourth lines of the first paragraph by "any of the by-laws under Divisions VII to XI of Chapter IV of Title I";

(2) by inserting ", and the conformity of any resolution referred to in the second paragraph of section 145.38 with those objectives and with the complementary document" after "program" in the fourth line of the second paragraph.

30. Section 227 of the said Act is amended

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

"(1) a use of land or a structure incompatible with

(*a*) a zoning, subdivision or building by-law;

(*b*) a by-law under section 116 or 145.21;

(*c*) an interim control by-law or resolution;

(*d*) a plan approved in accordance with section 145.19;

(*e*) an agreement under section 145.21; or

(*f*) a resolution referred to in the second paragraph of section 145.34 or 145.38;";

(2) by inserting "the agreement," after "resolution," in the third line of the second paragraph.

31. Section 228 of the said Act is amended by replacing "or an agreement made under section 145.21" in the fourth line of the first paragraph by ", an agreement made under section 145.21 or a resolution referred to in the second paragraph of section 145.38".

32. Section 240 of the said Act is amended by replacing "or any by-law respecting comprehensive development programs, site planning and architectural integration programs or municipal works agreements" in the fourth, fifth and sixth lines of the first paragraph by ", any of the by-laws under Divisions VII to XI of Chapter IV of Title I or any resolution referred to in the second paragraph of section 145.38".

CHARTER OF VILLE DE LÉVIS

33. Section 85 of the Charter of Ville de Lévis (R.S.Q., chapter C-11.2), amended by section 457 of chapter 25 of the statutes of 2001, by section 190 of chapter 76 of the statutes of 2001 and by section 5 of Order in Council 1311-2001 dated 1 November 2001, is again amended

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

"The borough council may, by by-law, delegate any power related to the exercise of its jurisdiction in matters of personnel management to any officer or employee assigned by the city to the borough. The by-law shall indicate the conditions to which the delegation is subject. The officer or employee to which such a delegation has been made shall report to the borough council on any decision made in relation to the delegated power at the first regular meeting after the expiry of five days following the decision.";

(2) by replacing "Il" in the French text of the first line of the fourth paragraph by "Le conseil d'arrondissement".

34. Section 98 of the said Charter is amended by adding the following paragraph after the second paragraph:

"Every by-law by which the borough council delegates the power to authorize expenditures to an officer or employee assigned by the city to the borough

must be authorized by the city council where the authorization of expenditures that may be granted under the delegation entails commitment of the city's credit for a period extending beyond the fiscal year in which the authorization is granted."

CHARTER OF VILLE DE LONGUEUIL

35. Section 35 of the Charter of Ville de Longueuil (R.S.Q., chapter C-11.3), amended by section 367 of chapter 25 of the statutes of 2001, is again amended by replacing the second sentence by the following sentence: "The by-law may, in respect of any power granted to the executive committee under this Act and, to the extent permitted by the internal management by-laws of the city, in respect of a power of the city council delegated to the executive committee under the first paragraph of section 34, provide for a delegation to any officer or employee of the city and fix the terms and conditions for the exercise of a delegated power."

36. Section 60.1 of the said Charter, enacted by section 171 of chapter 68 of the statutes of 2001, is amended by inserting the following paragraph after the second paragraph:

"Sections 573 to 573.3.4 of the Cities and Towns Act (chapter C-19) apply to the legal person created under the first paragraph, with the necessary modifications, and that legal person is deemed to be a local municipality for the purposes of the regulation made under section 573.3.0.1 of that Act."

37. Section 71 of the said Charter, amended by section 380 of chapter 25 of the statutes of 2001, by section 190 of chapter 76 of the statutes of 2001 and by section 9 of Order in Council 1310-2001 dated 1 November 2001, is again amended

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

"The borough council may, by by-law, delegate any power related to the exercise of its jurisdiction in matters of personnel management to any officer or employee assigned by the city to the borough. The by-law shall indicate the conditions to which the delegation is subject. The officer or employee to which such a delegation has been made shall report to the borough council on any decision made in relation to the delegated power at the first regular meeting after the expiry of five days following the decision.";

(2) by replacing "Il" in the French text of the first line of the fourth paragraph by "Le conseil d'arrondissement".

38. Section 72 of the said Charter, replaced by section 10 of Order in Council 1310-2001 dated 1 November 2001, is amended by replacing "minor exemptions from planning by-laws, comprehensive development programs and site planning and architectural integration programs" in the first paragraph by "matters referred to in Divisions VI, VII, VIII, X and XI of Chapter IV of Title I of that Act".

39. Section 84 of the said Charter is amended by adding the following paragraph after the second paragraph:

"Every by-law by which the borough council delegates the power to authorize expenditures to an officer or employee assigned by the city to the borough must be authorized by the city council where the authorization of expenditures that may be granted under the delegation entails commitment of the city's credit for a period extending beyond the fiscal year in which the authorization is granted."

40. Schedule C to the said Charter, enacted by section 24 of Order in Council 1310-2001 dated 1 November 2001, is amended by inserting the following section after section 27:

"**27.1.** The first and second paragraphs of section 356 of the Cities and Towns Act (chapter C-19) are replaced, for Ville de Longueuil, by the following paragraphs:

"**356.** Every by-law, on pain of nullity, must be preceded by a notice of motion given at a sitting of the council and be read at the time of an adjournment or at a sitting held on a later day. No by-law may be adopted by the council until at least one clear day has elapsed after the date on which the notice of motion was given.

The clerk is exempted from reading the by-law if a copy of the by-law was given to each member of the council not later than 48 hours before the sitting at which it is to be approved and if, at that sitting, all the members of the council present state that they have read it and waive the reading of it. In such a case, however, the clerk or the person presiding at the sitting must mention the object of the by-law, its scope, its cost and, where applicable, the mode of financing and payment."."

41. Schedule C to the said Charter, enacted by section 24 of Order in Council 1310-2001 dated 1 November 2001, is amended by inserting the following section after the heading of Chapter V:

"**48.1.** Contracts within the jurisdiction of the city council or within the powers of the executive committee shall be signed on behalf of the city by the mayor and the clerk. The mayor may, in writing and generally or specially, authorize another member of the executive committee to sign the contracts in the mayor's place.

On the proposal of the mayor, the executive committee may, generally or specially, authorize the director general, a department head or another officer it designates to sign contracts or documents of a nature it determines that are within the powers of the executive committee or the jurisdiction of the city council, except by-laws and resolutions, and prescribe, in that case, that certain contracts or documents or certain classes thereof need not be signed by the clerk.

Contracts within the jurisdiction of a borough council shall be signed on behalf of the city by the chair of the borough council and by the clerk or the person he or she designates. The chair of the borough council may, in writing and generally or specially, authorize another member of the borough council to sign the contracts in the chair's place.

On the proposal of the chair, the borough council may, generally or specially, authorize the borough director, a department head or another officer it designates to sign contracts or documents of a nature it determines within the jurisdiction of the borough council, except by-laws and resolutions, and prescribe, in that case, that certain contracts or documents or certain classes thereof need not be signed by the clerk.

For the purposes of section 53 of the Cities and Towns Act (chapter C-19), the contracts shall be presented by the clerk to the person authorized to sign them under this section. The second paragraph of section 53, however, applies only to contracts that must be signed by the mayor."

CHARTER OF VILLE DE MONTRÉAL

42. Section 18 of the Charter of Ville de Montréal (R.S.Q., chapter C-11.4), amended by section 244 of chapter 25 of the statutes of 2001, is again amended by adding the following paragraph after the third paragraph:

"Notwithstanding section 70 of the Cities and Towns Act (chapter C-19), a borough councillor may be appointed by the city council to be a member of a committee of the city council."

43. Section 34.1 of the said Charter, enacted by section 5 of Order in Council 1308-2001 dated 1 November 2001, is amended

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

"(1) awarding, after a call for tenders, any contract within the jurisdiction of the city council where the price does not exceed the amount made available to the executive committee for that purpose, except a contract for which only one conforming tender was received;";

(2) by adding the following subparagraph after subparagraph *b* of paragraph 7:

"(*c*) the amending of the budget of the city to take into account any unexpected sums received for the carrying out of work."

44. Section 130 of the said Charter, amended by section 274 of chapter 25 of the statutes of 2001, by section 190 of chapter 76 of the statutes of 2001 and by section 14 of Order in Council 1308-2001 dated 1 November 2001, is again amended

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

"The borough council may, by by-law, delegate any power related to the exercise of its jurisdiction in matters of personnel management to any officer or employee assigned by the city to the borough. The by-law shall indicate the conditions to which the delegation is subject. The officer or employee to which such a delegation has been made shall report to the borough council on any decision made in relation to the delegated power at the first regular meeting after the expiry of five days following the decision.";

(2) by replacing "Il" in the French text of the first line of the fourth paragraph by "Le conseil d'arrondissement".

45. Section 131 of the said Charter, amended by section 275 of chapter 25 of the statutes of 2001, is again amended by replacing "minor exemptions from planning by-laws, comprehensive development programs and site planning and architectural integration programs" in the fifth and sixth lines of the first paragraph by "matters referred to in Divisions VI, VII, VIII, X and XI of Chapter IV of Title I of that Act".

46. Section 147 of the said Charter is amended by adding the following paragraph after the second paragraph:

"Every by-law by which the borough council delegates the power to authorize expenditures to an officer or employee assigned by the city to the borough must be authorized by the city council where the authorization of expenditures that may be granted under the delegation entails commitment of the city's credit for a period extending beyond the fiscal year in which the authorization is granted."

47. Section 152 of the said Charter, amended by section 182 of chapter 26 of the statutes of 2001, is again amended by replacing "203" in paragraph 4 by "202".

48. Section 9 of Schedule C to the said Charter, enacted by section 26 of Order in Council 1308-2001 dated 1 November 2001, is amended by replacing "218" in the third line of the second paragraph by "228".

49. Section 15 of Schedule C to the said Charter, enacted by section 26 of Order in Council 1308-2001 dated 1 November 2001, is amended by adding the following paragraph after the first paragraph:

"A period of seven days applies to the clerk of the city rather than the period of 96 hours provided for in the first paragraph of section 53 of the Cities and Towns Act."

50. Section 40 of Schedule C to the said Charter, enacted by section 26 of Order in Council 1308-2001 dated 1 November 2001, is amended by inserting ", a bailiff, a peace officer or an employee of a public or private mail delivery or courier enterprise," in the second paragraph after "employees".

51. Section 42 of Schedule C to the said Charter, enacted by section 26 of Order in Council 1308-2001 dated 1 November 2001, is amended by replacing "eight days before the date of the notice calling the meeting" in the second paragraph by "15 days before the meeting".

52. Schedule C to the said Charter, enacted by section 26 of Order in Council 1308-2001 dated 1 November 2001, is amended by inserting the following section after section 69:

"**69.1.** For the purposes of parades, demonstrations, festivals or special events, the executive committee may prescribe rules or amend the traffic and parking rules that apply to the streets and roads in the city's arterial road network and to the streets and roads forming the network under the responsibility of the borough councils if more than one borough is concerned, or if the streets and roads in both the city and borough networks are affected."

53. Section 93 of Schedule C to the said Charter, enacted by section 26 of Order in Council 1308-2001 dated 1 November 2001, is amended by replacing "No later than 30 September" in the first paragraph by "On the filing of the budget or no later than 31 December".

54. Section 115 of Schedule C to the said Charter, enacted by section 26 of Order in Council 1308-2001 dated 1 November 2001 and amended by section 140 of chapter 68 of the statutes of 2001, is again amended by replacing "section 543, section 544.1 and" by "sections 543 to 544.1, section 547.1,".

55. Section 119 of Schedule C to the said Charter, enacted by section 26 of Order in Council 1308-2001 dated 1 November 2001, is repealed.

56. Section 126 of Schedule C to the said Charter, enacted by section 26 of Order in Council 1308-2001 dated 1 November 2001, is amended by replacing "if the latter is absent or unable to act" by "instead of the latter".

57. Section 133 of Schedule C to the said Charter, enacted by section 26 of Order in Council 1308-2001 dated 1 November 2001, is amended by replacing "with the approval of the executive committee" in the first paragraph of paragraph 3 by "who must, every three months, report on the sales thus carried out to the executive committee".

58. Section 169 of Schedule C to the said Charter, enacted by section 26 of Order in Council 1308-2001 dated 1 November 2001, is amended by adding the following sentence at the end: "In addition, it shall exercise the powers of the city provided for in sections 64, 65, 72, 77, 155 to 157 and 162 of this Schedule."

59. Section 217 of Schedule C to the said Charter, enacted by section 26 of Order in Council 1308-2001 dated 1 November 2001, is amended

(1) by replacing "Sections" in the first line by "Subject to the second paragraph, sections";

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

"Sections 198, 199 and 201 apply to the commission, with the necessary modifications, including the modification whereby only the chair of the commission may exercise the power provided for in section 199."

60. Schedule C to the said Charter, enacted by section 26 of Order in Council 1308-2001 dated 1 November 2001, is amended by adding the following section after section 231:

"**231.1.** Sections 573 to 573.3.4 of the Cities and Towns Act (chapter C-19) apply to the bodies referred to in this chapter, with the necessary modifications, and those bodies are deemed to be local municipalities for the purposes of the regulation made under section 573.3.0.1 of that Act."

CHARTER OF VILLE DE QUÉBEC

61. Section 8 of the Charter of Ville de Québec (R.S.Q., chapter C-11.5), amended by section 310 of chapter 25 of the statutes of 2001 and by section 1 of Order in Council 1309-2001 dated 1 November 2001, is again amended by adding the following sentence at the end of the eighth paragraph: "The proceeds of the alienation in 2002 of the immovables known as "Domaine de Maizerets" by the city constituted under section 1 to the Commission de la capitale nationale du Québec are deemed to constitute a surplus of Ville de Québec, as the city existed on 31 December 2001."

62. Section 114 of the said Charter, amended by section 330 of chapter 25 of the statutes of 2001, by section 190 of chapter 76 of the statutes of 2001 and by section 14 of Order in Council 1309-2001 dated 1 November 2001, is again amended

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

"The borough council may, by by-law, delegate any power related to the exercise of its jurisdiction in matters of personnel management to any officer or employee assigned by the city to the borough. The by-law shall indicate the conditions to which the delegation is subject. The officer or employee to which such a delegation has been made shall report to the borough council on any decision made in relation to the delegated power at the first regular meeting after the expiry of five days following the decision.";

(2) by replacing "Il" in the French text of the first line of the fourth paragraph by "Le conseil d'arrondissement".

63. Section 127 of the said Charter is amended by adding the following paragraph after the second paragraph:

"Every by-law by which the borough council delegates the power to authorize expenditures to an officer or employee assigned by the city to the borough must be authorized by the city council where the authorization of expenditures that may be granted under the delegation entails commitment of the city's credit for a period extending beyond the fiscal year in which the authorization is granted."

64. Section 19 of Schedule C to the said Charter, enacted by section 25 of Order in Council 1309-2001 dated 1 November 2001, is replaced by the following section:

"**19.** The executive committee may, after a call for tenders, award any contract within the jurisdiction of the city council where the price does not exceed the amount made available to the executive committee for that purpose, except a contract for which only one conforming tender was received."

65. Schedule C to the said Charter, enacted by section 25 of Order in Council 1309-2001 dated 1 November 2001, is amended by inserting the following section after section 25.2, enacted by section 161 of chapter 68 of the statutes of 2001:

"**25.3.** For the purposes of parades, demonstrations, festivals or special events, the executive committee may prescribe rules or amend the traffic and parking rules that apply to the streets and roads in the city's arterial road network and to the streets and roads forming the network under the responsibility of the borough councils if more than one borough is concerned, or if the streets and roads in both the city and borough networks are affected."

66. Section 61 of Schedule C to the said Charter, enacted by section 25 of Order in Council 1309-2001 dated 1 November 2001, is amended by adding the following paragraph after the fifth paragraph:

"Sections 573 to 573.3.4 of the Cities and Towns Act (chapter C-19) apply to the bodies referred to in sections 58 to 60, with the necessary modifications, and those bodies are deemed to be local municipalities for the purposes of the regulation made under section 573.3.0.1 of that Act."

67. Section 85 of Schedule C to the said Charter, enacted by section 25 of Order in Council 1309-2001 dated 1 November 2001, is amended by replacing "The issue of any permit" in the first paragraph by "The approval of a building plan or the issue of a permit or certificate".

68. Section 123 of Schedule C to the said Charter, enacted by section 25 of Order in Council 1309-2001 dated 1 November 2001, is amended by striking out "and no more than eight" in the third paragraph.

69. Section 126 of Schedule C to the said Charter, enacted by section 25 of Order in Council 1309-2001 dated 1 November 2001, is repealed.

CITIES AND TOWNS ACT

70. The Cities and Towns Act (R.S.Q., chapter C-19) is amended by inserting the following section after section 28.0.0.1:

"**28.0.0.2.** Article 688.3.1 of the Municipal Code of Québec (chapter C-27.1) applies, with the necessary modifications, to any municipality the charter of which permits the municipality to determine the location of a park, whether or not the municipality is the owner of the right of way of the park.

The first paragraph of article 688.3.3 of that Code applies to the body that is party to the agreement entered into by the municipality under the powers conferred by the first paragraph. The municipality may become surety for that body and, for that purpose, subsection 3 of section 28 applies."

71. Section 29.4 of the said Act is amended by striking out "municipal" in the fourth line of the third paragraph.

72. Section 116 of the said Act is amended

(1) by striking out subparagraph 5 of the first paragraph;

(2) by adding the following sentence at the end of the second paragraph: "Nor does that subparagraph apply to a contract to which the municipality has become a party by succeeding to the rights and obligations of another municipal body, where the contractual relationship of the officer or employee existed before the succession and did not at that time entail disqualification."

73. The said Act is amended by inserting the following division after section 116:

"DIVISION V.1

"APPOINTMENTS BY THE MINISTER OF MUNICIPAL AFFAIRS AND GREATER MONTRÉAL

"**116.1.** Where an appointment under this Act has not been made within the prescribed time or within a time the Minister considers reasonable, the Minister may make the appointment. However, the appointment may be made by the council, even after the expiry of that time, with the permission of the Minister."

74. Section 324 of the said Act, amended by section 9 of chapter 68 of the statutes of 2001, is again amended

(1) by replacing "three members of the council" in the second line of the first paragraph by "the number of members of the council provided for in the second paragraph";

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

"The minimum number of members of the council that is necessary for the purposes of the first paragraph is

(1) two, where the council has three members;

(2) three, where the council has more than three and fewer than eight members;

(3) 40% of the number of members of the council, where the council has more than seven members."

75. Section 338 of the said Act is amended by replacing "or by the clerk of the municipality or by any peace officer" in the first and second lines of the second paragraph by ", an officer or employee of the municipality, a peace officer, a bailiff or an employee of a public or private mail delivery or courier enterprise."

76. Section 412 of the said Act, amended by section 111 of chapter 56 of the statutes of 2000, is again amended by adding the following division after paragraph 46:

"XVI. — *Safety of water activities*

(47) to set a maximum rate of speed of 10 km/h for the operation of any vessel in waters within 50 metres from any shore of a lake or watercourse for the purpose of ensuring the safety of persons engaging in an activity in such waters.

A by-law adopted under the first paragraph does not apply

(*a*) if the operation of the vessel is for the purpose of towing a person on water skis, a surf board or any other such equipment and the vessel follows a trajectory that is perpendicular to the shore, or the operation takes place within an area delimited by buoys where such operation is permitted;

(*b*) in respect of the operation of a vessel used in the act of saving life or limb or preventing damage to property;

(*c*) in respect of the operation of a safety vessel used by a person for surveillance within the scope of regular activities carried out by a recreational institution or a legally constituted teaching or racing organization;

(*d*) in respect of the operation of a vessel used by a person employed by a legal person established in the public interest and the vessel is being operated in the exercise of his or her functions;

(*e*) in canals or buoyed channels or in rivers that are less than 100 metres in width; or

(*f*) on a lake or watercourse where a maximum rate of speed equal to or less than 10 km/h applies to waters within 50 metres from any shore with respect to the operation of a vessel referred to in the first paragraph.

For the purposes of this paragraph, "vessel" means any floating device, works or craft designed to move through water."

77. Section 422 of the said Act, amended by section 126 of chapter 42 of the statutes of 2000, is again amended by replacing "The original of such description must be deposited in the office of the clerk of the municipality and a copy certified by a land surveyor shall be deposited" in the first, second and third lines of subparagraph 3 of the first paragraph by "A copy of the description, certified by a land surveyor, must be deposited in the office of the clerk of the municipality and".

78. Section 468.51 of the said Act, amended by section 29 of chapter 25 of the statutes of 2001, by section 91 of chapter 26 of the statutes of 2001 and by section 17 of chapter 68 of the statutes of 2001, is again amended

(1) by replacing "subsections 1 to 8 of section 573, sections 573.1 to 573.3.2" in the fourth line by "sections 573 to 573.3.4";

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

"For the purposes of section 477.2, the population of a management board shall consist of the combined population of all the municipalities that are party to the agreement."

79. Section 477.1 of the said Act is amended by inserting "or a charter" after "special Act" in the first line of the second paragraph.

80. Section 477.2 of the said Act is amended

(1) by inserting ", except in the case of a municipality having a population of 100,000 or more" after "year" in the fifth line of the fourth paragraph;

(2) by inserting "or a charter" after "special Act" in the second line of the sixth paragraph;

(3) by striking out subparagraph 1 of the sixth paragraph;

(4) by striking out "also" in the first line of subparagraph 3 of the sixth paragraph.

81. The said Act is amended by inserting the following section after section 477.2:

"**477.3.** Where the executive committee is authorized to enter into contracts on behalf of the municipality under a provision of a special Act or a charter, or following a delegation permitted under such a provision, the executive committee shall table before the council each month a list of all contracts involving an expenditure exceeding $25,000 it entered into in the preceding month.

The executive committee shall also table a list of all contracts involving an expenditure exceeding $2,000 entered into by the executive committee since the beginning of the fiscal year with the same contracting party if those contracts involve a total expenditure exceeding the applicable amount under the first paragraph. The executive committee shall, after such tabling and until the end of the fiscal year, table each month a list of all contracts involving an expenditure exceeding $2,000 it entered into with the same contracting party in the preceding month.

The executive committee shall also table a list of the contracts referred to in the first and second paragraphs but entered into by an officer or employee to whom the executive committee delegated its power to enter into contracts.

The list shall indicate, for each contract, the name of the contracting party, the amount of the consideration and the object of the contract."

82. Section 544 of the said Act is amended by adding the following paragraph at the end:

"However, a by-law ordering a loan, adopted by the council of a municipality having a population of 100,000 or over for the purpose of capital expenditures and that is exempted under any provision from approval by the qualified voters, may mention the object of the by-law only in general terms and indicate only the amount and maximum term of the loan. The term of a loan contracted by the municipality under the by-law may not exceed the useful life of the property that the proceeds of the loan enable the municipality to acquire, repair, restore or build."

83. Section 563.1 of the said Act is amended by replacing ", a loan contracted by means of" in the second line of the second paragraph by "or".

84. Section 573 of the said Act, amended by section 33 of chapter 25 of the statutes of 2001 and by section 23 of chapter 68 of the statutes of 2001, is again amended

(1) by striking out "and are not covered by paragraph 2 of section 573.3.0.2" in the second line of the first paragraph of subsection 1;

(2) by replacing "in paragraph 1 of" in subparagraph *a* of subparagraph 4 of the first paragraph of subsection 1 by "in";

(3) by replacing subsection 2.1 by the following subsection:

"(2.1) A call for public tenders in relation to a contract referred to in the third paragraph of subsection 1 may stipulate that only tenders meeting one of the following conditions will be considered:

(1) the tenders are 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 municipality; or

(2) the goods concerned are produced in a territory comprising Québec and any other province or territory referred to in subparagraph 1.";

(4) by replacing "section 573.1.0.1" in the first line of subsection 7 by "sections 573.1.0.1 and 573.1.0.1.1";

(5) by striking out subsection 9.

85. Section 573.1 of the said Act, amended by section 34 of chapter 25 of the statutes of 2001, is again amended by replacing the second paragraph by the following paragraph:

"The first paragraph of subsection 2 and subsections 3 to 8 of section 573 apply to the awarding of a contract referred to in the first paragraph."

86. Section 573.1.0.1 of the said Act is amended by replacing "The" in the first line of the first paragraph by "Subject to section 573.1.0.1.1, the".

87. The said Act is amended by inserting the following section after section 573.1.0.1:

"**573.1.0.1.1.** Where a contract for professional services is to be awarded, the council must use a system of bid weighting and evaluating whose establishment and operation are consistent with the following rules:

(1) the system must have a minimum of four evaluation criteria in addition to price;

(2) the system must provide for the maximum number of points that may be assigned to a tender for each of the criteria other than price; that number may not be greater than 30 out of a total of 100 points that may be assigned to a tender for all the criteria;

(3) the council shall establish a selection committee consisting of at least three members, other than council members, which must

(*a*) evaluate each tender without knowing the price;

(*b*) assign a number of points to the tender for each criterion;

(*c*) establish an interim score for each tender by adding the points obtained for all the criteria;

(*d*) as regards the envelopes containing the proposed price, open only those envelopes from persons whose tender has obtained an interim score of at least 70, and return the other envelopes unopened to the senders, notwithstanding subsections 4 and 6 of section 573;

(*e*) establish the final score for each tender that has obtained an interim score of at least 70, by dividing the product obtained by multiplying the interim score increased by 50 by 10,000, by the proposed price.

The call for tenders or a document to which it refers must mention all the requirements and all the criteria that will be used to evaluate the bids, in particular the minimum interim score of 70, and the bid weighting and evaluating methods based on those criteria. The call for tenders or the document, as the case may be, must specify that the tender is to be submitted in an envelope containing all the documents and an envelope containing the proposed price.

The council shall not award the contract to a person other than

(1) the person whose bid was received within the time fixed and obtained the highest final score, subject to subparagraphs 2 and 3;

(2) where subparagraph 1 applies to more than one person, the person tendering the lowest price, subject to subparagraph 3;

(3) where subparagraph 2 applies to more than one person, the person favoured by a drawing of lots.

For the purposes of subsection 8 of section 573, the tender of the person determined under the third paragraph shall be considered to be the lowest tender.

Where a contract not covered by the first paragraph is to be awarded, the council may choose to use a system whose establishment and operation are consistent with the rules set out in that paragraph. In such a case, the second, third and fourth paragraphs apply."

88. Section 573.3 of the said Act, amended by section 36 of chapter 25 of the statutes of 2001 and by section 24 of chapter 68 of the statutes of 2001, is again amended by replacing the first and second paragraphs by the following paragraph:

"**573.3.** Sections 573 and 573.1 do not apply to a contract

(1) whose object is the supply of equipment or materials 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 equipment or materials and that is entered into with a municipality;

(3) whose object is the supply of bulk trucking services and that is entered into through the holder of a brokerage permit issued under the Transport Act (chapter T-12);

(4) whose object is the supply of movable property or services related to cultural or artistic fields, subscriptions or computer software for educational purposes;

(5) whose object is the supply of media space for the purposes of a publicity campaign or for promotional purposes;

(6) whose object results from the use of a software package or software product designed to

(*a*) ensure compatibility with existing systems, software packages or software products;

(*b*) ensure the protection of exclusive rights such as copyrights, patents or exclusive licences;

(*c*) carry out research and development;

(*d*) protect a prototype or original concept."

89. Section 573.3.0.1 of the said Act, enacted by section 37 of chapter 25 of the statutes of 2001 and amended by section 25 of chapter 68 of the statutes of 2001, is again amended

(1) by replacing the last sentence of the second paragraph by the following sentence: "The regulation must also provide for the cases where subsection 7 of section 573 applies to a contract covered by the regulation.";

(2) by inserting ", and provide for the cases where a municipality must, to award a contract, obtain the authorization or approval of the Government or one of its ministers or bodies or comply with any rules they have established governing the awarding of contracts" after "criteria" in the sixth line of the third paragraph.

90. Section 573.3.0.2 of the said Act, enacted by section 37 of chapter 25 of the statutes of 2001 and amended by section 26 of chapter 68 of the statutes of 2001, is replaced by the following section:

"**573.3.0.2.** 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, if it involves an expenditure of $100,000 or more or an expenditure of less than that amount where the regulation so provides, must be awarded in accordance with the regulation under section 573.3.0.1."

91. The said Act is amended by inserting the following sections after section 573.3.2:

"**573.3.3.** Where, following a call for tenders, the municipality receives only one conforming tender, the municipality may agree with the tenderer to enter into the contract for a price less than the tendered price without, however, changing the other obligations, if there is a substantial difference between the tendered price and the price indicated in the estimate established by the municipality.

"**573.3.4.** A member of the council who knowingly, by his or her vote or otherwise, authorizes or effects the awarding or making of a contract without complying with the rules set out in the preceding sections of this subdivision or in the regulation made under section 573.3.0.1 may be held personally liable toward the municipality for any loss or damage it suffers and be declared disqualified, for two years, from office as a member of the council of any municipality, from office as a member of any municipal body within the meaning of section 307 of the Act respecting elections and referendums in municipalities (chapter E-2.2) or from holding a position as an officer or employee of a municipality or such a body.

The liability provided for in the first paragraph is solidary and applies to every officer or employee of the municipality and to every person who knowingly is a party to the illegal act.

Proceedings in declaration of disqualification shall be taken in conformity with articles 838 to 843 of the Code of Civil Procedure (chapter C-25); an ordinary action shall be taken to obtain compensation for loss or damage. Such recourses may be exercised by any ratepayer.

Disqualification may also be declared by way of an action for declaration of disqualification under the Act respecting elections and referendums in municipalities."

92. Section 573.4 of the said Act, amended by section 121 of chapter 56 of the statutes of 2000, is again amended by replacing "573.3.2 prevail over any inconsistent provision of any special Act" by "573.3.4 prevail over any inconsistent provision of any special Act in force on 19 December 2000".

MUNICIPAL CODE OF QUÉBEC

93. The Municipal Code of Québec (R.S.Q., chapter C-27.1) is amended by inserting the following article after article 8.1:

"**8.2.** Article 688.3.1 applies, with the necessary modifications, to any local municipality the charter of which permits the municipality to determine the location of a park, whether or not the local municipality is the owner of the right of way of the park.

The first paragraph of article 688.3.3 applies to the body that is party to the agreement entered into by the municipality under the powers conferred by the first paragraph. The municipality may become surety for that body and, for that purpose, article 9 applies."

94. Article 14.2 of the said Code is amended by striking out "municipal" in the fourth line of the third paragraph.

95. The said Code is amended by inserting the following article after the heading of Section III of Chapter III of Title II:

"**127.1.** For the purposes of this section and Section IV, a local municipality whose territory is not included in that of a regional county municipality is considered to be a regional county municipality."

96. Article 156 of the said Code is amended by replacing "or sent by registered or certified mail" in the second paragraph by "by the person who gives the notice, an officer or employee of the municipality, a peace officer, a bailiff or an employee of a public or private mail delivery or courier enterprise".

97. Article 269 of the said Code is amended by adding the following sentence at the end of the second paragraph: "Nor does that subparagraph apply to a contract to which the municipality has become a party by succeeding to the rights and obligations of another municipal body, where the contractual relationship of the officer or employee existed before the succession and did not at that time entail disqualification."

98. Articles 410 to 413 of the said Code are replaced by the following article:

"**410.** Where an appointment under this Code has not been made within the prescribed time or within a time that the Minister considers reasonable, the Minister may make the appointment. However, the appointment may be made by the council, even after the expiry of that time, with the permission of the Minister."

99. Article 437.1 of the said Code is amended by inserting "a notice provided for in article 738.2," after "than" in the first line of the first paragraph.

100. Article 620 of the said Code, amended by section 48 of chapter 25 of the statutes of 2001 and by section 32 of chapter 68 of the statutes of 2001, is again amended

(1) by replacing "subsections 1 to 8 of section 573, sections 573.1 to 573.3.2" in the fourth line by "sections 573 to 573.3.4";

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

"For the purposes of section 477.2 of the Cities and Towns Act, the population of a management board shall consist of the combined population of all the municipalities that are parties to the agreement."

101. Article 627 of the said Code is amended by adding the following paragraph after paragraph 13:

"(14) to set a maximum rate of speed of 10 km/h for the operation of any vessel in waters within 50 metres from any shore of a lake or watercourse for the purpose of ensuring the safety of persons engaging in an activity in such waters.

A by-law adopted under the first paragraph does not apply

(*a*) if the operation of the vessel is for the purpose of towing a person on water skis, a surf board or any other such equipment and the vessel follows a trajectory that is perpendicular to the shore, or the operation takes place within an area delimited by buoys where such operation is permitted;

(*b*) in respect of the operation of a vessel used in the act of saving life or limb or preventing damage to property;

(*c*) in respect of the operation of a safety vessel used by a person for surveillance within the scope of regular activities carried out by a recreational institution or a legally constituted teaching or racing organization;

(*d*) in respect of the operation of a vessel used by a person employed by a legal person established in the public interest and the vessel is being operated in the exercise of his or her functions;

(*e*) in canals or buoyed channels or in rivers that are less than 100 metres in width; or

(*f*) on a lake or watercourse where a maximum rate of speed equal to or less than 10 km/h applies to waters within 50 metres from any shore with respect to the operation of a vessel referred to in the first paragraph.

For the purposes of this paragraph, "vessel" means any floating device, works or craft designed to move through water."

102. Article 688 of the said Code is amended

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

"A regional county municipality designated as a rural regional county municipality may, in the by-law referred to in the first paragraph, mention the local municipalities that may not exercise the right of withdrawal granted by the third paragraph of section 188 of the Act respecting land use planning and development (chapter A-19.1) in respect of the exercise of the function provided for in this article and in articles 688.1 to 688.4. If the by-law mentions a local municipality that exercised the right of withdrawal in respect of that function before the coming into force of the by-law, it must indicate the date on which the withdrawal ends. As of that date, the representative of the local municipality shall resume his or her participation in the deliberations of the council of the regional county municipality that concern the exercise of that function.";

(2) by replacing "Such a by-law" in the first line of the second paragraph by "The by-law referred to in the first paragraph".

103. The said Code is amended by inserting the following articles after article 688.3:

"**688.3.1.** The regional county municipality may, by agreement, entrust to a non-profit organization constituted as a legal person the organization, management or operation of the park concerned, including the carrying out of work or the making of the necessary purchases for such purposes.

The regional county municipality may also, by agreement, entrust to that organization the exercise, on its behalf and on the conditions determined in the agreement, of any power provided for in article 688.1 or the first paragraph of article 688.3.

"**688.3.2.** The regional county municipality may become surety for the organization referred to in article 688.3.1. However, the regional county municipality shall obtain the authorization of the Minister of Municipal Affairs and Greater Montréal to become surety for an obligation of more than $50,000.

Before giving the authorization, the Minister may order the regional county municipality to submit the resolution or by-law authorizing the surety to the approval of the persons qualified to vote in the local municipalities that must contribute to the payment of the expenditures relating to the regional park.

The Act respecting elections and referendums in municipalities (chapter E-2.2) applies, with the necessary modifications, to the approval referred to in the second paragraph.

The regional county municipality may also grant subsidies to the organization referred to in article 688.3.1.

"**688.3.3.** Articles 935 to 936.3 and 938 to 938.4 apply, with the necessary modifications, to the non-profit organization in the carrying out of the agreement provided for in article 688.3.1.

The organization is deemed to be a regional county municipality for the purposes of the regulation made under article 938.0.1."

104. Article 738.1 of the said Code, enacted by section 37 of chapter 68 of the statutes of 2001, is amended by replacing the second paragraph by the following paragraph:

"A copy of the description, certified by a land surveyor, must be deposited in the office of the secretary-treasurer of the municipality and in the registry office of the registration division in which the land concerned is located."

105. Article 864 of the said Code is amended by adding the following paragraph after the second paragraph:

"For the purposes of the second paragraph, a local municipality whose territory is not included in that of a regional county municipality is considered to be a regional county municipality."

106. Article 935 of the said Code, amended by section 53 of chapter 25 of the statutes of 2001 and by section 38 of chapter 68 of the statutes of 2001, is again amended

(1) by striking out "and are not covered by paragraph 2 of article 938.0.2" in the second line of the first paragraph of subarticle 1 of the first paragraph;

(2) by replacing "in paragraph 1 of" in subparagraph *a* of subparagraph 4 of the first paragraph of subarticle 1 of the first paragraph by "in";

(3) by replacing subarticle 2.1 of the first paragraph by the following subarticle:

"(2.1) A call for public tenders in relation to a contract referred to in the third paragraph of subarticle 1 may stipulate that only tenders meeting one of the following conditions will be considered:

(1) the tenders are 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 municipality; or

(2) the goods concerned are produced in a territory comprising Québec and any other province or territory referred to in subparagraph 1.";

(4) by replacing "article 936.0.1" in the first line of subarticle 7 of the first paragraph by "articles 936.0.1 and 936.0.1.1";

(5) by striking out subarticle 9 of the first paragraph.

107. Article 936 of the said Code, amended by section 54 of chapter 25 of the statutes of 2001, is again amended by replacing the second paragraph by the following paragraph:

"The first paragraph of subarticle 2 and subarticles 3 to 8 of the first paragraph of article 935 apply to the awarding of a contract referred to in the first paragraph."

108. Article 936.0.1 of the said Code is amended by replacing "The" in the first line of the first paragraph by "Subject to article 936.0.1.1, the".

109. The said Code is amended by inserting the following article after article 936.0.1:

"**936.0.1.1.** Where a contract for professional services is to be awarded, the council must use a system of bid weighting and evaluating whose establishment and operation are consistent with the following rules:

(1) the system must have a minimum of four evaluation criteria in addition to price;

(2) the system must provide for the maximum number of points that may be assigned to a tender for each of the criteria other than price; that number may not be greater than 30 out of a total of 100 points that may be assigned to a tender for all the criteria;

(3) the council shall establish a selection committee consisting of at least three members, other than council members, which must

(*a*) evaluate each tender without knowing the price;

(*b*) assign a number of points to the tender for each criterion;

(*c*) establish an interim score for each tender by adding the points obtained for all the criteria;

(*d*) as regards the envelopes containing the proposed price, open only those envelopes from persons whose tender has obtained an interim score of at least 70, and return the other envelopes unopened to the senders, notwithstanding subarticles 4 and 6 of the first paragraph of article 935;

(*e*) establish the final score for each tender that has obtained an interim score of at least 70, by dividing the product obtained by multiplying the interim score increased by 50 by 10,000, by the proposed price.

The call for tenders or a document to which it refers must mention all the requirements and all the criteria that will be used to evaluate the bids, in particular the minimum interim score of 70, and the bid weighting and evaluating methods based on those criteria. The call for tenders or the document,

as the case may be, must specify that the tender is to be submitted in an envelope containing all the documents and an envelope containing the proposed price.

The council shall not award the contract to a person other than

(1) the person whose bid was received within the time fixed and obtained the highest final score, subject to subparagraphs 2 and 3;

(2) where subparagraph 1 applies to more than one person, the person tendering the lowest price, subject to subparagraph 3;

(3) where subparagraph 2 applies to more than one person, the person favoured by a drawing of lots.

For the purposes of subarticle 8 of the first paragraph of article 935, the tender of the person determined under the third paragraph shall be considered to be the lowest tender.

Where a contract not covered by the first paragraph is to be awarded, the council may choose to use a system whose establishment and operation are consistent with the rules set out in that paragraph. In such a case, the second, third and fourth paragraphs apply."

110. Article 938 of the said Code, amended by section 56 of chapter 25 of the statutes of 2001 and by section 39 of chapter 68 of the statutes of 2001, is again amended by replacing the first and second paragraphs by the following paragraph:

"**938.** Articles 935 and 936 do not apply to a contract

(1) whose object is the supply of equipment or materials 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 equipment or materials and that is entered into with a municipality;

(3) whose object is the supply of bulk trucking services and that is entered into through the holder of a brokerage permit issued under the Transport Act (chapter T-12);

(4) whose object is the supply of movable property or services related to cultural or artistic fields, subscriptions or computer software for educational purposes;

(5) whose object is the supply of media space for the purposes of a publicity campaign or for promotional purposes;

(6) whose object results from the use of a software package or software product designed to

(*a*) ensure compatibility with existing systems, software packages or software products;

(*b*) ensure the protection of exclusive rights such as copyrights, patents or exclusive licences;

(*c*) carry out research and development;

(*d*) protect a prototype or original concept."

111. Article 938.0.1 of the said Code, enacted by section 57 of chapter 25 of the statutes of 2001 and amended by section 40 of chapter 68 of the statutes of 2001, is again amended

(1) by replacing the last sentence of the second paragraph by the following sentence: "The regulation must also provide for the cases where subarticle 7 of the first paragraph of article 935 or subsection 7 of section 573 of the Cities and Towns Act (chapter C-19) applies to a contract covered by the regulation.";

(2) by inserting ", and provide for the cases where a municipality must, to award a contract, obtain the authorization or approval of the Government or one of its ministers or bodies or comply with any rules they have established governing the awarding of contracts" after "criteria" in the sixth line of the third paragraph.

112. Article 938.0.2 of the said Code, enacted by section 57 of chapter 25 of the statutes of 2001 and amended by section 41 of chapter 68 of the statutes of 2001, is replaced by the following article:

"**938.0.2.** 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, if it involves an expenditure of $100,000 or more or an expenditure of less than that amount where the regulation so provides, must be awarded in accordance with the regulation under article 938.0.1."

113. The said Code is amended by inserting the following articles after article 938.2:

"**938.3.** Where, following a call for tenders, the municipality receives only one conforming tender, the municipality may agree with the tenderer to enter into the contract for a price less than the tendered price without, however, changing the other obligations, if there is a substantial difference between the tendered price and the price indicated in the estimate established by the municipality.

"**938.4.** A member of the council who knowingly, by his or her vote or otherwise, authorizes or effects the awarding or making of a contract without complying with the rules set out in the preceding articles of this Title or in the regulation made under article 938.0.1 may be held personally liable toward the municipality for any loss or damage it suffers and be declared disqualified, for two years, from office as a member of the council of any municipality, from office as a member of any municipal body within the meaning of section 307 of the Act respecting elections and referendums in municipalities (chapter E-2.2) or from holding a position as an officer or employee of a municipality or such a body.

The liability provided for in the first paragraph is solidary and applies to every officer or employee of the municipality and to every person who knowingly is a party to the illegal act.

Proceedings in declaration of disqualification shall be taken in conformity with articles 838 to 843 of the Code of Civil Procedure (chapter C-25); an ordinary action shall be taken to obtain compensation for loss or damage. Such recourses may be exercised by any ratepayer.

Disqualification may also be declared by way of an action for declaration of disqualification under the Act respecting elections and referendums in municipalities."

114. Article 949 of the said Code is amended by adding the following paragraph at the end:

"For the purposes of the first paragraph, a local municipality whose territory is not included in that of a regional county municipality is considered to be a regional county municipality."

115. Article 961.1 of the said Code is amended by inserting ", except in the case of a municipality having a population of 100,000 or more" after "year" in the fifth line of the fourth paragraph.

116. Article 1104 of the said Code is amended by inserting ", without the authorization of the Government," after "cannot" in the first line of the first paragraph and after "may" in the first line of the second paragraph.

117. The said Code is amended by inserting the following article after article 1104:

"**1104.1.** A special notice of the application to obtain the authorization referred to in article 1104 must be served on each owner concerned and such notice must state that after 30 days the application will be submitted to the Government and that any opposition must be forwarded in writing to the Minister of Municipal Affairs and Greater Montréal within such time."

ACT RESPECTING THE COMMISSION MUNICIPALE

118. The Act respecting the Commission municipale (R.S.Q., chapter C-35) is amended by inserting the following after section 23:

"DIVISION III.1

"MEDIATION BY THE COMMISSION

"**23.1.** Where the president of the Commission considers it expedient and the subject-matter and circumstances of the case so permit, the president may, with the consent of the parties, refer any dispute in respect of which the Commission may intervene under any legislative provision to a mediator designated by the president from among the members of the Commission.

The president of the Commission may call a first mediation session and the parties are required to attend.

"**23.2.** The role of the mediator is to permit the parties to exchange their points of view and to foster agreement between them.

The mediator may also give an opinion on the dispute, if it subsists, and make recommendations.

"**23.3.** The mediator, after consultation with the parties, shall define the rules applicable to the mediation and any measures to facilitate its conduct, and shall determine the schedule of meetings.

The parties shall provide the mediator with all the information or documents the mediator requires for the examination of the dispute.

The mediator may convene any person to obtain that person's point of view.

"**23.4.** Unless the parties agree otherwise, the mediation process may not continue for more than 30 days after the date on which the mediator is appointed.

The mediator may terminate the mediation before the expiry of that time or the time agreed upon, if the mediator considers in the circumstances that the mediator's intervention is not useful or appropriate; in such a case, the mediator shall notify the parties in writing.

"**23.5.** The mediator shall transmit the mediation report and a copy of the agreement signed by the parties, if any, to the president.

"**23.6.** Any time period prescribed for the submission of an application to the Commission is, where applicable, suspended during the mediation. The time period begins to run anew as soon as the mediation ends.

"**23.7.** Unless the parties to the mediation consent thereto, nothing that is said or written in the course of a mediation session may be admitted as evidence before a court of justice or before a person or body of the administrative branch exercising adjudicative functions.

"**23.8.** A mediator may not be compelled to disclose anything revealed to or learned by the mediator in the exercise of the mediator's functions or to produce a document prepared or obtained in the course of such exercise before a court of justice or before a person or body of the administrative branch exercising adjudicative functions.

Notwithstanding section 9 of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1), no person may have access to a document contained in the mediation record.

"**23.9.** No proceedings may be brought against the mediator for any act performed or omission made in good faith in the exercise of the mediator's functions.

"**23.10.** If no settlement is reached, the member who acted as mediator may not hear any subsequent application relating to the dispute unless the parties consent thereto."

ACT RESPECTING THE COMMUNAUTÉ MÉTROPOLITAINE DE MONTRÉAL

119. The Act respecting the Communauté métropolitaine de Montréal (R.S.Q., chapter C-37.01) is amended by inserting the following section after section 47:

"**47.1.** Where the council delegates to the executive committee the power to enter into contracts, the executive committee shall table, at each regular meeting of the council, a list of all contracts involving an expenditure exceeding $25,000 it has entered into since the last meeting at which it tabled such a list.

The executive committee shall also table a list of all contracts involving an expenditure exceeding $2,000 entered into by the executive committee since the beginning of the fiscal year, with the same contracting party if those contracts involve a total expenditure exceeding the applicable amount under the first paragraph. The executive committee shall, after such tabling and until the end of the fiscal year, table at each regular meeting of the council a list of all contracts involving an expenditure exceeding $2,000 it has entered into with the same contracting party since the last meeting at which it tabled such a list.

The executive committee shall also table a list of the contracts referred to in the first and second paragraphs but entered into by an employee to whom the executive committee delegated its power to enter into contracts under section 48.

The list shall indicate, for each contract, the name of the contracting party, the amount of the consideration and the object of the contract."

120. Section 106 of the said Act, amended by section 204 of chapter 25 of the statutes of 2001 and by section 98 of chapter 68 of the statutes of 2001, is again amended

(1) by striking out "and are not covered by paragraph 2 of section 112.2" in the second and third lines of the first paragraph;

(2) by replacing "in paragraph 1 of" in subparagraph *a* of subparagraph 4 of the first paragraph by "in";

(3) by replacing "ou" in the French text of the first line of subparagraph *b* of subparagraph 4 of the first paragraph by a comma;

(4) by inserting "and that is entered into" after "services," in subparagraph 8 of the third paragraph;

(5) by adding the following subparagraphs after subparagraph 9 of the third paragraph:

"(10) whose object is the supply of media space for the purposes of a publicity campaign or for promotional purposes;

"(11) whose object results from the use of a software package or software product designed to

(*a*) ensure compatibility with existing systems, software packages or software products;

(*b*) ensure the protection of exclusive rights such as copyrights, patents or exclusive licences;

(*c*) carry out research and development;

(*d*) protect a prototype or original concept."

121. Section 107 of the said Act, amended by section 205 of chapter 25 of the statutes of 2001, is again amended

(1) by replacing "to which the second paragraph of section 106 applies" in the second line of the first paragraph by "referred to in the second paragraph of section 106";

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

"The first sentence of the fourth paragraph and the sixth, seventh and eighth paragraphs of section 108 apply to the awarding of a contract referred to in the first paragraph of this section."

122. Section 108 of the said Act, amended by section 99 of chapter 68 of the statutes of 2001, is again amended

(1) by replacing "to which the first paragraph of section 106 applies" in the second line of the first paragraph by "referred to in the first paragraph of section 106";

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

"A call for public tenders in relation to a contract referred to in the second paragraph may stipulate that only tenders meeting one of the following conditions will be considered:

(1) the tenders are 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 Community; or

(2) the goods concerned are produced in a territory comprising Québec and any other province or territory referred to in subparagraph 1.";

(3) by replacing "section 109" in the first line of the eighth paragraph by "sections 109 and 109.1".

123. Section 109 of the said Act is amended by replacing "The" in the first line of the first paragraph by "Subject to section 109.1, the".

124. The said Act is amended by inserting the following section after section 109:

"**109.1.** Where a contract for professional services is to be awarded, the Community must use a system of bid weighting and evaluating whose establishment and operation are consistent with the following rules:

(1) the system must have a minimum of four evaluation criteria in addition to price;

(2) the system must provide for the maximum number of points that may be assigned to a tender for each of the criteria other than price; that number may not be greater than 30 out of a total of 100 points that may be assigned to a tender for all the criteria;

(3) the Community shall establish a selection committee consisting of at least three members, other than council members, which must

(*a*) evaluate each tender without knowing the price;

(*b*) assign a number of points to the tender for each criterion;

(*c*) establish an interim score for each tender by adding the points obtained for all the criteria;

(*d*) as regards the envelopes containing the proposed price, open only those envelopes from persons whose tender has obtained an interim score of at least 70, and return the other envelopes unopened to the senders, notwithstanding the seventh paragraph of section 108;

(*e*) establish the final score for each tender that has obtained an interim score of at least 70, by dividing the product obtained by multiplying the interim score increased by 50 by 10,000, by the proposed price.

The call for tenders or a document to which it refers must mention all the requirements and all the criteria that will be used to evaluate the bids, in particular the minimum interim score of 70, and the bid weighting and evaluating methods based on those criteria. The call for tenders or the document, as the case may be, must specify that the tender is to be submitted in an envelope containing all the documents and an envelope containing the proposed price.

The Community shall not award the contract to a person other than

(1) the person whose bid was received within the time fixed and obtained the highest final score, subject to subparagraphs 2 and 3;

(2) where subparagraph 1 applies to more than one person, the person tendering the lowest price, subject to subparagraph 3;

(3) where subparagraph 2 applies to more than one person, the person favoured by a drawing of lots.

For the purposes of the second sentence of the eighth paragraph of section 108, the tender of the person determined under the third paragraph shall be considered to be the lowest tender.

Where a contract not covered by the first paragraph is to be awarded, the Community may choose to use a system whose establishment and operation are consistent with the rules set out in that paragraph. In such a case, the second, third and fourth paragraphs apply."

125. Section 112.1 of the said Act, enacted by section 207 of chapter 25 of the statutes of 2001 and amended by section 100 of chapter 68 of the statutes of 2001, is again amended

(1) by replacing the last sentence of the second paragraph by the following sentence: "The regulation must also provide for the cases where the first sentence of the eighth paragraph of section 108 or subsection 7 of section 573 of the Cities and Towns Act (chapter C-19) applies to a contract covered by the regulation.";

(2) by inserting ", and provide for the cases where the Community must, to award a contract, obtain the authorization or approval of the Government or one of its ministers or bodies or comply with any rules they have established governing the awarding of contracts" after "criteria" in the sixth line of the third paragraph;

(3) by replacing "by a municipality" in the second line of the fifth paragraph by "by the Community".

126. Section 112.2 of the said Act, enacted by section 207 of chapter 25 of the statutes of 2001 and amended by section 101 of chapter 68 of the statutes of 2001, is again amended by replacing the first paragraph by the following paragraph:

"**112.2.** 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, if it involves an expenditure of $100,000 or more or an expenditure of less than that amount where the regulation so provides, must be awarded in accordance with the regulation under section 112.1."

127. Section 113 of the said Act, amended by section 208 of chapter 25 of the statutes of 2001, is again amended by adding the following sentence at the end of the first paragraph: "The Minister may, on his or her own initiative, exercise that power in respect of a class of contracts."

128. The said Act is amended by inserting the following sections after section 118:

"**118.1.** Where, following a call for tenders, the Community receives only one conforming tender, the Community may agree with the tenderer to enter into the contract for a price less than the tendered price without, however, changing the other obligations, if there is a substantial difference between the tendered price and the price indicated in the estimate established by the Community.

"**118.2.** A member of the council who knowingly, by his or her vote or otherwise, authorizes or effects the awarding or making of a contract without complying with the rules set out in sections 106 to 118.1 or in the regulation made under section 112.1 may be held personally liable toward the Community for any loss or damage it suffers and be declared disqualified, for two years, from office as a member of the council of any municipality, from office as a member of any municipal body within the meaning of section 307 of the Act respecting elections and referendums in municipalities (chapter E-2.2) or from holding a position as an employee of a municipality or such a body.

The liability provided for in the first paragraph is solidary and applies to every employee of the Community and to every person who knowingly is a party to the illegal act.

Proceedings in declaration of disqualification shall be taken in conformity with articles 838 to 843 of the Code of Civil Procedure (chapter C-25); an ordinary action shall be taken to obtain compensation for loss or damage. Such recourses may be exercised by any ratepayer.

Disqualification may also be declared by way of an action for declaration of disqualification under the Act respecting elections and referendums in municipalities."

129. Section 180 of the said Act is amended

(1) by replacing "its tax base" in the fourth line of the first paragraph by "the tax base of the municipalities listed in Schedule I, which may also include a shared tax base element without regard to the existence or non-existence of growth. The program must be";

(2) by inserting "take out of the aggregate of the contributions required from the municipalities in relation to the sharing and" after "must" in the second line of the second paragraph;

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

"The program must also include rules to determine how the balance is to be used where the payment to be made under the second paragraph and any apportioning between the municipalities in relation to the sharing leaves unallocated a portion of the aggregate referred to in that paragraph."

130. Schedule I to the said Act, replaced by section 77 of chapter 56 of the statutes of 2000, is amended by inserting "Paroisse de Saint-Jean-Baptiste," after "Paroisse de Saint-Isidore," in the seventeenth line.

ACT RESPECTING THE COMMUNAUTÉ MÉTROPOLITAINE DE QUÉBEC

131. The Act respecting the Communauté métropolitaine de Québec (R.S.Q., chapter C-37.02) is amended by inserting the following section after section 38:

"**38.1.** Where the council delegates to the executive committee the power to enter into contracts, the executive committee shall table, at each regular meeting of the council, a list of all contracts involving an expenditure exceeding $25,000 it has entered into since the last meeting at which it tabled such a list.

The executive committee shall also table a list of all contracts involving an expenditure exceeding $2,000 entered into by the executive committee since the beginning of the fiscal year, with the same contracting party if those contracts involve a total expenditure exceeding the applicable amount under the first paragraph. The executive committee shall, after such tabling and until the end of the fiscal year, table at each regular meeting of the council a list of all contracts involving an expenditure exceeding $2,000 it has entered into with the same contracting party since the last meeting at which it tabled such a list.

The executive committee shall also table a list of the contracts referred to in the first and second paragraphs but entered into by an employee to whom the executive committee delegated its power to enter into contracts under section 39.

The list shall indicate, for each contract, the name of the contracting party, the amount of the consideration and the object of the contract."

132. Section 41 of the French text of the said Act is amended by striking out "ses" in the first line.

133. Section 42 of the said Act is replaced by the following section:

"**42.** The council designates the members of the committee from among its members and the members of the councils of the local municipalities whose territory is situated within the territory of the Community. The council may replace the members at any time.

The council designates the chair and vice-chair from among the members of the committee."

134. Section 99 of the said Act, amended by section 485 of chapter 25 of the statutes of 2001 and by section 208 of chapter 68 of the statutes of 2001, is again amended

(1) by striking out "and are not covered by paragraph 2 of section 105.2" in the second and third lines of the first paragraph;

(2) by replacing "in paragraph 1 of" in subparagraph *a* of subparagraph 4 of the first paragraph by "in";

(3) by replacing "ou" in the French text of the first line of subparagraph *b* of subparagraph 4 of the first paragraph by a comma;

(4) by inserting "and that is entered into" after "services," in the first line of subparagraph 8 of the third paragraph;

(5) by adding the following subparagraphs after subparagraph 9 of the third paragraph:

"(10) whose object is the supply of media space for the purposes of a publicity campaign or for promotional purposes;

"(11) whose object results from the use of a software package or software product designed to

(*a*) ensure compatibility with existing systems, software packages or software products;

(*b*) ensure the protection of exclusive rights such as copyrights, patents or exclusive licences;

(*c*) carry out research and development;

(*d*) protect a prototype or original concept."

135. Section 100 of the said Act, amended by section 486 of chapter 25 of the statutes of 2001, is again amended

(1) by replacing "to which the second paragraph of section 99 applies" in the second line of the first paragraph by "referred to in the second paragraph of section 99";

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

"The first sentence of the fourth paragraph and the sixth, seventh and eighth paragraphs of section 101 apply to the awarding of a contract referred to in the first paragraph of this section."

136. Section 101 of the said Act, amended by section 209 of chapter 68 of the statutes of 2001, is again amended

(1) by replacing "to which the first paragraph of section 99 applies" in the second line of the first paragraph by "referred to in the first paragraph of section 99";

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

"A call for public tenders in relation to a contract referred to in the second paragraph may stipulate that only tenders meeting one of the following conditions will be considered:

(1) the tenders are 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 Community; or

(2) the goods concerned are produced in a territory comprising Québec and any other province or territory referred to in subparagraph 1.";

(3) by replacing "section 102" in the first line of the eighth paragraph by "sections 102 and 102.1".

137. Section 102 of the said Act is amended by replacing "The" in the first line of the first paragraph by "Subject to section 102.1, the".

138. The said Act is amended by inserting the following section after section 102:

"**102.1.** Where a contract for professional services is to be awarded, the Community must use a system of bid weighting and evaluating whose establishment and operation are consistent with the following rules:

(1) the system must have a minimum of four evaluation criteria in addition to price;

(2) the system must provide for the maximum number of points that may be assigned to a tender for each of the criteria other than price; that number may not be greater than 30 out of a total of 100 points that may be assigned to a tender for all the criteria;

(3) the Community shall establish a selection committee consisting of at least three members, other than council members, which must

(*a*) evaluate each tender without knowing the price;

(*b*) assign a number of points to the tender for each criterion;

(*c*) establish an interim score for each tender by adding the points obtained for all the criteria;

(*d*) as regards the envelopes containing the proposed price, open only those envelopes from persons whose tender has obtained an interim score of at least 70, and return the other envelopes unopened to the senders, notwithstanding the seventh paragraph of section 101;

(*e*) establish the final score for each tender that has obtained an interim score of at least 70, by dividing the product obtained by multiplying the interim score increased by 50 by 10,000, by the proposed price.

The call for tenders or a document to which it refers must mention all the requirements and all the criteria that will be used to evaluate the bids, in particular the minimum interim score of 70, and the bid weighting and evaluating methods based on those criteria. The call for tenders or the document, as the case may be, must specify that the tender is to be submitted in an envelope containing all the documents and an envelope containing the proposed price.

The Community shall not award the contract to a person other than

(1) the person whose bid was received within the time fixed and obtained the highest final score, subject to subparagraphs 2 and 3;

(2) where subparagraph 1 applies to more than one person, the person tendering the lowest price, subject to subparagraph 3;

(3) where subparagraph 2 applies to more than one person, the person favoured by a drawing of lots.

For the purposes of the second sentence of the eighth paragraph of section 101, the tender of the person determined under the third paragraph shall be considered to be the lowest tender.

Where a contract not covered by the first paragraph is to be awarded, the Community may choose to use a system whose establishment and operation are consistent with the rules set out in that paragraph. In such a case, the second, third and fourth paragraphs apply."

139. Section 105.1 of the said Act, enacted by section 488 of chapter 25 of the statutes of 2001 and amended by section 210 of chapter 68 of the statutes of 2001, is again amended

(1) by replacing the last sentence of the second paragraph by the following sentence: "The regulation must also provide for the cases where the first sentence of the eighth paragraph of section 101 or subsection 7 of section 573 of the Cities and Towns Act (chapter C-19) applies to a contract covered by the regulation.";

(2) by inserting ", and provide for the cases where the Community must, to award a contract, obtain the authorization or approval of the Government or one of its ministers or bodies or comply with any rules they have established governing the awarding of contracts" after "criteria" in the sixth line of the third paragraph;

(3) by replacing "by a municipality" in the second line of the fifth paragraph by "by the Community".

140. Section 105.2 of the said Act, enacted by section 488 of chapter 25 of the statutes of 2001 and amended by section 211 of chapter 68 of the statutes of 2001, is again amended by replacing the first paragraph by the following paragraph:

"**105.2.** 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, if it involves an expenditure of $100,000 or more or an expenditure of less than that amount where the regulation so provides, must be awarded in accordance with the regulation under section 105.1."

141. Section 106 of the said Act, amended by section 489 of chapter 25 of the statutes of 2001, is again amended by adding the following sentence at the end of the first paragraph: "The Minister may, on his or her own initiative, exercise that power in respect of a class of contracts."

142. The said Act is amended by inserting the following sections after section 111:

"**111.1.** Where, following a call for tenders, the Community receives only one conforming tender, the Community may agree with the tenderer to enter into the contract for a price less than the tendered price without, however, changing the other obligations, if there is a substantial difference between the tendered price and the price indicated in the estimate established by the Community.

"**111.2.** A member of the council who knowingly, by his or her vote or otherwise, authorizes or effects the awarding or making of a contract without complying with the rules set out in sections 99 to 111.1 or in the regulation made under section 105.1 may be held personally liable toward the Community for any loss or damage it suffers and be declared disqualified, for two years, from office as a member of the council of any municipality, from office as a member of any municipal body within the meaning of section 307 of the Act respecting elections and referendums in municipalities (chapter E-2.2) or from holding a position as an employee of a municipality or such a body.

The liability provided for in the first paragraph is solidary and applies to every employee of the Community and to every person who knowingly is a party to the illegal act.

Proceedings in declaration of disqualification shall be taken in conformity with articles 838 to 843 of the Code of Civil Procedure (chapter C-25); an ordinary action shall be taken to obtain compensation for loss or damage. Such recourses may be exercised by any ratepayer.

Disqualification may also be declared by way of an action for declaration of disqualification under the Act respecting elections and referendums in municipalities."

143. Section 142 of the said Act is amended by adding the following paragraph at the end:

"For that purpose, the persons referred to in subparagraph 1 of the first paragraph of section 148.3 of the Act respecting land use planning and development are the members of the council of the Community and the members of the councils of the local municipalities whose territory is situated within the territory of the Community."

144. Section 170 of the said Act is amended

(1) by replacing "its tax base" in the third line of the first paragraph by "the tax base of the municipalities listed in Schedule A, which may also include a shared tax base element without regard to the existence or non-existence of growth. The program must be";

(2) by inserting "take out of the aggregate of the contributions required from the municipalities in relation to the sharing and" after "must" in the second line of the second paragraph;

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

"The program must also include rules to determine how the balance is to be used where the payment to be made under the second paragraph and any apportioning between the municipalities in relation to the sharing leaves unallocated a portion of the aggregate referred to in that paragraph."

JAMES BAY REGION DEVELOPMENT AND MUNICIPAL ORGANIZATION ACT

145. Section 35 of the James Bay Region Development and Municipal Organization Act (R.S.Q., chapter D-8), amended by section 5 of chapter 61 of the statutes of 2001, is again amended by replacing the second paragraph by the following paragraph:

"The Act respecting the remuneration of elected municipal officers (chapter T-11.001) applies to the municipality, with the following modifications:

(1) the municipality is deemed to be a supramunicipal body for the application of sections 21 to 23, 30.1, 31 and 32 of the Act respecting the remuneration of elected municipal officers to any of the persons referred to in subparagraph 1 of the first paragraph of section 36;

(2) the municipality is deemed to be a regional county municipality for the purposes of section 30.0.3 of the Act respecting the remuneration of elected municipal officers."

ACT RESPECTING DUTIES ON TRANSFERS OF IMMOVABLES

146. Section 17 of the Act respecting duties on transfers of immovables (R.S.Q., chapter D-15.1) is amended by inserting the following paragraph after paragraph *a*:

"(*a*.1) where the transferor and the transferee are registered charities for the purposes of the Taxation Act (chapter I-3);".

147. Section 20 of the said Act is amended

(1) by inserting "by a natural person" after "immovable" in the first line of subparagraph *e* of the first paragraph;

(2) by inserting "the same person or, in relation to one another," after "are" in the third line of subparagraph *e* of the first paragraph;

(3) by inserting "the same person or" after "are" in the third line of subparagraph *e*.1 of the first paragraph.

ACT RESPECTING ELECTIONS AND REFERENDUMS IN MUNICIPALITIES

148. Section 63 of the Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2) is amended by inserting the following paragraph after paragraph 1:

"(1.1) the officers or employees of a mandatary body of the municipality referred to in paragraph 1 or 2 of section 307;".

149. Section 66 of the said Act, amended by section 140 of chapter 56 of the statutes of 2000, is again amended by replacing the second paragraph by the following paragraph:

"Every person who, following a judgment that has become *res judicata*, is disqualified under any of sections 568, 569 and 573.3.4 of the Cities and Towns Act (chapter C-19), articles 938.4, 1082 and 1094 of the Municipal Code of Québec (chapter C-27.1), section 118.2 of the Act respecting the Communauté métropolitaine de Montréal (chapter C-37.01), section 111.2 of the Act respecting the Communauté métropolitaine de Québec (chapter C-37.02), section 108.2 of the Act respecting public transit authorities (2001, chapter 23), section 6 of the Municipal Works Act (chapter T-14) and sections 204 and 358 of the Act respecting Northern villages and the Kativik Regional Government (chapter V-6.1), is also ineligible."

150. The said Act is amended by inserting the following section after section 81.1:

"**81.2.** An identity verification panel shall also be established for any mobile polling station.

The identity verification panel is composed of the deputy returning officer, who is the chairman of the panel, and of the poll clerk.

The function of the panel members is to verify the identity of electors who have been unable to produce identification pursuant to the third paragraph of section 215. Decisions are made by a unanimous vote."

151. Section 86 of the said Act is amended by inserting "or a mandatary body of the municipality referred to in paragraph 1 or 2 of section 307" after "municipality" in the second line of the first paragraph.

152. Section 99 of the said Act, amended by section 83 of chapter 25 of the statutes of 2001, is again amended

(1) by replacing "place" in paragraph 2 by "places";

(2) by inserting the following paragraph after paragraph 6:

"(6.1) the names of the returning officer's assistants who are authorized to receive nomination papers, where applicable;";

(3) by inserting "and, where applicable, the telephone numbers of the offices of the returning officer's assistants" after "officer" in paragraph 7;

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

"The returning officer shall transmit to the chief electoral officer a certified copy of the notice of election."

153. Section 126 of the said Act is amended by adding the following sentence at the end of the fourth paragraph: "The same applies to the notice referred to in subparagraph 2 of the first paragraph."

154. Section 129 of the said Act is amended by replacing "whose name is" in the first line by "who is entitled to have his name".

155. Section 153 of the said Act, amended by section 85 of chapter 25 of the statutes of 2001, is again amended

(1) by inserting "or in the office of the assistant designated by the returning officer for that purpose" after "officer" in the second line of the first paragraph;

(2) by striking out "of the returning officer" in the first line of the second paragraph.

156. Section 161 of the said Act is amended

(1) by replacing "or" in the first line by "and";

(2) by replacing "is authorized" in the second line by "are authorized".

157. Section 162.1 of the said Act, enacted by section 86 of chapter 25 of the statutes of 2001, is amended

(1) by inserting ", through his or her official representative or the official representative referred to in the third paragraph," after "candidate" in the third line of the first paragraph;

(2) by striking out ", and the name and address of any elector who provided more than $100 and the amount so provided" in the fourth and fifth lines of the first paragraph;

(3) by replacing the second paragraph by the following paragraph:

"For the purposes of the first paragraph, "publicity expense" means any expense meeting all of the following conditions:

(1) it is made during the period beginning on 1 January of the current year and ending on the day on which the election period within the meaning of section 364 begins or, in the case of a by-election, during the period beginning on the day on which the office concerned becomes vacant and ending on the day on which the election period within the meaning of that section begins;

(2) its object is any publicity relating to the election, whatever the medium used, other than an announcement of the holding of 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.";

(4) by replacing "also indicate the publicity expenses" in the third line of the third paragraph by "indicate the publicity expenses within the meaning of the second paragraph".

158. Sections 180 and 181 of the said Act are replaced by the following section:

"**180.** An elector who votes in a mobile polling station and declares under oath that he is unable to mark his ballot paper himself may be assisted by the deputy returning officer and the poll clerk."

159. Section 226 of the said Act is amended by striking out "by reason of an infirmity or because he cannot read," in the second line of the first paragraph.

160. Section 238 of the said Act is amended

(1) by replacing "the poll" in the second line of the first paragraph by "votes";

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

"The deputy returning officer shall draw up a sufficient number of copies of the statement of votes to provide, in addition to his copy, a copy for the returning officer and for each representative assigned to the polling station."

161. Section 239 of the said Act is repealed.

162. Section 241 of the said Act is amended

(1) by striking out "the statement of the poll and" in the first line of the first paragraph;

(2) by replacing "of the poll" in the fifth line of the first paragraph by "of votes";

(3) by striking out the third paragraph.

163. Section 243 of the said Act is amended by striking out the fourth paragraph.

164. Section 244 of the said Act is amended by striking out the third paragraph.

165. Section 247 of the said Act is amended

(1) by replacing "the poll" in the second line of the first paragraph by "votes";

(2) by striking out "if only one copy of the statement of the poll has been drawn up or" in the second line of the second paragraph.

166. Section 248 of the said Act is amended

(1) by replacing "the poll" in the first line of the first paragraph by "votes to be remitted to him";

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

"If it appears impossible to obtain the statement of votes referred to in the first paragraph, the returning officer shall use the statement of votes of the deputy returning officer or of a representative or the statement contained in the ballot box."

167. Section 249 of the said Act is replaced by the following section:

"**249.** After consulting the statement of votes, the returning officer shall place it in an envelope and seal the envelope.

If the statement of votes was taken out of the ballot box, the returning officer shall place the envelope in the ballot box and seal the ballot box."

168. Section 250 of the said Act is amended by striking out "the statement of the poll and" in the first line of the first paragraph.

169. Section 251 of the said Act is amended by striking out "the statement of the poll," in the first line.

170. Section 260 of the said Act is amended by inserting "to the chief electoral officer and" after "notice" in the first line of the second paragraph.

171. Section 267 of the said Act is amended by inserting "used in the addition of the votes, where that is the case" after "votes" in the third line of the second paragraph.

172. Section 268 of the said Act is amended by striking out "statement of the poll and the" in the fourth line of the first paragraph.

173. Section 272 of the said Act is amended by striking out "statement of the poll and" in the second line.

174. Section 284 of the said Act, amended by section 56 of chapter 68 of the statutes of 2001, is again amended

(1) by inserting "and no officer or employee of a mandatary body of the municipality referred to in paragraph 1 or 2 of section 307" after "63" in the second line of the first paragraph;

(2) by striking out "or officers or employees of a mandatary body of the municipality within the meaning of paragraph 1 or 2 of section 307" in the second paragraph.

175. Section 285.5 of the said Act is amended by adding the following paragraph after the second paragraph:

"No election poster or billboard may be placed on the right of way of a public road that is contiguous to a residential immovable."

176. Section 285.7 of the said Act is amended by inserting "or with any support that could cause damage to or leave permanent marks on the pole" after "fasteners" in subparagraph 3 of the first paragraph.

177. Section 340 of the said Act, amended by section 88 of chapter 25 of the statutes of 2001, is again amended by striking out the third paragraph.

178. Section 364 of the said Act, amended by section 643 of chapter 29 of the statutes of 2000 and by section 89 of chapter 25 of the statutes of 2001, is again amended by replacing "as the case may be, on the day following" in the second line of the definition of "**election period**" by "in the case of a by-election, on the day following the day of".

179. Section 375 of the said Act, amended by section 91 of chapter 25 of the statutes of 2001, is again amended by replacing "treasurer of the municipality" in the first line by "clerk or the secretary-treasurer".

180. Section 383 of the said Act is amended by inserting "or of a mandatary body of the municipality referred to in paragraph 1 or 2 of section 307" after "municipality" in subparagraph 5 of the first paragraph.

181. Section 389 of the said Act is amended by inserting "or of a mandatary body of the municipality referred to in paragraph 1 or 2 of section 307" after "municipality" in subparagraph 2 of the first paragraph.

182. Section 403 of the said Act is amended by replacing the second paragraph by the following paragraph:

"In the case of a party, the application must be accompanied with a copy of the resolution to that effect passed in conformity with the by-laws of the party and certified by two or more officers of the party."

183. Section 409 of the said Act is amended by adding the following sentence at the end of the second paragraph: "However, if the party's liabilities exceed the assets, the chief electoral officer shall pay the respective creditors on a *pro rata* basis."

184. Section 413 of the said Act, amended by section 95 of chapter 25 of the statutes of 2001, is again amended by inserting the following sentence after the first sentence of the first paragraph: "In such case, the second paragraph of section 408 applies, except subparagraph 3, with the necessary modifications."

185. Section 415 of the said Act is amended by striking out the second paragraph.

186. Section 416 of the said Act is amended by striking out the second paragraph.

187. Section 422 of the said Act is amended by replacing "and the closing financial report are" in the fourth line of the third paragraph by "is".

188. Section 445 of the said Act is amended by inserting "or independent candidate" after "party" in the first line.

189. Section 453 of the said Act is amended by replacing "program of news or commentary" in the first and second lines of paragraph 2 by "public affairs, news or public opinion program".

190. Section 463 of the said Act is amended by replacing "a radio or television advertisement relating to an election" in the first line of the third

paragraph by "an advertisement relating to an election broadcast on the radio or television or produced using any other medium or information technology".

191. Section 466 of the said Act is amended by replacing "$35" in the first line of the second paragraph by "$100".

192. Section 476 of the said Act is amended by replacing the second paragraph by the following paragraph:

"However, the amount of the reimbursement shall not exceed the total obtained by adding the amount of the debts arising from the election expenses of the candidate and the amount of the personal contribution of the candidate attested by a receipt referred to in the second paragraph of section 484."

193. Section 479 of the said Act is amended

(1) by replacing "a statement of revenues and expenditures" in the third line of the first paragraph by "an income statement";

(2) by replacing "normes comptables généralement reconnues" in the French text of the fifth line of the first paragraph by "principes comptables généralement reconnus".

194. Section 480 of the said Act is amended by replacing "statement of revenues and expenditures" in the first line by "income statement".

195. Section 481 of the said Act is amended by adding the following paragraph at the end:

"The information described in subparagraph 3 of the first paragraph shall be presented according to the alphabetical order of the names of the electors."

196. Section 492 of the said Act is amended by inserting "in the form prescribed by a directive of the chief electoral officer" after "treasurer" in the third line of the first paragraph.

197. Section 502 of the said Act is amended

(1) by replacing "for the office of councillor of the electoral district having the list of electors with the greatest number of electors" in the sixth and seventh lines of the second paragraph by "that obtained the greatest number of votes";

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

"The first three paragraphs do not apply to a person who resigned from the party if a copy of the person's letter of resignation was transmitted to the treasurer and the chief electoral officer not less than three months before the expiry of the time fixed for transmission of the report."

198. Section 512.4.1 of the said Act, enacted by section 101 of chapter 25 of the statutes of 2001, is amended by replacing the second paragraph by the following paragraph:

"For the purposes of the first paragraph, "publicity expense" means any expense meeting the following conditions:

(1) it is made during the period beginning on 1 January of the current year and ending on the day on which the election period begins or, in the case of a by-election, during the period beginning on the day on which the office concerned becomes vacant and ending on the day on which the election period begins;

(2) its object is any publicity relating to the election, whatever the medium used."

199. Section 532 of the said Act is amended by adding the following sentence at the end of the third paragraph: "The clerk or the secretary-treasurer shall also inform the chief electoral officer, in writing, of the date of the sitting."

200. Section 556 of the said Act is amended by adding the following paragraph at the end:

"The clerk or the secretary-treasurer shall inform the chief electoral officer, in writing, of the date of the reading of the certificate."

201. Section 559 of the said Act is amended by adding the following sentence at the end of the second paragraph: "The clerk or the secretary-treasurer shall inform the chief electoral officer, in writing, of the date of publication of the notice."

202. Section 570 of the said Act is amended by striking out the second paragraph.

203. Section 578 of the said Act is amended by adding the following paragraph at the end:

"The clerk or the secretary-treasurer shall inform the chief electoral officer, in writing, of the date of the tabling of the statement."

204. Section 586 of the said Act is amended by striking out "the statement of the poll or" in the first line of paragraph 9.

205. Section 595 of the said Act is amended

(1) by replacing "with the knowledge that they" in the first line of subparagraph 1 of the first paragraph by "that";

(2) by replacing "with the knowledge that it is" in the first and second lines of subparagraph 2 of the first paragraph by "that is";

(3) by replacing "with the knowledge that" in the first line of subparagraph 3 of the first paragraph by "when".

206. Section 597 of the said Act is amended by replacing "with the knowledge that it is" in the second and third lines by "that is".

207. Section 609 of the said Act is replaced by the following section:

"**609.** The following are guilty of an offence:

(1) every party or independent candidate who fails to transmit to the chief electoral officer, within 60 days after the withdrawal of the party's or candidate's authorization, a document that must be transmitted pursuant to section 408;

(2) every party that fails to transmit to the chief electoral officer, within 60 days after it merges with another party, the financial report required under section 419."

208. Section 616 of the said Act is amended by inserting "or independent candidate" after "party" in the first line.

209. Section 624 of the said Act is amended by inserting the following subparagraph after subparagraph 3 of the first paragraph:

"(4) every person who broadcasts or causes to be broadcast any advertisement he knows to be related to an election and that is produced using any medium or information technology other than those referred to in subparagraphs 1 to 3, without mention being made at the beginning or at the end of the advertisement of the name and title of the official agent or deputy who caused it to be broadcast and the name of the party or independent candidate in whose behalf he is acting."

210. Section 632 of the said Act is amended by inserting the following paragraph after paragraph 1:

"(1.1) offers himself as a candidate under a name that is not his own name, unless it is the name by which he is commonly known and the conditions described in section 155 are met;".

211. Section 635 of the said Act is amended by replacing paragraph 1 by the following paragraph:

"(1) every employer or educational institution contravening any of the provisions of section 213;".

212. Section 636 of the said Act is amended by striking out "of a municipality" in the second line of paragraph 1.

213. The said Act is amended by inserting the following section after section 636.1:

"**636.2.** Every person who contravenes a provision of this Act or of a regulation made under this Act is guilty of an offence, even if the contravention does not constitute an offence under any other provision of this chapter."

214. Section 639 of the said Act is amended

(1) by replacing "635" in the second line by "634";

(2) by replacing "$100 nor more than $1 000" in the first line of paragraph 1 by "$500 nor more than $2,000";

(3) by replacing "$300 nor more than $3 000" in the third line of paragraph 1 by "$1,500 nor more than $6,000";

(4) by replacing "$200 nor more than $2 000" in the first and second lines of paragraph 2 by "$1,000 nor more than $4,000";

(5) by replacing "$600 nor more than $6 000" in the third line of paragraph 2 by "$3,000 nor more than $12,000".

215. Section 641 of the said Act is amended by adding the following paragraph at the end:

"Where a person is convicted of an offence under paragraph 2 of section 610, a judge may, on an application by the prosecutor which is attached to the statement of offence, impose an additional fine of an amount equal to the amount of the illegal contribution for which the person is convicted."

216. The said Act is amended by inserting the following section after section 643:

"**643.1.** Every person who is guilty of an offence described in section 635 is liable,

(1) for a first offence, to a fine of not less than $100 nor more than $1,000 in the case of a natural person or, in the case of a legal person, to a fine of not less than $300 nor more than $3,000;

(2) for any subsequent conviction, to a fine of not less than $200 nor more than $2,000 in the case of a natural person or, in the case of a legal person, to a fine of not less than $600 nor more than $6,000."

217. The said Act is amended by inserting the following section after section 644:

"**644.1.** Every person who is guilty of an offence described in section 636.2 is liable to a fine of not more than $500."

218. The said Act is amended by inserting the following section after section 658:

"**658.1.** The clerk or the secretary-treasurer shall keep every document referred to in Chapter VI of Title I or in any of Chapters III to VI of Title II that relates to election or referendum proceedings for a period of one year following the end of the proceedings."

219. Section 886 of the said Act is amended by replacing "the preceding calendar year" in the third line of the first paragraph by "their preceding fiscal year".

ACT RESPECTING MUNICIPAL TAXATION

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

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

"**5.1.** Notwithstanding any provision of a general law or special Act and subject to the third paragraph, a regional county municipality designated as a rural regional county municipality has, from 1 January of the second fiscal year following the fiscal year in which the order making the designation comes into force, jurisdiction in matters of assessment in respect of any local municipality whose territory is included in its own.";

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

221. Section 18.2 of the said Act is amended by replacing "1 January" in the first line of the first paragraph by "15 February".

222. The said Act is amended by inserting the following subdivision after section 41.1:

"§7. — *Division of a unit of assessment*

"**41.2.** A unit of assessment constituted in accordance with another provision of this division must be divided where the combined application of sections 208, 2 and 61 would operate to cause part of the unit to be entered on the roll in the name of a person other than the person in whose name the remainder of the unit is entered.

In such a case, that part and the remainder of the unit constitute separate units of assessment."

223. Section 68 of the said Act is amended by inserting the following paragraph after the fifth paragraph:

"A structure used for wireless telecommunications shall not be entered on the roll where it belongs to the operator of the system referred to in this section and is used exclusively for the operation of the system, including the surveillance or protection of the system. Such rule has no effect with respect to the application of the other provisions of this Act that concern any other structure used for telecommunications."

224. The said Act is amended by inserting the following section after section 138.5:

"**138.5.1.** The owner of an immovable to which a regulation under paragraph 10 of section 262 applies may, where all the acts required under sections 18.1 to 18.5 have been performed, bring before the Tribunal a proceeding to contest the correctness of the value of the immovable entered on the roll at the time of its deposit, without first filing an application for review to that effect.

The proceeding must be brought within the time applicable for the filing of an application for review relating to the same subject-matter. The motion by which the proceeding is brought must be accompanied by a writing, signed by the owner and the assessor, attesting that all the acts required under sections 18.1 to 18.5 have been performed, failing which the proceeding is deemed not to have been brought. The last paragraph of section 138.5, with the necessary modifications, applies to the proceeding.

The documents exchanged pursuant to sections 18.1 to 18.5 and of which the assessor possesses an original or a copy replace, for the purposes of the second paragraph of section 114 of the Act respecting administrative justice (chapter J-3), the documents relevant to the contestation that are normally filed as part of the process of administrative review.

No application for review relating to the same subject-matter may be filed after the proceeding has been brought."

225. Section 148.1 of the said Act is amended

(1) by replacing “the secretary of the Tribunal” in the second line of the first paragraph by “the person authorized under section 148.2.1”;

(2) by replacing “of the secretary” in the first line of the second paragraph by “relating to the tax”.

226. The said Act is amended by inserting the following section after section 148.2:

“**148.2.1.** The taxation of the costs referred to in sections 148.1 and 148.2 shall be effected by the secretary of the Tribunal or by any other person designated by the president of the Tribunal.”

227. Section 172 of the said Act is amended by striking out the second paragraph.

228. Section 174 of the said Act is amended by replacing “section 34” in the first line of paragraph 12.1 by “a provision of Division I of Chapter V”.

229. Section 205 of the said Act is amended by inserting “or that would become taxable if the fifth paragraph of section 210 did not apply” after “208” in the second line of the fifth paragraph.

230. Section 210 of the said Act, amended by section 120 of chapter 25 of the statutes of 2001, is again amended by adding the following paragraph after the fourth paragraph:

“If the Government of Québec has granted an exemption in respect of a tax that a foreign government or an international body would otherwise have been required to pay under section 208 as a lessee or occupant of an immovable, the immovable

(1) shall remain not taxable, notwithstanding the second paragraph of section 208, even if it is not referred to in paragraph 1 or 1.1 of section 204; and

(2) shall remain entered in the name of the foreign government or the international body, as if the third paragraph of section 208 continued to apply notwithstanding the exemption, if the Government of Québec must pay an amount to stand in lieu of the tax in respect of which the exemption has been granted.”

231. Section 244.44 of the said Act is amended by replacing “under section” in the fifth line of the second paragraph and in the fourth line of the third paragraph by “under the first paragraph of section”.

232. Section 244.45 of the said Act is amended

(1) by inserting "and subject to sections 244.45.2 and 244.45.3" after "244.44" in the first line of the first paragraph;

(2) by striking out ", subject to the fifth paragraph in the case of a fiscal year subsequent to the first fiscal year," in the second and third lines of the first paragraph;

(3) by replacing the second and third paragraphs by the following paragraphs:

"The number to be divided is the ratio obtained by dividing the first of the following totals by the second:

(1) the total to be divided is the total of the taxable values of the non-residential, other than industrial, units of assessment, according to the roll referred to in the first paragraph, as that roll stands on the day of its deposit;

(2) the divisor total is the total of the taxable values of the non-residential, other than industrial, units of assessment, according to the property assessment roll immediately preceding the roll referred to in the first paragraph, as that preceding roll stands on the day before the deposit referred to in subparagraph 1.

The divisor is the ratio obtained by dividing the first of the following totals by the second:

(1) the total to be divided is the total of the taxable values of the industrial units of assessment, according to the roll referred to in the first paragraph, as that roll stands on the day of its deposit;

(2) the divisor total is the total of the taxable values of the industrial units of assessment, according to the property assessment roll immediately preceding the roll referred to in the first paragraph, as that preceding roll stands on the day before the deposit referred to in subparagraph 1.";

(4) by striking out the fifth paragraph;

(5) by replacing "deposits the roll referred to in the second" in the first line of the sixth paragraph by "deposited the roll referred to in the first";

(6) by replacing "percentages" in the second line of the sixth paragraph, the second line of the seventh paragraph and the second line of subparagraphs 1 and 2 of that paragraph by "ratios".

233. The said Act is amended by inserting the following sections after section 244.45:

"**244.45.1.** For the purposes of sections 244.45.2 and 244.45.3,

(1) "reference date" means 1 September preceding the beginning of the current fiscal year;

(2) "current fiscal year" means the fiscal year for which the maximum rate specific to the category of industrial immovables is established;

(3) "alteration" means any alteration made to the property assessment roll in respect of a unit of assessment referred to in section 244.45 to enter on the roll the taxable value that should have been entered,

(*a*) in the case of the current roll, at the time the roll was deposited;

(*b*) in the case of the preceding roll, no later than on the day before the current roll was deposited;

(4) "quotient" means the quotient referred to in the first paragraph of section 244.45;

(5) "current roll" means the property assessment roll that applies for the current fiscal year;

(6) "preceding roll" means the property assessment roll immediately preceding the current roll.

"**244.45.2.** Where an alteration is made before the reference date, the quotient calculated for the current fiscal year is replaced, except where that fiscal year is the first fiscal year for which the current roll applies, in the manner provided for in the second paragraph.

To calculate the new quotient, the rules set out in section 244.45 are again applied, taking into account the increase or decrease in either of the totals of taxable values referred to in the second and third paragraphs of that section that results from the alteration.

If several alterations made before the reference date affect the same total of taxable values, the net increase or decrease resulting from all the alterations shall, under the second paragraph, be taken into account in respect of that total.

The first three paragraphs apply subject to the fifth paragraph of section 244.45.3.

"**244.45.3.** Where an alteration to the current roll cannot be taken into consideration for the purpose of replacing, under section 244.45.2, the quotient calculated for the last fiscal year for which the roll applies, because the alteration is made after the day before the reference date in relation to that fiscal year, its effect is cancelled as provided for in the following paragraphs, for the purpose of calculating the quotient for all or part of the fiscal years for which the property assessment roll immediately following applies, that roll

and the roll that is the subject of the alteration becoming the current roll and the preceding roll, respectively.

The effect of the alteration is cancelled, for the purpose of calculating the quotient for the current fiscal year, only if the alteration is made before the reference date.

If that condition is satisfied and if the alteration is made before the deposit of the current roll, the rules set out in section 244.45 are applied, adjusting the total of the taxable values referred to in subparagraph 2 of the second or of the third paragraph of that section, according to the nature of the unit of assessment for which the alteration is made. The adjustment consists in increasing or decreasing the total, according to whether the alteration results in a decrease or increase in the taxable values previously entered on the preceding roll, by an amount equal to the amount of the variation arising from the alteration.

If several separate adjustments are required, under the third paragraph, to be made to the same total of taxable values for the purpose of calculating the quotient for the current fiscal year, an overall adjustment shall be made taking into account the net increase or decrease that results from all the alterations giving rise to those separate adjustments.

If the condition provided for in the second paragraph is satisfied and if the alteration is made after the day before the current roll is deposited, the rules set out in section 244.45 shall be applied, without reference, despite section 244.45.2 where the current fiscal year is not the first fiscal year for which the roll applies, to any variation arising from the alteration in the taxable values previously entered on the preceding roll."

234. Section 244.47 of the said Act is amended by replacing "under section" in the fifth line of the second paragraph and in the fourth line of the third paragraph by "under the first paragraph of section".

235. Section 244.48 of the said Act is amended

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

"The number to be divided is the ratio obtained by dividing the first of the following totals by the second:

(1) the total to be divided is the total of the taxable values of the residential units of assessment other than units in which there are six or more dwellings, according to the roll referred to in the first paragraph, as that roll stands on the day of its deposit;

(2) the divisor total is the total of the taxable values of the residential units of assessment other than units in which there are six or more dwellings, according to the property assessment roll immediately preceding the roll

referred to in the first paragraph, as that preceding roll stands on the day before the deposit referred to in subparagraph 1.

The divisor is the ratio obtained by dividing the first of the following totals by the second:

(1) the total to be divided is the total of the taxable values of the residential units of assessment in which there are six or more dwellings, according to the roll referred to in the first paragraph, as that roll stands on the day of its deposit;

(2) the divisor total is the total of the taxable values of the residential units of assessment in which there are six or more dwellings, according to the property assessment roll immediately preceding the roll referred to in the first paragraph, as that preceding roll stands on the day before the deposit referred to in subparagraph 1.";

(2) by replacing "deposited the roll referred to in the second" in the first line of the fifth paragraph by "deposited the roll referred to in the first";

(3) by replacing "percentages" in the second line of the fifth paragraph, the second and third lines of the sixth paragraph and in the second line of subparagraph 1 and the first line of subparagraph 2 of that paragraph by "ratios".

236. Section 258 of the said Act is amended by adding the following paragraph at the end:

"Sections 254 to 257 also do not apply in respect of an immovable whose lessee or occupant is exempted from such payment under section 210, if an amount must be paid in respect of the immovable under the second paragraph of that section. However, where the amount does not stand in lieu of a tax, compensation or tariff referred to in the last sentence of the first paragraph of section 257, the payment provided for in that sentence must be made."

237. Section 261.1 of the said Act is amended by replacing paragraph 3 by the following paragraph:

"(3) the standardized non-taxable values of the immovables in respect of which a sum in lieu of municipal property taxes must be paid under the second paragraph of section 210;".

ACT RESPECTING MUNICIPAL INDUSTRIAL IMMOVABLES

238. Section 6 of the Act respecting municipal industrial immovables (R.S.Q., chapter I-0.1) is amended

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

"However, where at the time of its alienation the immovable constitutes a unit of assessment entered on the property assessment roll of the municipality or part of such a unit whose value is entered on the roll separately, the price of alienation must be equal to or greater than the lesser of the total of the cost and expenses referred to in the second paragraph and the value of the immovable entered on the roll.";

(2) by inserting "or third" after "second" in the third line of the third paragraph;

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

"Where it has acquired an immovable in whole or in part by expropriation, the municipality may, as long as the final expropriation indemnity has not been fixed, apply to the Minister of Municipal Affairs and Greater Montréal for authorization to alienate the immovable notwithstanding the application of the second, third, fourth and fifth paragraphs. If the Minister grants authorization, those paragraphs do not apply to the alienation."

239. Section 6.0.1 of the said Act is amended

(1) by adding the following sentence at the end of the first paragraph: "However, the municipality may fix a period of less than three years in the contract.";

(2) by replacing "mentioned in" in the second line of the second paragraph by "applicable pursuant to".

ACT RESPECTING IMMOBILIÈRE SHQ

240. The Act respecting Immobilière SHQ (R.S.Q., chapter I-0.3) is amended by striking out "municipal" in the fourth line of the first paragraph and the third line of the second paragraph of section 3, the second line of the first paragraph of section 23, the second line of section 24, the third line of the first paragraph of section 33 and the fifth line of section 35.

ACT RESPECTING THE MINISTÈRE DES AFFAIRES MUNICIPALES ET DE LA MÉTROPOLE

241. The Act respecting the Ministère des Affaires municipales et de la Métropole (R.S.Q., chapter M-22.1) is amended by inserting the following section after section 17.6:

"**17.6.1.** The Minister may, after consultation with the bodies representing municipalities including the Union des municipalités du Québec and the Fédération québécoise des municipalités locales et régionales (FQM), establish performance indicators that relate to the administration of municipal bodies and prescribe the conditions and procedures for the implementation of the indicators in municipal bodies.

The Minister may, for that purpose, classify municipal bodies into categories and establish performance indicators or conditions and procedures of implementation that may vary according to the categories of municipal bodies.

The Minister may also prescribe the manner in which municipal bodies are to provide citizens with the information determined by the Minister regarding the results measured using the performance indicators.

The Minister may exempt any municipal body from the application of performance indicators for any period the Minister determines.

For the purposes of this section, "municipal bodies" means the bodies referred to in section 5 of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1)."

242. Section 17.8 of the said Act is amended by adding the following paragraph at the end:

"Where in the fiscal year for which the report is tabled, the Minister exercised the power granted to the Minister by any of sections 573.3.1 of the Cities and Towns Act (chapter C-19), article 938.1 of the Municipal Code of Québec (chapter C-27.1), section 113 of the Act respecting the Communauté métropolitaine de Montréal (chapter C-37.01), section 106 of the Act respecting the Communauté métropolitaine de Québec (chapter C-37.02) and section 103 of the Act respecting public transit authorities (2001, chapter 23), the report must in particular indicate in respect of which body referred to in those provisions the power was exercised, the object of the contract for which it was exercised and the grounds justifying the exercising of the power."

ACT RESPECTING MUNICIPAL TERRITORIAL ORGANIZATION

243. The Act respecting municipal territorial organization (R.S.Q., chapter O-9) is amended by inserting the following section after section 121:

"**121.1.** Where, under section 244.29 of the Act respecting municipal taxation (chapter F-2.1), the municipality fixes, for a fiscal year prior to the fiscal year in which the first assessment roll drawn up specifically for the municipality comes into force, a general property tax rate specific to the category of industrial immovables or to the category of immovables consisting of six or more dwellings, the coefficient referred to in section 244.44 or 244.47 of that Act, as the case may be, is the coefficient established on the basis of a comparison of the last two property assessment rolls of the applicant municipality having the largest population."

244. Section 125.27 of the said Act, enacted by section 143 of chapter 25 of the statutes of 2001, is amended by replacing "which" in the eleventh line of the first paragraph by "and the conditions that may be prescribed under that section, insofar as they".

245. Section 125.28 of the said Act, enacted by section 143 of chapter 25 of the statutes of 2001, is amended

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

"However, the first two paragraphs do not apply if the territory of the new municipality includes only all or part of the territory of municipalities recognized under section 29.1 of the Charter of the French language.";

(2) by inserting "or a new municipality referred to in the third paragraph" after "section" in the first line of the third paragraph;

(3) by replacing "city" in the first line of the fourth paragraph by "municipality".

ACT RESPECTING THE RÉGIE DES INSTALLATIONS OLYMPIQUES

246. The Act respecting the Régie des installations olympiques (R.S.Q., chapter R-7) is amended by inserting the following section after section 23.2:

"**23.3.** With the authorization of the Government and subject to the terms and conditions the Government determines, the board may, within the scope of a contract having a term of not more than 25 years whose object is the retrofitting and maintenance by a third person of the portion of the Olympic Stadium roof able to be supported by the stadium tower, assign to that third person the superficies of that portion of the stadium roof for the duration of the contract.

At the end of the contract, the board shall become, without being required to compensate the superficiary, the owner of that portion of the Olympic Stadium roof, free of any encumbrance."

ACT RESPECTING THE PENSION PLAN OF ELECTED MUNICIPAL OFFICERS

247. Section 27.1 of the Act respecting the Pension Plan of Elected Municipal Officers (R.S.Q., chapter R-9.3), enacted by section 81 of chapter 68 of the statutes of 2001, is amended by replacing "and 52" in the first line by ", 52 and 63.0.2".

248. Section 63.0.7 of the said Act, enacted by section 84 of chapter 68 of the statutes of 2001, is amended by adding the following paragraph at the end:

"The annual indexation provided for in section 30 of any pension credit obtained under this chapter applies only from 1 January 2002."

249. Section 76.1 of the said Act, enacted by section 171 of chapter 25 of the statutes of 2001 and amended by section 88 of chapter 68 of the statutes of 2001, is again amended by striking out ", in accordance with a government order," in the second and third lines.

ACT RESPECTING THE SOCIÉTÉ D'HABITATION DU QUÉBEC

250. The Act respecting the Société d'habitation du Québec (R.S.Q., chapter S-8) is amended by inserting the following sections after section 56.1 enacted by section 8 of chapter 2 of the statutes of 2002:

"**56.2.** The object, constitution and administration of the fund must be consistent with the following rules:

(1) the fund shall be established for the carrying out of projects consistent with a social housing program implemented under this Act and identified for that purpose by the Société, or for a social housing program having received prior approval from the Société;

(2) the fund may be made up of the following:

(*a*) the money paid into the fund annually by the municipality or the regional county municipality, including interest, in the amount and according to the terms and conditions the Société determines; and

(*b*) gifts, legacies and other contributions paid into it to further the achievement of the objects of the fund; and

(3) the municipality or, as the case may be, the regional county municipality, shall pay into the fund annually the basic contribution previously determined by the Société to enable the building of social housing in its territory and, on request, shall provide the Société with any information required as regards the carrying out of such projects.

"**56.3.** The rules set out in paragraphs 1 and 2 of section 56.2 apply to a social housing development fund constituted under the Charter of Ville de Gatineau (chapter C-11.1), the Charter of Ville de Lévis (chapter C-11.2), the Charter of Ville de Longueuil (chapter C-11.3), the Charter of Ville de Montréal (chapter C-11.4), the Charter of Ville de Québec (chapter C-11.5), the Act respecting the Communauté métropolitaine de Montréal (chapter C-37.01), the Act respecting the Communauté métropolitaine de Québec (chapter C-37.02), or under an order made in accordance with the Act respecting municipal territorial organization (chapter O-9), with the necessary modifications."

251. The said Act is amended by inserting the following section after section 88:

"**88.1.** The Government may determine the conditions of any subsidy it grants to the Société to provide for the total or partial payment in principal and interest of any loan or other obligation of the Société."

ACT RESPECTING THE SOCIÉTÉ QUÉBÉCOISE D'ASSAINISSEMENT DES EAUX

252. Section 5 of the Act respecting the Société québécoise d'assainissement des eaux (R.S.Q., chapter S-18.2.1) is amended by replacing the first paragraph by the following paragraph:

"**5.** The affairs of the Société are administered by a board of directors of three members appointed by the Government."

253. Section 6 of the said Act is replaced by the following section:

"**6.** The Government shall designate the president of the Société, who is also the managing director, from among the persons it appoints under section 5."

254. Section 9 of the said Act is amended by striking out "chairman of the board of directors or the" in the first line.

255. Section 10 of the said Act is repealed.

256. Section 13 of the said Act is repealed.

257. Section 14 of the said Act is replaced by the following section:

"**14.** Two members of the board of directors, including the president of the Société, are a quorum. If votes are tied, the president has a casting vote."

ACT RESPECTING THE REMUNERATION OF ELECTED MUNICIPAL OFFICERS

258. Section 2 of the Act respecting the remuneration of elected municipal officers (R.S.Q., chapter T-11.001) is amended by striking out "municipal" in the fifth line of the second paragraph.

259. Section 22 of the said Act, amended by section 190 of chapter 25 of the statutes of 2001, is again amended by adding the following paragraph after the second paragraph:

"The expense allowance that relates to the remuneration paid, where applicable, by a new municipality to an elected municipal officer for any position held within the municipality during the period beginning on the first day of the municipal officer's term in that municipality and ending on the day preceding the day on which the municipality is constituted, is subject to the maximum provided for in the first paragraph that applies during the year in which the new municipality is constituted."

260. Section 30.0.3 of the said Act, amended by section 191 of chapter 25 of the statutes of 2001, is again amended by adding the following sentence at

the end of the first paragraph: "The same applies in the case of a local municipality referred to in article 127.1 of the Municipal Code of Québec (chapter C-27.1), as regards attendance at sittings of such a board."

ACT TO AMEND THE ACT RESPECTING MUNICIPAL INDUSTRIAL IMMOVABLES

261. Section 14 of the Act to amend the Act respecting municipal industrial immovables (1994, chapter 34) is repealed.

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

262. Section 247 of the Act to reform the municipal territorial organization of the metropolitan regions of Montréal, Québec and the Outaouais (2000, chapter 56), amended by section 227 of chapter 25 of the statutes of 2001 and by section 112 of chapter 68 of the statutes of 2001, is again amended by replacing "sections 109.6 to 110" in the fifth line of subparagraph 1 of the second paragraph by "sections 59.2 to 59.4 and 109.6 to 110".

263. Section 248 of the said Act, amended by section 228 of chapter 25 of the statutes of 2001 and by section 113 of chapter 68 of the statutes of 2001, is again amended

(1) by replacing "sections 109.6 to 110" in the fifth line of the second paragraph by "sections 59.2 to 59.4 and 109.6 to 109.10";

(2) by inserting "and a period of 15 days shall apply rather than the period of 45 days prescribed in the second paragraph of section 137.11 of that Act" after "by-laws" at the end of the second paragraph.

264. Section 249 of the said Act, amended by section 229 of chapter 25 of the statutes of 2001 and by section 114 of chapter 68 of the statutes of 2001, is again amended 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 with sections 59.2 to 59.4 and 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 a borough council with the city's development plan shall be effected in accordance with sections 137.2 to 137.8, with the necessary modifications and in particular the

modifications applicable under the second paragraph of section 74 of the Charter of Ville de Longueuil (R.S.Q., chapter C-11.3)."

265. Section 250 of the said Act, amended by section 230 of chapter 25 of the statutes of 2001 and by section 115 of chapter 68 of the statutes of 2001, is again amended by replacing "sections 109.6 to 110" in the fifth line of the second paragraph by "sections 59.2 to 59.4 and 109.6 to 110".

ACT RESPECTING PUBLIC TRANSIT AUTHORITIES

266. Sections 93 to 95 of the Act respecting public transit authorities (2001, chapter 23) are replaced by the following sections:

"**93.** The following contracts may be awarded only in accordance with section 95 if they involve an expenditure of $100,000 or more:

(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 section 101;

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

Contracts referred to in any of the subparagraphs of the first paragraph or in section 101 may be awarded only in accordance with section 94 if they involve an expenditure of at least $25,000 and of less than $100,000.

The first two paragraphs do 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 (R.S.Q., 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 services by a single supplier or by a supplier that, in the field of communications, electricity or gas is in a monopoly position;

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

(6) whose object is the supply of bulk trucking services and that is entered into through the holder of a brokerage permit issued under the Transport Act (R.S.Q., chapter T-12);

(7) whose object is the supply of movable property or services related to cultural or artistic fields, subscriptions or computer software for educational purposes;

(8) whose object is the supply of materials or equipment and which is entered into in circumstances that are exceptionally advantageous for the transit authority such as the bankruptcy or liquidation of the supplier;

(9) whose object results from the use of a software package or software product designed to

(*a*) ensure compatibility with existing systems, software packages or software products;

(*b*) ensure the protection of exclusive rights such as copyrights, patents or exclusive licences;

(*c*) carry out research and development;

(*d*) produce a prototype or original concept;

(10) whose object is the supply of media space for the purposes of a publicity campaign or for promotional purposes.

The second paragraph does not apply

(1) to a professional services contract entered into with the designer of plans and specifications for adaptation, modification or supervision work where the plans and specifications are used and the contract relating to their design was the subject of a call for tenders;

(2) to a contract covered by the regulation in force made under section 100.

"**94.** Any contract involving an expenditure of less than $100,000, from among the contracts referred to in the second paragraph of section 93, 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.

The first sentence of the fourth paragraph and the sixth, seventh and eighth paragraphs of section 95 apply to the awarding of a contract referred to in the first paragraph of this section.

"**95.** Any contract involving an expenditure of $100,000 or more, from among the contracts referred to in the first paragraph of section 93, 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;

(3) "services contract" means a contract for supplying services that may include the supply of parts or materials necessary to the supply.

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 that meet one of the following conditions will be considered:

(1) they are 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;

(2) the goods concerned are produced in the 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 sections 96 and 96.1, a transit authority may not, without the prior authorization of the Minister of Municipal Affairs and Greater Montréal, 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 transit authority may, without that authorization, 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."

267. Section 96 of the said Act is amended by replacing "A" in the first line of the first paragraph by "Subject to section 96.1, a".

268. The said Act is amended by inserting the following section after section 96:

"**96.1.** Where a contract for professional services is to be awarded, a transit authority must use a system of bid weighting and evaluating whose establishment and operation are consistent with the following rules:

(1) the system must have a minimum of four evaluation criteria in addition to price;

(2) the system must provide for the maximum number of points that may be assigned to a tender for each of the criteria other than price; that number may not be greater than 30 out of a total of 100 points that may be assigned to a tender for all the criteria;

(3) the transit authority shall establish a selection committee consisting of at least three members, other than members of the board of directors, which must

(*a*) evaluate each tender without knowing the price;

(*b*) assign a number of points to the tender for each criterion;

(*c*) establish an interim score for each tender by adding the points obtained for all the criteria;

(*d*) as regards the envelopes containing the proposed price, open only those envelopes from persons whose tender has obtained an interim score of at least 70, and return the other envelopes unopened to the senders, notwithstanding the seventh paragraph of section 95;

(*e*) establish the final score for each tender that has obtained an interim score of at least 70, by dividing the product obtained by multiplying the interim score increased by 50 by 10,000, by the proposed price.

The call for tenders or a document to which it refers must mention all the requirements and all the criteria that will be used to evaluate the bids, in particular the minimum interim score of 70, and the bid weighting and evaluating methods based on those criteria. The call for tenders or the document, as the case may be, must specify that the tender is to be submitted in an envelope containing all the documents and an envelope containing the proposed price.

The transit authority shall not award the contract to a person other than

(1) the person whose bid was received within the time fixed and obtained the highest final score, subject to subparagraphs 2 and 3;

(2) where subparagraph 1 applies to more than one person, the person tendering the lowest price, subject to subparagraph 3;

(3) where subparagraph 2 applies to more than one person, the person favoured by a drawing of lots.

For the purposes of the second sentence of the eighth paragraph of section 95, the tender of the person determined under the third paragraph shall be considered to be the lowest tender.

Where a contract not covered by the first paragraph is to be awarded, a transit authority may choose to use a system whose establishment and operation are consistent with the rules set out in that paragraph. In such a case, the second, third and fourth paragraphs apply."

269. Section 100 of the said Act is amended by replacing the second, third and fourth paragraphs by the following paragraphs:

"The regulation must determine the procedure for awarding such a contract, requiring it to be awarded after a call for public tenders published in an electronic tendering system approved by the Government, after the use of a register of suppliers or according to any other procedure it specifies, including the choice of the contracting party by agreement. The regulation must also provide for the cases where the first sentence of the eighth paragraph of section 95 or subsection 7 of section 573 of the Cities and Towns Act (R.S.Q., chapter C-19) applies to a contract covered by the regulation.

The regulation may prescribe categories of contracts, professional services, awarding procedures, amounts of expenditures or territories for calls for tenders, combine categories and make different rules according to the categories or combinations. It may also provide in which cases, when a system of bid weighting and evaluating is used, it is not necessary for price to be one of the evaluation criteria and provide for the cases where a transit authority must, to award a contract, obtain the authorization or approval of the Government or one of its ministers or bodies, or comply with any rules they have established governing the awarding of contracts.

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.

The regulation may, in respect of the contracts it specifies, establish a rate schedule fixing the maximum hourly rate that may be paid by a transit authority."

270. Section 101 of the said Act is replaced by the following section:

"**101.** 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, if it involves an expenditure of $100,000 or more or an expenditure of less than that amount where the regulation so provides, must be awarded in accordance with the regulation under section 100.

The first paragraph does not apply to a professional services contract entered into with the designer of plans and specifications for adaptation, modification or supervision work where the plans and specifications are used and the contract relating to their design was the subject of a call for tenders."

271. Section 103 of the said Act is amended by adding the following sentence at the end of the first paragraph: "The Minister of Municipal Affairs and Greater Montréal may, on his or her own initiative, exercise that power in respect of all the transit authorities or a category of them as regards a contract or a class of contracts."

272. The said Act is amended by inserting the following sections after section 108:

"**108.1.** Where, following a call for tenders, a transit authority receives only one conforming tender, the transit authority may agree with the tenderer to enter into the contract for a price less than the tendered price without, however, changing the other obligations, if there is a substantial difference between the tendered price and the price indicated in the estimate established by the transit authority.

"**108.2.** A member of the board of directors who knowingly, by his or her vote or otherwise, authorizes or effects the awarding or making of a contract without complying with the rules set out in sections 93 to 108.1 or in the regulation made under section 100 may be held personally liable toward the transit authority for any loss or damage it suffers and be declared disqualified, for two years, from office as a member of the council of any municipality, from office as a member of any municipal body within the meaning of section 307 of the Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2) or from holding a position as an employee of a municipality or such a body.

The liability provided for in the first paragraph is solidary and applies to every employee of the transit authority and to every person who knowingly is a party to the illegal act.

Proceedings in declaration of disqualification shall be taken in conformity with articles 838 to 843 of the Code of Civil Procedure (R.S.Q., chapter C-25); an ordinary action shall be taken to obtain compensation for loss or damage. Such recourses may be exercised by any ratepayer.

Disqualification may also be declared by way of an action for declaration of disqualification under the Act respecting elections and referendums in municipalities."

273. Section 251 of the said Act is replaced by the following section:

"**251.** The new transit authority shall be bound by the certification and the collective agreement as if it were named therein and shall become *ipso facto* a party to any proceeding relating thereto, in the place and stead of the dissolved former public transit authority or former intermunicipal transit authority on the date of coming into force of this Act."

ACT TO AMEND VARIOUS LEGISLATIVE PROVISIONS CONCERNING MUNICIPAL AFFAIRS

274. Section 229 of the Act to amend various legislative provisions concerning municipal affairs (2001, chapter 68) is replaced by the following sections:

"**229.** Every commission constituted before 20 December 2001 under subparagraph 8 of the first paragraph of section 464 of the Cities and Towns Act (R.S.Q., chapter C-19) or article 704 of the Municipal Code of Québec (R.S.Q., chapter C-27.1), as those provisions read before that date, must be in conformity with section 147 of the Supplemental Pension Plans Act (R.S.Q., chapter R-15.1) as of 1 January 2003.

If the pension plan administered by such a commission concerns, in whole or in part, officers or employees governed by a collective agreement, an arbitration award in lieu thereof or an order or decree imposing a collective agreement that is in force on 14 June 2002, the time limit for the conformity required under the first paragraph is replaced by the earlier of the following dates:

(1) the date, as the case may be, of the signing of a new collective agreement, the rendering of the arbitration award in lieu thereof, the extension or renewal of the order or decree or the coming into force of an order or decree replacing the order or decree; and

(2) 1 January 2005.

"**229.1.** In the case of a pension plan administered by a commission referred to in section 229, notwithstanding any provision of the plan or a collective agreement, an arbitration award or an order or decree governing officers and employees that the plan concerns, and until the commission is in conformity with section 147 of the Supplemental Pension Plans Act (R.S.Q., chapter R-15.1) or until the date determined pursuant to section 229, whichever occurs first,

(1) the groups referred to in section 166 of the Supplemental Pension Plans Act may proceed with the designations that may be made at the meeting held pursuant to that section; and

(2) the municipality that is party to the plan may

(*a*) designate a person of its choice to replace or fill the vacant seat of any member of the commission who is not designated by officers and employees that the plan concerns, by members of the plan or by an association representing them; or

(*b*) designate, for each member provided for in section 147 of the Supplemental Pension Plans Act who, by reason of the member's designation

under paragraph 1, becomes one of the members whose seats are provided for by the provisions of the pension plan that relate to the composition of the commission, a person of its choice who shall also be a member of the commission.

"**229.2.** A commission referred to in the first paragraph of section 229 that continues to administer a pension plan even though the commission is not in conformity with section 147 of the Supplemental Pension Plans Act (R.S.Q., chapter R-15.1) is considered, until the date determined pursuant to section 229, to be a pension committee within the meaning of that Act."

275. Section 272 of the said Act is repealed.

OTHER AMENDING PROVISIONS

276. Section 68 of Order in Council 841-2001 dated 27 June 2001, respecting Ville de Saguenay, is amended

(1) by replacing "on a" in the fourth line of the second paragraph by "on the council of a";

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

"The borough council may, by by-law, delegate any power related to the exercise of its jurisdiction in matters of personnel management to any officer or employee assigned by the city to the borough. The by-law shall indicate the conditions to which the delegation is subject. The officer or employee to which such a delegation has been made shall report to the borough council on any decision made in relation to the delegated power at the first regular meeting after the expiry of five days following the decision.";

(3) by replacing "Il" in the French text of the first line of the fourth paragraph by "Le conseil d'arrondissement".

277. Section 81 of the said Order in Council is amended by adding the following paragraph after the second paragraph:

"Every by-law by which the borough council delegates the power to authorize expenditures to an officer or employee assigned by the city to the borough must be authorized by the city council where the authorization of expenditures that may be granted under the delegation entails commitment of the city's credit for a period extending beyond the fiscal year in which the authorization is granted."

278. Section 63 of Order in Council 850-2001 dated 4 July 2001, respecting Ville de Sherbrooke, is amended

(1) by replacing "on a" in the fourth line of the second paragraph by "on the council of a";

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

"The borough council may, by by-law, delegate any power related to the exercise of its jurisdiction in matters of personnel management to any officer or employee assigned by the city to the borough. The by-law shall indicate the conditions to which the delegation is subject. The officer or employee to which such a delegation has been made shall report to the borough council on any decision made in relation to the delegated power at the first regular meeting after the expiry of five days following the decision.";

(3) by replacing "Il" in the French text of the first line of the fourth paragraph by "Le conseil d'arrondissement".

279. Section 75 of the said Order in Council is amended by adding the following paragraph after the second paragraph:

"Every by-law by which the borough council delegates the power to authorize expenditures to an officer or employee assigned by the city to the borough must be authorized by the city council where the authorization of expenditures that may be granted under the delegation entails commitment of the city's credit for a period extending beyond the fiscal year in which the authorization is granted."

280. The English text of Order in Council 1308-2001 dated 1 November 2001, respecting Ville de Montréal, is amended by striking out Schedules A and B.

TRANSITIONAL AND FINAL PROVISIONS

281. Notwithstanding section 53.9 of the Act respecting land use planning and development (R.S.Q., chapter A-19.1), by-law 01-01 of Municipalité régionale de comté de Thérèse-De Blainville, adopted by the council of the regional county municipality on 19 September 2001 by resolution 01-124, comes into force on 14 June 2002.

282. Any municipal body or school board may be party to an agreement having as its object the implementation, operation or use of a broadband telecommunications network linking various buildings, among those referred to in the second paragraph, including the connection of all or part of the buildings to a communications backbone functioning as a backbone network. Persons other than a municipal body or school board, in particular the operator of a telecommunications enterprise, may be parties to the agreement.

The network must serve buildings owned or occupied by municipal bodies, school boards, other public bodies or institutions accredited for purposes of grants under the Act respecting private education (R.S.Q., chapter E-9.1). However, except where a school board is the network operator, the network may also serve other buildings.

A municipal body or a school board may, with any other party to the agreement and pursuant to the agreement, share ownership or an exclusive right of use in respect of all or part of the network infrastructures for a period of at least 20 years.

The parties to the agreement may give a mandate to one of the parties to make a contract for the purpose of the carrying out of the agreement.

The Minister of Municipal Affairs and Greater Montréal and the Minister of Education may jointly prescribe rules relating to the choice, by a municipal body or school board, of any person, other than a public body or institution referred to in the second paragraph, who or which is to become a party to the agreement. The ministers may also jointly prescribe rules relating to the choice of the contracting party, other than such a body or institution or a party to the agreement chosen according to the rules established pursuant to the above power, in the case of a contract provided for in the fourth paragraph or any other contract entered into by a municipal body or school board for the execution of work preliminary to the negotiation or making of the agreement. A rule may consist in allowing the choice of a person to be made by mutual agreement. The rules may vary according to the categories of cases the ministers define. The Regulations Act (R.S.Q., chapter R-18.1) does not apply in their respect. No agreement or contract referred to in this paragraph may be made before the rules provided for in this paragraph are in force or, thereafter, otherwise than in accordance with those rules, subject to the sixth paragraph.

The ministers may jointly, on application and on the conditions they fix, grant an exemption from the application of a rule provided for in the fifth paragraph. They may, on their own initiative, grant a general exemption for any category of cases they define. If, in the case concerned, the rule for which the exemption is granted applies only to a municipal body or to a school board, the Minister of Municipal Affairs and Greater Montréal or the Minister of Education, as the case may be, may exercise alone the power provided for in this paragraph.

The ministers may not exercise the powers provided for in the fifth and sixth paragraphs in a manner inconsistent with an intergovernmental agreement on the opening of public procurement applicable to any municipal body or school board that is a party to the agreement or, directly or through a mandatary, to the contract.

Any benefit derived by an industrial or commercial establishment by reason of the application of the agreement or a contract made under the agreement does not constitute aid prohibited by the Municipal Aid Prohibition Act (R.S.Q., chapter I-15).

For the purposes of this section, “municipal body” means a municipality, a metropolitan community or the Kativik Regional Government.

The power to enter into a new agreement under this section ceases on 1 April 2004.

Every agreement or contract entered into before 14 June 2002 that conforms to the rules set out in this section is valid; for the purposes thereof, the powers provided for in the fifth and sixth paragraphs may be exercised retroactively. An agreement or contract entered into before that date that conforms to the rules set out in this section, except the rules made by the ministers under the fifth paragraph, is nonetheless valid if the choice of the party to the agreement or contract was made in accordance with the rules that applied at that time under the provisions governing the municipal body or school board as regards the choice of a party.

The agreement relating to the matter provided for in this section that was entered into before 14 June 2002 and to which Municipalité régionale de comté des Laurentides, the Commission scolaire des Laurentides, the Centre local de développement des Laurentides and Bell Canada are parties, is valid.

283. Ville de Sainte-Agathe-des-Monts shall reimburse the candidates for the office of member of the council of Municipalité de Sainte-Agathe-Nord, in the general election held on 5 November 2000, for their election expenses in connection with that election.

For the purposes of the first paragraph, "election expenses" means the expenses referred to in sections 450 to 454 of the Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2), with the necessary modifications.

The city shall establish the rules that apply to the vouchers required from candidates claiming a reimbursement under the first paragraph.

284. Ville de Sainte-Agathe-des-Monts is subject to the jurisdiction of Municipalité régionale de comté des Laurentides in matters of assessment. The latter shall succeed to the rights and obligations of the former for the purposes of the exercise of that jurisdiction.

Any officer or employee of the city who is assigned to the assessment service or all of whose working time is devoted exclusively to matters of assessment and whose services are no longer required because the city has lost its jurisdiction with respect to that matter shall become, without reduction in salary, an officer or employee of the regional county municipality and shall retain seniority and employee benefits. No such officer or employee may be dismissed solely as a result of the city's loss of jurisdiction in matters of assessment and, where applicable, the sixth paragraph of section 5.2 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1) applies, with the necessary modifications.

285. Ville de Rimouski is, as of 1 January 2002, subject to the jurisdiction of Municipalité régionale de comté de Rimouski-Neigette in matters of assessment.

On that date, the regional county municipality succeeded to the rights and obligations of the town for the purposes of the exercise of jurisdiction in matters of assessment.

The acts performed by any person by reason of the fact that the town exercised that jurisdiction after 31 December 2001 and before 14 June 2002, are valid.

286. Where a unit of assessment belonging to a group of non-residential immovables referred to in section 244.31 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1) is the subject of a lease that has been effective since a date prior to 17 June 1994 and that does not allow the owner to increase the rent stipulated to take into account new taxes for which the owner becomes the debtor, or to have the lessee otherwise assume payment of such a tax, the owner may nonetheless, in accordance with the rules set out in this section, increase the rent stipulated to take into account all or part of the amount payable by the owner by reason of the imposition of a mode of property taxation specific to the non-residential sector.

The rent that may be so increased is the rent payable for the period, subsequent to 30 June 2002, in which the lease is effective and that includes all or part of a fiscal year for which the amount referred to in the first paragraph is payable.

However, the rent stipulated in a lease entered into for part of the unit of assessment that does not constitute premises within the meaning of the last two paragraphs of section 244.34 of the Act respecting municipal taxation, cannot be so increased.

Where the lease is entered into for such premises among other premises within the unit of assessment, the increase in rent shall take into account only the proportion of the amount referred to in the first paragraph that corresponds to the proportion that the premises under lease are of the total of the taxable values of all the premises.

Subject to the sixth and seventh paragraphs, the amount payable for a fiscal year by reason of the imposition of a mode of property taxation specific to the non-residential sector is,

(1) where under section 244.29 of the Act respecting municipal taxation, the local municipality having jurisdiction fixes a general property tax rate specific to the category of non-residential immovables, the difference obtained by subtracting the amount of the tax that would be payable if only the basic rate provided for in section 244.38 of that Act were applied from the amount of the tax payable in respect of the unit of assessment for the fiscal year; or

(2) where the local municipality having jurisdiction imposes the tax on non-residential immovables, the amount of the tax payable in respect of the unit of assessment for the fiscal year.

For a fiscal year, other than the fiscal year 2002, before the end of which the lease ceases to be effective, the amount payable by reason of the imposition of a mode of property taxation specific to the non-residential sector is the product obtained by multiplying the amount determined under the fifth paragraph by the quotient resulting from the division of the number of whole days in the fiscal year that have elapsed at the time at which the lease ceases to be effective, by 365 or by 366 in the case of a leap year.

For the fiscal year 2002, the amount payable by reason of the imposition of a mode of property taxation specific to the non-residential sector is, according to whether the lease is effective or not throughout the second half-year,

(1) one-half of the amount determined under the fifth paragraph; or

(2) the product obtained by multiplying one-half of the amount determined under the fifth paragraph by the quotient resulting from the division of the number of whole days within the second half-year that have elapsed at the time the lease ceases to be effective by 184.

Section 491, section 244.64 and subparagraph 2 of the second paragraph of section 244.32 of the Act respecting municipal taxation apply, with the necessary modifications, for the purpose of interpreting, respectively, the words “owner”, “tax” and “taxable value” used in this section.

287. Where a local municipality, for the same fiscal year, imposes the surtax or tax on non-residential immovables and fixes, under section 244.29 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1), a general property tax rate specific to the category of immovables consisting of six or more dwellings, the amount of the latter tax is calculated as follows:

(1) section 244.53 of that Act is applied as if a rate specific to the category of non-residential immovables had been fixed, which rate is deemed to be equal to the sum obtained by adding the basic rate provided for in section 244.38 of that Act and the rate of the surtax or tax on non-residential immovables; and

(2) the amount of the surtax or tax on non-residential immovables is subtracted from the result of the operation described in subparagraph 1.

If the condition mentioned in the first paragraph is satisfied only in part of the territory of the municipality, the rule set out in that paragraph applies only in that part.

Every element included in the advance application of the rule set out in the first paragraph is valid in any budget adopted for the fiscal year 2002, in any resolution or by-law relating to the imposition of taxes for that fiscal year and in any tax account or other document arising from such a budget, resolution or by-law.

288. Subject to the agreements entered into pursuant to section 250 of the Act to amend various legislative provisions concerning municipal affairs (2001, chapter 68), all by-laws, resolutions or other acts adopted by Municipalité régionale de comté de Lajemmerais and by Municipalité régionale de comté de La Vallée-du-Richelieu remain in force in respect of each of the sectors of Ville de Longueuil corresponding to the territory of the former Ville de Boucherville and the former Ville de Saint-Bruno-de-Montarville, respectively, until the date on which it is provided that their effects cease, until their objects are attained or until they are replaced or repealed.

They are deemed to be by-laws, resolutions or acts of Ville de Longueuil.

Every act performed by a regional county municipality referred to in the first paragraph retains its effects, in respect of each of the sectors of Ville de Longueuil to which that paragraph applies, to the extent that the act remains expedient.

289. Any person who held office as a member of the provisional council of Ville de Mont-Joli and whose term of office was not renewed at the first general election the polling for which took place in that town on 2 December 2001 shall receive, from the latter, compensation equivalent to the remuneration the person would have been entitled to receive up to the date on which the polling for the next regular election would have taken place in the former municipality on the council of which the person held office had the amalgamation of the territories of the former Ville de Mont-Joli and the former Municipalité de Saint-Jean-Baptiste not taken place.

The compensation provided for in the first paragraph shall cease to be paid to a person in respect of any period during which, beginning on 2 December 2001, the person holds office as a member of the council of a municipality in Québec.

For the purposes of sections 30.1 and 31 of the Act respecting the remuneration of elected municipal officers (R.S.Q., chapter T-11.001), any person eligible for compensation under the first paragraph is deemed to cease to be a member of the council of the former municipality only at the end of the period covered by the compensation.

290. Applications made under section 28 of the Regulation respecting retrospective adjustment of the assessment adopted by the Commission de la santé et de la sécurité du travail by resolution A-85-98 dated 17 September 1998 (1998, G.O. 2, 4156) by the cities of Montréal, Saguenay, Gatineau and Longueuil and by the Société de transport de la Ville de Québec, exercising the rights of the Communauté urbaine de Montréal and Ville de Saint-Léonard, the cities of Chicoutimi, Gatineau and Longueuil and the Société de transport de la Communauté urbaine de Québec, respectively, to which they succeeded, are not admissible, and Division II of Chapter V of the regulation does not apply.

291. Where the development plan in force in the territory of a local municipality does not yet take into account the governmental guidelines that are related to the objectives referred to in subparagraph 2.1 of the first paragraph of section 5 of the Act respecting land use planning and development (R.S.Q., chapter A-19.1) and that are complementary to the Act to amend the Act to preserve agricultural land and other legislative provisions in order to promote the preservation of agricultural activities (1996, chapter 26), the local municipality may not avail itself of the power provided for in subparagraph 4.1 of the second paragraph of section 113 of the Act respecting land use planning and development enacted by section 21, in respect of an agricultural zone established under the Act respecting the preservation of agricultural land and agricultural activities (R.S.Q., chapter P-41.1), before the coming into force of an interim control by-law containing a provision applicable in respect of that zone and adopted under that subparagraph by virtue of the reference provided in the second paragraph of section 64 of the Act respecting land use planning and development.

Where the development plan does not yet take into account those guidelines, the municipality may not avail itself, in respect of that agricultural zone, of any of the powers provided for in Divisions X and XI of Chapter IV of Title I of the Act respecting land use planning and development enacted by section 26.

292. Sections 87, 109, 124, 138 and 268 have effect from 1 November 2002.

Every awarding process in relation to a contract for professional services that has not been completed on the date mentioned in the first paragraph shall be continued under the provisions applicable before the effective date of the provisions mentioned in that paragraph.

293. The first regulatory amendment made under section 573.3.0.1 of the Cities and Towns Act (R.S.Q., chapter C-19), article 938.0.1 of the Municipal Code of Québec (R.S.Q., chapter C-27.1), section 112.1 of the Act respecting the Communauté métropolitaine de Montréal (R.S.Q., chapter C-37.01) and section 105.1 of the Act respecting the Communauté métropolitaine de Québec (R.S.Q., chapter C-37.02), as amended respectively by sections 89, 111, 125 and 139, is not subject to the provisions of Division III of the Regulations Act (R.S.Q., chapter R-18.1).

The first regulation made under section 100 of the Act respecting public transit authorities (2001, chapter 23), as amended by section 269, is not subject to the provisions of Division III of the Regulations Act.

Until the coming into force of the regulation referred to in the second paragraph, the first regulation made under section 573.3.0.1 of the Cities and Towns Act respecting the awarding of contracts for certain professional services applies for the awarding of such contracts by a public transit authority, which is deemed to be a municipal body for the purposes of that regulation.

294. Sections 130 and 262 to 265 have effect from 1 January 2002.

295. Sections 132, 133 and 143 have effect from 24 January 2002.

296. Sections 146 and 147 have effect in respect of any transfer under the Act respecting duties on transfers of immovables (R.S.Q., chapter D-15.1) made after 20 December 2001.

297. Notwithstanding section 300 of the Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2), any person who, on 13 June 2002, was a member of the council of a local municipality or a borough and was an employee or officer of a mandatary body of the municipality is not disqualified for the duration of his or her current term of office.

298. The periods referred to in the second paragraph of sections 162.1 and 512.4.1 of the Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2), enacted respectively by sections 157 and 198, exclude any day prior to 14 June 2002 for the purposes of any publicity expense other than a publicity expense that was already covered by the replaced paragraphs.

299. The report to be made by the chief electoral officer and the Commission de la représentation not later than 30 September 2002 pursuant to section 886 of the Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2), as amended by section 219, shall cover the period between 1 January 2001 and 31 March 2002.

300. The acts performed by the assessor of a local municipality in respect of a roll for which a regional county municipality designated as a rural regional county municipality had jurisdiction under section 5.1 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1) as it read before being amended by section 220, may not be declared invalid on the ground that the local municipality did not have jurisdiction in matters of assessment.

Notwithstanding section 5.1 of the Act respecting municipal taxation as amended by section 220, the assessor of a regional county municipality designated as a rural regional county municipality who, before 14 June 2002, performed acts in respect of a roll referred to in the first paragraph retains jurisdiction to perform the acts provided for by the Act respecting municipal taxation in respect of that roll. In such a case, notwithstanding that section 5.1, the regional county municipality has jurisdiction in matters of assessment in respect of that local municipality.

301. Sections 223 and 231 to 235 have effect for the purposes of any fiscal year from the fiscal year 2003.

302. Section 244 has effect from 20 December 2000.

303. Sections 247, 249 and 259 have effect from 21 June 2001.

Section 248 has effect from 20 December 2001.

304. Notwithstanding subparagraph 1 of the fourth paragraph of section 93 of the Act respecting public transit authorities (2001, chapter 23) enacted by section 266 and notwithstanding the second paragraph of section 101 of that Act enacted by section 270, the contracting party may be chosen by agreement in the case of a professional services contract entered into with the designer of preliminary or final plans and specifications or other documents of the same nature prepared before 14 June 2002 for additional or supervision work in relation to those plans and specifications or other documents, even if the contract relating to their design was not the subject of a call for tenders.

305. Every contract awarding process in progress on 14 June 2002 under a provision replaced by section 266 is continued in accordance with that provision, despite the provision having been replaced.

306. Section 273 has effect from 31 December 2001.

307. Section 274 has effect from 20 December 2001.

308. This Act comes into force on 14 June 2002.

Regulations and other acts

Gouvernement du Québec

O.C. 866-2002, 10 July 2002

Highway Safety Code
(R.S.Q., c. C-24.2)

Transportation of Dangerous Substances

Transportation of Dangerous Substances Regulation

WHEREAS, under section 622 of the Highway Safety Code (R.S.Q., c. C-24.2), the Government may make regulations on the matters mentioned therein;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Transportation of Dangerous Substances Regulation was published in Part 2 of the *Gazette officielle du Québec* of 15 May 2002 with a notice that it could be made by the Government upon the expiry of 45 days following that publication;

WHEREAS the comments received have been studied;

WHEREAS it is expedient to make the Regulation with amendments;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Transport:

THAT the Transportation of Dangerous Substances Regulation, attached to this Order in Council, be made.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

Transportation of Dangerous Substances Regulation

Highway Safety Code
(R.S.Q., c. C-24.2, s. 622, subpars. 1 to 8)

DIVISION I
DEFINITIONS AND GENERAL

1. In this Regulation,

"consignor" means a person who offers dangerous substances for transport (*expéditeur*);

"farm vehicle" means any farm machinery, farm trailer, farm tractor, or farm motor vehicle as defined in the Regulation respecting road vehicle registration made by Order in Council 1420-91 dated 16 October 1991 (*véhicule agricole*);

"handling" means the operations of loading, unloading, putting into containers, and packing dangerous substances transported, or to be transported, on a public highway (*manutention*);

"operator" means the operator of heavy vehicles within the meaning of subparagraph 2 of the first paragraph of section 2 of the Act respecting owners and operators of heavy vehicles (R.S.Q., c. P-30.3) (*exploitant*);

"tank truck" means any highway tank described in CSA Standard B620-98: Highway Tanks and Portable Tanks for the Transportation of Dangerous Goods, as amended, such as a single unit truck carrying a cargo tank, a tractor and semi-trailer tank or a combination of these vehicles (*camion-citerne*); and

"Transportation of Dangerous Goods Regulations" means the Transportation of Dangerous Goods Regulation made by Order in Council P.C. 2001-1366 dated 1 August 2001, SOR/2001-286, dated 1 August 2001, and published in the *Canada Gazette*, Part II, on 15 August 2001 (*Règlement sur le transport des marchandises dangereuses*).

Subject to the first paragraph, the definitions and abbreviations contained in the Transportation of Dangerous Goods Act (Statutes of Canada, 1992, chapter 34) and the Transportation of Dangerous Goods Regulations, as they read on 15 August 2002 apply to this Regulation, except the definitions of "inspector," "minister," and "order."

Where there is a conflict between the provisions of the Transportation of Dangerous Goods Regulations and those of this Regulation, the latter shall apply.

2. This Regulation applies to dangerous substances transported, or to be transported, on public highways, particularly the handling and offering for transport of these substances.

3. The safety standards and safety requirements referred to in section 1.3 and Schedules 1, 2 and 3 to the Transportation of Dangerous Goods Regulations apply to this Regulation.

4. Sections 1.5 to 1.29 and 1.31 to 1.47 of the Transportation of Dangerous Goods Regulations apply to this Regulation.

5. Despite the exemption provided for in sections 1.21 and 1.22 of the Transportation of Dangerous Goods Regulations for a farm vehicle or a vehicle used for farming purposes, as of 15 August 2004, it is prohibited to transport petroleum products in the large means of containment referred to in section 22 of this Regulation unless they comply with that section.

6. Despite the exemptions provided for in section 1.35 of the Transportation of Dangerous Goods Regulations, it is prohibited to transport the petroleum products referred to therein unless the large means of containment are being transported in a single-unit vehicle whose total gross mass does not exceed its load-carrying capacity.

DIVISION II
CLASSIFICATION OF DANGEROUS SUBSTANCES AND CONTAMINATED SOIL

7. Any substance designated dangerous goods within the meaning of the Transportation of Dangerous Goods Act or the Transportation of Dangerous Goods Regulations is a dangerous substance.

8. A dangerous substance belongs to the class assigned to it in accordance with Schedule 1 or Part 2 of the Transportation of Dangerous Goods Regulations.

9. For the purposes of sections 11, 17 and 18 of this Regulation, contaminated soil is soil whose properties correspond to criterion B or C in the Soil Protection and Contaminated Sites Rehabilitation Policy of the Ministère de l'Environnement.

10. Before offering any dangerous substance for transport, the consignor must classify it in accordance with subsections (1) to (5) of section 2.2 of the Transportation of Dangerous Goods Regulations.

11. Before offering contaminated soil for transport, the consignor must classify it in accordance with the Soil Protection and Contaminated Sites Rehabilitation Policy of the Ministère de l'Environnement or, if applicable, in accordance with Part 2 of the Transportation of Dangerous Goods Regulations.

DIVISION III
SHIPPING DOCUMENTS

12. The shipping documents prescribed by sections 3.1, 3.2, 3.4, 3.7, 3.10 and 3.11 of the Transportation of Dangerous Goods Regulations apply to this Regulation.

13. The minimum information that the shipping document must contain is that prescribed in sections 3.5 and 3.6 of the Transportation of Dangerous Goods Regulations.

DIVISION IV
SAFETY MARKS

14. The safety marks that must be displayed on dangerous substances means of containment and the standards for displaying them are those prescribed in Part 4 of the Transportation of Dangerous Goods Regulations.

DIVISION V
MEANS OF CONTAINMENT

15. No one may handle, offer for transport or transport dangerous substances in a means of containment unless the means of containment complies with the provisions of Part 5 of the Transportation of Dangerous Goods Regulations.

DIVISION V.I
CONTAMINATED SOIL

16. Contaminated soil corresponding to the criteria of one or more classes of Part 2 of the Transportation of Dangerous Goods Regulations must be transported in a watertight means of containment that complies with the means of containment requirements for solid dangerous substances prescribed by sections 5.1 to 5.6 and 5.12 to 5.15 of the Transportation of Dangerous Goods Regulations.

17. Contaminated soil with a level of contamination falling within the B and C criteria of the Soil Protection and Contaminated Sites Rehabilitation Policy of the Ministère de l'Environnement must be transported either in a closed means of containment or body or in a dump vehicle with an impermeable tarpaulin retaining the load inside the vehicle.

To the extent that liquids may be released from such soil, the means of containment or body must be watertight.

18. Soil with a level of contamination equal to or higher than the C criterion of the Soil Protection and Contaminated Sites Rehabilitation Policy of the Ministère de l'Environnement must be transported either in a closed means of containment or in a dump vehicle that is equipped with a waterproof tarpaulin completely covering the top of the body and the load. In the latter case, the tarpaulin must be installed in such a manner as to prevent rain or snow from reaching the load or causing contaminant release or leakage.

To the extent that liquids may be released from such soil, the container or body must be watertight.

DIVISION V.II
PETROLEUM PRODUCTS

19. This division applies to the Class 3 petroleum products listed below:

Shipping Name	UN Number	Packing Group
Aviation Fuel	UN1863	I, II or III
Gasoline; Motor Spirit; or Petrol	UN1203	II
Diesel Fuel; Fuel Oil or Light Heating Oil	UN1202	III
Petroleum Products, N.O.S.; or Petroleum Distillates, N.O.S.	UN1268	I, II or III

20. The handling and transportation of petroleum products must comply with the requirements stipulated in sections 21 to 30 in addition to the requirements of the safety standards prescribed in Part 5 of the Transportation of Dangerous Goods Regulations.

21. Subject to section 15, petroleum products may be loaded for transport in small means of containment with a capacity of 450 litres or less complying with CAN/CGSB Standard 43.150-97 or one of the equivalent standards listed in Table 1 of Schedule 1.

22. It is prohibited to load petroleum products for transportation in large means of containment with a capacity of more than 450 litres but not more than 3 000 litres except if such means of containment meet the requirements of Part 5 of the Transportation of Dangerous Goods Regulation.

23. It is prohibited to load for transport or to transport petroleum products unless they are loaded in

(1) a TC406 tank truck complying with CSA Standard B620-98; or

(2) one of the equivalent tank trucks listed in Table 1 of CSA Standard B621-98 that have undergone all the tests prescribed under Clause 5.4 of that standard, including periodic repeat tests.

24. It is prohibited to transport petroleum products in a tank truck unless there are two wheel chocks on board.

25. The tank and the tank truck's chassis must be coupled to ensure electrical conduction. The tank truck must be equipped with a grounding plug. The tank truck's electrical wiring must be encased in plastic tubes compatible with petroleum products.

A tank truck's lighting and power circuits must be in good condition, and fused and protected so that a short circuit or sparking is not likely to occur.

Switches must be liquid tight and vaportight with respect to petroleum products.

26. It is prohibited to transport petroleum products with different UN numbers in a compartmentalized tank truck at the same time unless there is a free space between each compartment. The capacity of the compartments of a compartmentalized tank truck used to transport gasoline (UN1203) or aviation fuel (UN1863) must not exceed 16 000 litres.

It is prohibited to discharge two or more petroleum products with different UN numbers by pumping unless a separate unloading system is used for each product. Shutoff valves and safety valves must remain closed at all times except during delivery.

27. The owner of a tank truck used to transport petroleum products must have one or two dry chemical fire extinguishers with an effective total rating of at least 20 BC installed near the tank.

The owner of a tank truck or vehicle used to transport petroleum product means of containment must have a fire extinguisher with an effective total rating of at least 5 BC installed in its bracket in a conspicuous place in the truck's cab or affixed outside the cab.

The owner must have fire extinguishers immediately recharged after each use and shall have them inspected each year in accordance with the North American Standard NFPA 10: Standard for Portable Fire Extinguishers. An inspection sticker must be placed on the extinguisher.

28. The driver of a tank truck must apply the parking brake and set two chock blocks to ensure the truck does not move during the loading and unloading of petroleum products. Wheel chocks are not necessary when unloading light heating oil (UN1202) unless the truck is parked on a slope.

29. Where the tank truck is not supervised by a person holding a training certificate in accordance with Part 6 of the Transportation of Dangerous Goods Regulations, the driver must detach the handle of the safety valve and place it under lock and key, or lock the valve or valve cabinet, and remove the ignition key to another location away from the tank truck.

30. The driver of a tank truck may not use it to fill a means of containment or the tank of a road vehicle except to refill the permanent tank of a heating system with light heating oil (UN 1202).

DIVISION V.III
LIQUEFIED PETROLEUM GAS

31. The handling and transportation of any Class 2 liquefied petroleum gas referred to below shall comply with the specifications set out in Part 5.6 and clauses 6.21.1, 6.21.3, 6.21.4, 7.6.1, 7.6.2, 7.11.1, 7.11.2 and 7.12.1 of CSA Standard B149.2-00: Propane Storage and Handling Code, including subsequent amendments to the 2000 edition, in addition to complying with the safety requirements prescribed in sections 5.1, 5.2, 5.4, 5.5, and 5.10 of the Transportation of Dangerous Goods Regulations.

Shipping Name	UN Number
Butane	UN1011
Butylene	UN1012
Isobutane	UN1969
Propane	UN1978
Propylene	UN1077

DIVISION VI
TRAINING

32. Sections 6.1 to 6.6 of Part 6 of the Transportation of Dangerous Goods Regulations apply to this Regulation.

DIVISION VII
EMERGENCY RESPONSE ASSISTANCE PLAN

33. The emergency response assistance plan reference number referred to in section 3.6 of the Transportation of Dangerous Goods Regulations applies to this Regulation.

DIVISION VIII
EMERGENCIES

34. A person who is responsible for dangerous substances at the time of an accidental release or imminent accidental release must immediately report the emergency to the local police in accordance with Part 8 of the Transportation of Dangerous Goods Regulations.

DIVISION IX
CROSS-BORDER AND INTERMODAL TRANSPORT

35. The safety requirements effective in the United States may be applied to cross-border road transportation of dangerous substances in accordance with Part 9 of the Transportation of Dangerous Goods Regulations.

36. Safety requirements applicable to other modes of transport may be applied to road transportation of dangerous substances by those modes in accordance with Part 9 of the Transportation of Dangerous Goods Regulations.

DIVISION X
SAFETY STANDARDS AND REQUIREMENTS

37. It is prohibited to transport gas cylinders in a road vehicle unless the cylinders are secured in a standing position in such a manner that they will not move during transport. Each cylinder shall either be fitted with a valve protection cap or a permanent protective device attached to it.

All the other goods in the vehicle must also be firmly secured to ensure that no item will damage the gas cylinders.

38. It is prohibited to transport dangerous substances in a road vehicle unless the substances are secured to the vehicle. All the other goods in the vehicle that do not contain dangerous substances must also be secured to ensure that no item will damage the dangerous substances means of containment.

39. The transportation of dangerous substances by a double train tank truck must be in a Type B double train within the meaning of subparagraph 8 of the first paragraph of section 4 of the Vehicle Load and Size Limits Regulation made by Order in Council 1299-91 dated 18 September 1991.

It is prohibited to use

(1) a Type A or C double train within the meaning of subparagraph 9 and clause *b* of subparagraph 8 of the first paragraph of section 4 of the Vehicle Load and Size Limits Regulation for the transportation of dangerous substances by tank truck within the meaning of the Regulation respecting special permits made by Order in Council 1444-90 dated 3 October 1990; or

(2) a road train with an overall length of more than 25 metres for the transportation of dangerous substances.

40. As of 15 August 2004, a tank truck transporting dangerous substances must be equipped with a speed recording system capable of recording the date and the time the speed was recorded.

41. It is prohibited to transfer dangerous substances from one tank truck to another except in the case of accidental release or an emergency. The tank trucks containing flammable substances must be connected to one another by a ground wire.

42. The driver of a tank truck that contains flammable substances or vapors of flammable substances must ensure that no person smokes or lights a flame inside the truck cab regardless of whether the truck is in motion or not. During loading and unloading, the driver must ensure that no person smokes or lights a flame within 8 metres of the truck.

DIVISION XI
REQUIREMENTS APPLYING TO THE USE OF TUNNELS

43. It is prohibited to travel in the Louis-Hippolyte-Lafontaine tunnel, the Ville-Marie and Viger tunnels in Montréal, the Joseph-Samson tunnel in Québec City and the part of the approach to the Melocheville tunnel that is parallel to the lane reserved for vehicles transporting dangerous substances

(1) with a road vehicle on which placards must be displayed in accordance with Part 4 of the Transportation of Dangerous Goods Regulations unless it is carrying only Class 9 dangerous substances;

(2) with a road vehicle transporting a total of more than 25 litres of a Class 3 flammable liquid;

(3) with a road vehicle transporting or using Class 2.1 flammable gas cylinders or Class 2.3 (2.1), 2.2 (5.1) or 2.3 (5.1) oxidizing gas, unless these substances are contained in at most two cylinders with a water capacity of 46 litres or less each; or

(4) with a road vehicle equipped with working equipment that produces a naked flame.

The first paragraph does not apply

(1) when the fuel is used for the propulsion of the vehicle and is contained in one or more tanks designed for that purpose by the vehicle manufacturer;

(2) when the flammable liquid is used for the air conditioning of the vehicle or the load space and is contained in a tank designed for that purpose by the air conditioning manufacturer;

(3) when the flammable liquid is intended for the operation of equipment whose tank capacity does not exceed 75 litres and the flammable liquid is contained in a tank designed for that purpose by the vehicle or equipment manufacturer;

(4) to emergency vehicles within the meaning of section 4 of the Highway Safety Code;

(5) to cranes equipped with a second diesel fuel tank installed by the crane manufacturer; however, only one propane cylinder with a maximum capacity of 46 litres may be used for the air conditioning of the crane's cab and the cylinder must be located above the level of the wheels; and

(6) to maintenance vehicles used inside tunnels or at the entrances to and exits from the tunnels.

DIVISION XII
PENAL

44. Any violation of sections 28, 29 and 30 of this Regulation constitutes an offence liable to a fine of $90 to $270 for the driver.

45. Any violation of sections 14, 31, 32 and 42 of this Regulation concerning the application of sections 4.9, 4.15 to 4.20, 6.1, 6.2, 6.4 and 6.5 or the requirements of Schedule 2 to the Transportation of Dangerous Goods Regulations constitutes an offence liable to a fine of $175 to $525 for the driver.

46. Any violation of sections 34 and 43 of this Regulation concerning the application of sections 3.7 and 8.1 or the requirements of Schedule 2 to the Transportation of Dangerous Goods Regulations constitutes an offence liable to a fine of $350 to $1050 for the driver.

47. Any violation of sections 24, 25 and 27 of this Regulation constitutes an offence liable to a fine of $175 to $525 for the owner.

48. Any violation of section 40 of this Regulation constitutes an offence liable to a fine of $700 to $2100 for the owner.

49. Any violation of sections 17 and 18 of this Regulation constitutes an offence liable to a fine of $175 to $525 for the operator.

50. Any violation of sections 4, 5, 6, 12, 14, 15, 16, 23, 34, 37 to 39 and 41 of this Regulation concerning the application of sections 1.5 to 1.8, 3.2, 3.7, 3.10, 3.11, 4.1, 4.5 to 4.9, 4.15 to 4.20, 5.1, 5.2, 5.4 to 5.17 and 8.1 or the requirements of Schedule 2 to the Transportation of Dangerous Goods Regulations constitutes an offence liable to a fine of $700 to $2100 for the operator.

51. Any violation of sections 11, 13, 17, 18, 35 and 36 of this Regulation concerning the application of sections 3.1, 3.5, 3.6 and 9.1 to 9.4 or the requirements of Schedule 2 to the Transportation of Dangerous Goods Regulations constitutes on offence liable to a fine of $175 to $525 for the consignor.

52. Any violation of sections 4, 5, 10, 12, 14, 15, 16, 23, 33 and 34 of this Regulation concerning the application of sections 1.5 to 1.8, 2.2, 3.1, 3.4 to 3.6, 3.11, 4.1, 4.3, 4.4, 4.6 to 4.8, 4.10 to 4.20, 4.22, 5.1, 5.2, 5.4 to 5.17, 7.1, 7.2 and 8.1 or the requirements of Schedule 2 to the Transportation of Dangerous Goods Regulation constitutes an offence liable to a fine of $700 to $2100 for the consignor.

53. Any violation of sections 21, 22, 26, 31 to 32 of this Regulation concerning the application of sections 5.1, 5.2, 5.4 to 5.6, 5.12 to 5.15, 6.1 to 6.4 and 6.6 or the requirements of Schedule 2 constitutes an offence liable to a fine of $350 to $1050 for the consignor or operator.

DIVISION XIII
FINAL

54. This Regulation replaces the Transportation of Dangerous Substances Regulation made by Order in Council 674-88 dated 4 May 1988.

55. This Regulation comes into force on 15 August 2002.

SCHEDULE 1

Table 1 – Small Means of Containment Equivalents (s. 21)

Small means of containment volume	Types of small means of containment compliant with CAN/CGSB Standard 43.150-97	Equivalent standard for petroleum products
0 to 45 litres (plastic)	3H 1 3H 2	NFPA 30–1996 ASTM F 852 (gasoline) ANSI /UL 1313 CSA B376-M 1980 (R1998)
0 to 45 litres (metal)	3A1 3A2	CSA B376 M1980 (R1998)
46 to 227 litres (plastic)	1H 1 1H 2	NFPA 30-1996
46 to 227 litres (metal)	1A 1 1A 2	NFPA 30-1996
228 to 450 litres	1A 1 1A 2	NFPA 30-1996 NFPA 386 ULC/ORD-C142.13-M1997

Note: The upper part of a small means of containment with a capacity of 228 to 450 litres must be fitted with a safety mechanism to limit internal pressure to the lower of the following values:

- 79 kilopascals; or
- 30% of burst pressure.

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Municipal Affairs

Gouvernement du Québec

O.C. 857-2002, 10 July 2002

An Act respecting municipal territorial organization (R.S.Q., c. O-9)

Amendment to the letters patent establishing Municipalité régionale de comté des Moulins

WHEREAS Municipalité régionale de comté des Moulins was established on 1 January 1981 by letters patent issued under the Act respecting land use planning and development (R.S.Q., c. A-19.1);

WHEREAS, under section 210.39 of the Act respecting municipal territorial organization (R.S.Q., c. O-9), rendered applicable to that regional county municipality by section 109 of the Act to amend the Act respecting municipal territorial organization and other legislative provisions (1993, c. 65), the Government may, at the request of a regional county municipality, amend the letters patent with regard to the number of representatives, the number of votes, the power of veto or the majority required for the election of the warden;

WHEREAS the council of Municipalité régionale de comté des Moulins adopted Resolution 4352-08-01 on 14 August 2001, requesting the Government to amend its letters patent with regard to the number of representatives on the council of the regional county municipality;

WHEREAS it is expedient to amend the letters patent of Municipalité régionale de comté des Moulins;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Municipal Affairs and Greater Montréal:

THAT the letters patent establishing Municipalité régionale de comté des Moulins be amended by substituting the following for the third and fourth paragraphs of the operative part:

"The number of representatives of a municipality on the council of Municipalité régionale de comté des Moulins shall be determined in the following manner:

— from	0	to	7 999	inhabitants:	1 representative;
— from	8 000	to	15 999	inhabitants:	2 representatives;
— from	16 000	to	25 999	inhabitants:	3 representatives;
— from	26 000	to	40 000	inhabitants:	4 representatives;
— from	40 001	to	60 000	inhabitants:	5 representatives; and
— from	60 001	to	80 000	inhabitants:	6 representatives.

A municipality having a population larger than 80 000 inhabitants shall have one additional representative.".

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

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Gouvernement du Québec

O.C. 858-2002, 10 July 2002

An Act respecting municipal territorial organization (R.S.Q., c. O-9)

Amalgamation of Ville de Cookshire, Municipalité d'Eaton and Canton de Newport

WHEREAS, under section 125.2 of the Act respecting municipal territorial organization (R.S.Q., c. O-9), the Government, by Order in Council 1169-2001 dated 3 October 2001, as corrected by Order in Council 1318-2001 dated 7 November 2001, authorized the Minister of Municipal Affairs and Greater Montréal to require that the municipalities file a joint application for amalgamation;

WHEREAS, on 10 October 2001, the Minister required that the municipalities file a joint application for amalgamation and appointed Pierre La Rochelle as conciliator to assist them;

WHEREAS the Minister did not receive the joint application for amalgamation within the time the Minister prescribed;

WHEREAS the conciliator reported on the situation to the Minister;

WHEREAS it is expedient, under section 125.11 of the Act, to order the constitution of a local municipality;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Municipal Affairs and Greater Montréal:

THAT a local municipality be constituted through the amalgamation of Ville de Cookshire, Municipalité d'Eaton and Canton de Newport, in accordance with the following provisions:

CHAPTER I
CONSTITUTION OF THE TOWN

1. The name of the new town shall be "Ville de Cookshire-Eaton".

The provisional council shall contact the Commission de toponymie du Québec as soon as possible after the coming into force of this Order in Council in order to have the names of the former municipalities attributed to the sectors made up of the territory of the former municipalities and that the name of the sector known as Lawrence Colony remain the same.

2. The territorial description of the town shall be the description drawn up by the Minister of Natural Resources on 22 April 2002 that appears as Schedule A.

3. The town shall be governed by the Cities and Towns Act (R.S.Q., c. C-19).

4. The territory of the town shall be part of Municipalité régionale de comté du Haut-Saint-François.

CHAPTER II
ORGANIZATION OF THE TOWN

DIVISION I
TERRITORIAL DIVISION

5. A borough is constituted within the territory of the town, under the name "Borough of Newport", for the exercise of certain of its fields of jurisdiction; that borough corresponds to the territory of the former Canton de Newport.

6. The borough is deemed to be recognized in accordance with section 29.1 of the Charter of the French language (R.S.Q., c. C-11). The borough shall retain that recognition until, at its request, the recognition is withdrawn by the Government pursuant to section 29.1 of the Charter.

Officers or employees of the town who exercise their functions or perform work in connection with the powers of the borough are, for the purposes of sections 20 and 26 of the Charter, deemed to be officers or employees of that borough.

DIVISION II
TOWN COUNCIL AND BOROUGH COUNCIL

7. The affairs of the town shall be administered, in accordance with the apportionment of the powers and jurisdiction provided by this Order in Council, by the town council or, as the case may be, by the borough council.

8. The borough council is, as regards the exercise of its jurisdiction, subject to the rules provided for in the Cities and Towns Act (R.S.Q., c. C-19) with respect to a municipal council, in particular the rules pertaining to the public nature of the council's meetings.

9. The town council shall be composed of the mayor, elected by the municipal voters, and of the municipal councillors, elected by the voters of each electoral district.

10. The borough council is made up of the municipal councillor that represents the electoral district constituted by the borough and two borough councillors elected by the voters of that electoral district. The municipal councillor is the chair of the borough.

The offices of borough councillor shall be numbered from 1 to 10.

A borough councillor is an elected municipal officer.

11. Subject to this Order in Council, the Act respecting elections and referendums in municipalities (R.S.Q., c. E-2.2) shall apply, adapted as required, to the office and election of the mayor and any municipal or borough councillor.

For the purposes of section 47 of the Act, the domicile of a person, the immovable of which the person is the owner or the business establishment of which the person is the occupant must be located within the territory of the borough for the purposes of the election of borough councillors.

12. Polling for the first general election shall be held on 3 November 2002. The second general election shall be held in 2005.

13. For the purposes of the first general election, the territory of the town shall be divided into eight electoral districts the description of which appears in Schedule B.

Every division into electoral districts shall provide that the borough constitutes one of the districts.

14. The town council shall fix the remuneration and allowance of borough councillors in accordance with the Act respecting the remuneration of elected municipal officers (R.S.Q., c. T-11.001).

15. For the purposes of the Act respecting the Pension Plan of Elected Municipal Officers (R.S.Q., c. R-9.3), borough councillors are deemed to be members of the town council.

16. The town is the employer of all its officers and employees, whether they exercise their functions or perform work in connection with responsibilities under the authority of the town or in connection with responsibilities under the authority of the borough council, and decisions relating to their hiring and dismissal, and negotiation of their conditions of employment shall be within the authority of the town council.

17. The town council shall determine the staff required for the management of the borough.

18. The town council may, subject to the conditions it determines, provide the borough council with a service related to a jurisdiction of the borough council; the resolution of the town council shall take effect on adoption by the borough council of a resolution accepting the provision of services.

19. The borough council may submit opinions and make recommendations to the town council on the budget, the establishment of budgetary priorities, the preparation or amendment of the planning program, amendments to planning by-laws, or any other subject submitted to it by the town council.

CHAPTER III
PROVISIONAL COUNCIL

20. The town council shall fix the annual staffing requirements for the borough based on a formula it determines.

21. Until a majority of the candidates elected in the first general election takes office, the town shall be administered by a provisional council made up of the mayor and three council members from each former municipality. The mayors of the former Municipalité d'Eaton, the former Ville de Cookshire and the former Canton de Newport shall alternate as mayor of the provisional council for equal periods of time. The mayor of the former Municipalité d'Eaton shall act as mayor first, followed in turn by the mayor of the former Ville de Cookshire, and the mayor of the former Canton de Newport.

The following are the members of the provisional council:

For the former Ville de Cookshire:

Ms. Lucette Mignault, mayor
Mr. Ghislain Chauveau, councillor
Mr. Marcel Shank, councillor
Mr. Martin Binette, councillor

For the former Municipalité d'Eaton:

Mr. Bertrand Landry, mayor
Mr. Patrice Dodier, councillor
Mr. Jean-Paul Gendron, councillor
Mr. Jean-Luc Saint-Laurent, councillor

For the former Canton de Newport:

Mr. Normand Potvin, mayor
Mr. Malcolm Burns, councillor
Ms. Anne-marie Dubeau, councillor
Mr. Louis-Philippe Lapointe, councillor

22. If a seat on the provisional council is vacant at the time of coming into force of this Order in Council or becomes vacant during the term of the provisional council, an additional vote shall be granted to the mayor of the municipality of origin of the council member whose seat has become vacant.

Should the vacant seat be that of a mayor, the mayor's vote shall be allotted to the councillor who was acting mayor of the same former municipality before the coming into force of this Order in Council; should the acting mayor's seat also be vacant, the vote shall be allotted to a provisional council member from that former municipality and designated by the other provisional council members from that former municipality.

23. For the term of the provisional council, the mayors of the former municipalities shall continue to be eligible to carry out any other duties related to the regional county municipality, the Municipalité régionale de comté du Haut-Saint-François.

24. The by-law on remuneration for elected officers of the former Municipalité d'Eaton shall apply to the members of the provisional council. The mayor of a former municipality shall continue to receive the mayoral remuneration provided for in the by-law of that municipality.

25. Council members of one of the former municipalities whose term end for the sole reason that the municipality has ceased to exist, may receive the same remuneration they were receiving on 1 November 2001, until 3 November 2002.

Expenses related to the remuneration of elected officers who are not members of the provisional council shall be payable by the town in the first fiscal year of the town.

This section ceases to apply if the council member of a former municipality is elected in another municipality during the time the member is entitled to receive the remuneration referred to in the first paragraph.

26. A majority of the members in office at any time shall constitute the quorum for the provisional council meetings.

27. The first sitting of the provisional council shall be held at the Centre communautaire de Johnville.

28. Mr. André Croisetière, secretary-treasurer of the former Ville de Cookshire shall be the town clerk.

CHAPTER IV
FISCAL

29. If a budget was adopted by a former municipality for the fiscal year in which this Order in Council comes into force:

(1) the budget shall remain applicable;

(2) the expenditures and revenues of the town, for the remaining part of the fiscal year in which this Order in Council comes into force, shall continue to be accounted for separately on behalf of each of the former municipalities as if the amalgamation had not taken place;

(3) an expenditure recognized by the town council as resulting from the amalgamation shall be charged to the former municipality, based on its standardized property value in proportion to the total values of the former municipalities, as they appear on the financial statements of the former municipalities for the fiscal year preceding the year in which this Order in Council comes into force; and

(4) the subsidy paid for the first year of the amalgamation under the Programme d'aide financière au regroupement municipal (PAFREM), after deducting the expenditures recognized by the council under paragraph 3 and financed by the subsidy, shall constitute a reserve to be paid into the general working fund of the town for the first fiscal year for which it adopts a budget for the entire territory it covers.

30. Subject to section 29, the subsidy granted under the Programme d'aide financière au regroupement municipal (PAFREM) shall be paid into the general fund of the town.

31. The working fund of the former Ville de Cookshire shall be abolished at the end of the fiscal year for which the former municipalities adopted separate budgets. The available balance shall be added to the accumulated surplus on behalf of that former town.

The new town shall constitute a working fund of $100,000 in accordance with the following:

To constitute the working fund, an annual amount of $20,000 shall be taken from the general fund of the town for the first five fiscal years following the coming into force of this Order in Council.

32. Any surplus accumulated on behalf of a former municipality at the end of the last fiscal year for which the former municipalities adopted separate budgets shall be used for the benefit of the ratepayers of that former municipality, either to carry out public works in the sector made up of the territory of that former municipality, to reduce taxes for all the taxable immovables located therein or to repay any debt charged to the sector.

Surplus amounts reserved for specific purposes by a resolution adopted by the council of a former municipality shall be used for the specified purposes for the benefit of the former municipality on behalf of which the amounts were accumulated, in accordance with the provisions of the first paragraph.

33. Any deficit accumulated on behalf of a former municipality at the end of the last fiscal year for which a separate budget was adopted shall continue to be charged to all the taxable immovables of the sector made up of that former municipality.

34. The annual repayment in principal and interest of the loans under by-laws 353, 360 and 414 of the former Ville de Cookshire shall be charged to all the taxable immovables based on their value appearing on the assessment roll in effect each year. The tax clause provided for in the by-laws shall be amended accordingly.

35. The annual repayment in principal and interest of all the loans made under by-laws adopted by a former municipality not referred to in section 34, before the coming into force of this Order in Council, shall be charged to the former municipality that contracted those loans, in accordance with the tax clauses provided for in the by-laws. If the town decides to amend the tax clauses in accordance with the law, the amendments may only

apply to the taxable immovables located in the sector made up of the territory of the former municipality that adopted the by-law.

36. For each of the six first fiscal years following the last fiscal year for which the former municipalities adopted separate budgets, the general property tax credit shall be granted annually to all taxable immovables of the sector made up of the territory of the former Canton de Newport; this credit is calculated according to the following rates:

— First fiscal year: $0.15 per $100 assessment;
— Second fiscal year: $0.12 per $100 assessment;
— Third fiscal year: $0.10 per $100 assessment;
— Fourth fiscal year: $0.08 per $100 assessment;
— Fifth fiscal year: $0.05 per $100 assessment;
— Sixth fiscal year: $0.02 per $100 assessment.

37. For each of the six first fiscal years following the last fiscal year for which the former municipalities adopted separate budgets, the general property tax credit shall be awarded annually to all taxable immovables of the sector made up of the territory of the former Municipalité d'Eaton; this credit is calculated according to the following rates:

— First fiscal year: $0.06 per $100 assessment;
— Second fiscal year: $0.05 per $100 assessment;
— Third fiscal year: $0.04 per $100 assessment;
— Fourth fiscal year: $0.03 per $100 assessment;
— Fifth fiscal year: $0.02 per $100 assessment;
— Sixth fiscal year: $0.01 per $100 assessment.

38. For each of the six first fiscal years following the last fiscal year for which the former municipalities adopted separate budgets, a special property tax shall be imposed and levied on all taxable immovables of the sector made up of the territory of the former Ville de Cookshire, on the basis of their value as it appears on the assessment roll in effect each year; the following rates shall apply:

— First fiscal year: $0.25 per $100 assessment;
— Second fiscal year: $0.20 per $100 assessment;
— Third fiscal year: $0.16 per $100 assessment;
— Fourth fiscal year: $0.12 per $100 assessment;
— Fifth fiscal year: $0.08 per $100 assessment;
— Sixth fiscal year: $0.04 per $100 assessment.

39. Subject to Division III.4 of Chapter XVIII of the Act respecting municipal taxation (R.S.Q., c. F-2.1), the business tax rate applicable to the sector made up of the former Ville de Cookshire at the end of the last fiscal year for which the former municipalities adopted separate budgets shall apply exclusively to the business establishments in the sector made up of the territory of Ville de Cookshire for the first full fiscal year following the coming into force of this Order in Council.

40. Any debt or gain that may result from legal proceedings for any act performed by a former municipality including any insurance rate increase related to such acts shall continue to be charged or credited to all the taxable immovables of the sector made up of the territory of that former municipality.

41. All movables and immovables belonging to the former municipalities shall become the property of the new town.

42. To the extent permitted by law and its budget, the town shall continue to support and subsidize, for the next 10 years, the non-profit recreational and local organizations that were already supported by a former municipality.

43. The combined property assessment rolls of the former Municipalité d'Eaton and the former Ville de Cookshire drawn up for the 2001, 2002 and 2003 fiscal years and the property assessment roll of the former Canton de Newport drawn up for the 2002, 2003 and 2004 fiscal years shall constitute the property assessment roll of the new town from the date of coming into force of this Order in Council until 31 December 2002.

Notwithstanding section 119 of the Act respecting municipal territorial organization, no adjustment shall be made to the property assessment rolls for the 2002 fiscal year.

With respect to an entry on the property assessment roll of the town before 1 January 2003, it is considered that for the purpose of establishing the actual value entered on the roll, the respective property market conditions of each of the assessment rolls referred to in the first paragraph, as they existed on 1 July of the second fiscal year preceding the coming into effect of those rolls, were taken into account.

For the purposes of determining the property market conditions on the date referred to in the third paragraph, the information related to the transfer of property that occurred before and after that date may be taken into account.

The reference date for the property market given in the third paragraph, for each roll referred to in the first paragraph, shall appear, where applicable, on any notice of assessment, tax account, notice of alteration to the roll or certificate of the assessor issued when updating of the roll.

The median proportion and the comparative factor of the town's assessment roll for the 2002 fiscal year that must appear, where applicable, on any notice of assessment, tax account, notice of alteration to the roll or certificate of the assessor issued when updating of the roll shall be those of the respective property assessment rolls referred to in the first paragraph.

44. The town's property assessment roll, amended in accordance with the second paragraph, shall remain in effect for the 2003 and 2004 fiscal years.

The values entered on the town's property assessment roll shall be adjusted, for the assessment units of the former Ville de Cookshire and the former Canton de Newport, by dividing them by the median proportion of their respective rolls for the 2002 fiscal year and then multiplying them by the median proportion of the property assessment roll of the former Municipalité d'Eaton for the 2002 fiscal year.

With respect to an entry on the property assessment roll of the town for the 2003 and 2004 fiscal years, it is considered that for the purpose of establishing the actual value entered on the roll, the property market conditions as they existed on 1 July 2000 were taken into account.

For the purposes of determining the property market conditions on 1 July 2000, the information related to the transfer of property that occurred before and after that date may be taken into account.

The date of 1 July 2000 shall appear, where applicable, on any notice of assessment, tax account, notice of alteration to the roll or certificate of the assessor issued when updating of the roll.

The median proportion and the comparative factor of the town's assessment roll for the 2003 and 2004 fiscal years that must appear, where applicable, on any notice of assessment, tax account, notice of alteration to the roll or certificate of the assessor issued when updating of the roll shall be respectively 101 and 0.99.

The first three-year property assessment roll for the town shall be drawn up for the 2005, 2006 and 2007 fiscal years in accordance with section 14 of the Act respecting municipal taxation.

45. The roll of rental values of the former Ville de Cookshire, drawn up for the 2001, 2002 and 2003 fiscal years, shall remain in effect from the date of coming into force of this Order in Council until 31 December 2002.

The third, fourth, fifth and sixth paragraphs of section 43 shall apply, adapted as required.

46. Should the town adopt a by-law under section 232 of the Act respecting municipal taxation, for the 2003 fiscal year, in respect of the business establishments located in the sector made up of the territory of the former Ville de Cookshire, the roll of rental values drawn up for the 2001, 2002 and 2003 fiscal years for that municipality shall remain in effect and shall constitute the roll of rental values of the new town for the 2003 fiscal year.

The third, fourth, fifth and sixth paragraphs of section 43 shall apply, adapted as required.

The first three-year roll of rental values for the town may be drawn up for the 2005, 2006 and 2007 fiscal years in accordance with section 14.1 of the Act respecting municipal taxation.

CHAPTER V
PLANNING BY-LAWS AND INTERMUNICIPAL AGREEMENTS

47. The second sentence of the second paragraph and the third and fourth paragraphs of section 126, the second paragraph of section 127, sections 128 to 133, the second and third paragraphs of section 134 and sections 135 to 137 of the Act respecting land use planning and development (R.S.Q., c. A-19.1) do not apply to a by-law adopted by the town in order to replace all the zoning and subdivision by-laws applicable to its territory by a new zoning by-law and a new subdivision by-law applicable to the entire territory of the town, provided that such a by-law comes into force within four years of the coming into force of this Order in Council.

Such a by-law shall be approved, in accordance with the Act respecting elections and referendums in municipalities, by the qualified voters of the entire territory of the new town.

48. The terms and conditions for apportioning the cost of shared services provided for in intermunicipal agreements in effect before the coming into force of this Order in Council shall apply until the end of the last fiscal year for which the former municipalities adopted separate budgets.

CHAPTER VI
FINAL

49. This Order in Council comes into force on the date of its publication in the *Gazette officielle du Québec*.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

SCHEDULE A

OFFICIAL DESCRIPTION OF THE TERRITORIAL BOUNDARIES OF VILLE DE COOKSHIRE-EATON IN MUNICIPALITÉ RÉGIONALE DE COMTÉ DU HAUT-SAINT-FRANÇOIS

The territory of Ville de Cookshire-Eaton, in Municipalité régionale de comté du Haut-Saint-François, following the amalgamation of Canton de Newport, Municipalité d'Eaton and Ville de Cookshire, comprises all the lots of the cadastre of the townships of Eaton, Newport and the cadastre of Québec, travelways, hydrographic and topographic entities, built-up sites or parts thereof within the perimeter starting at the apex of the northeastern angle of Lot 28 of Rang 1 of the cadastre of Canton de Newport and running along, successively, the following lines and demarcations: southerly, part of the dividing line between the cadastres of the townships of Newport and Ditton, that line crossing Route 212 and Rivière Eaton Nord that it meets; westerly, successively, the dividing line between the cadastres of the townships of Newport and Eaton and the cadastres of the townships of Auckland, Clifton and Compton, then the southern limit of lots 2 132 160, 2 129 338, 2 132 066, 2 129 336, 2 132 065, 2 129 334, 2 132 163, 2 132 188, 2 129 112, 2 132 074, 2 132 191 and 2 340 659 of the cadastre of Québec, that line crossing Rivière aux Saumons that it meets; in reference to that cadastre, northerly, the line bounding to the west lots 2 340 659, 2 132 193, 2 132 070, 2 340 657, 2 129 134, 2 340 908, 2 129 074, 2 340 830, 2 129 136, 2 132 249, 2 129 076, 2 129 078, 2 132 056, 2 132 108, 2 129 080, 2 132 216, 2 129 085, 2 132 108, and 2 129 142, that line corresponds to part of the dividing line between ranges 3 and 4 of the cadastre of the Canton d'Ascot and crossing Rivière aux Saumons that it meets; easterly, part of the northern line of lot 2 129 142 to the apex of the southwestern angle of lot 2 129 147; northerly, the line bounding to the west lots 2 129 147, 2 129 145, 2 129 146 and 2 132 109 (Route 108); northwesterly, part of the southwestern line of Lot 2 132 109 to its western extremity; northerly, the line bounding to the west lots 2 132 109, 2 132 083, 2 132 218 , 2 129 087, 2 129 088, 2 129 089 and 2 129 176 and its extension in Rivière Saint-François skirting to the east the islands met there, to the center line of this river; in a general northeasterly direction, the center line of Rivière Saint-François upstream to its meeting point with the extension of the northern line of Lot 2 132 143; easterly, the said extension, the northern line of Lot 2 132 143 and part of the northern line of Lot 2 132 139 to the apex of the southwestern angle of Lot 2 129 279; northerly, the line bounding to the west lots 2 129 279, 2 132 140, 2 129 287, 2 129 286, and 2 129 288 crossing Rivière Saint-François that it meets; easterly, the line bounding to the north lots 2 129 288, 2 129 289, 2 132 116, 2 129 333, 2 132 141, 2 132 156 and 2 132 155, crossing Rivière Saint-François that it meets; southerly, part of the western line of the cadastre of Canton d'Eaton, crossing Chemin Gagnon that it meets, to the dividing line between ranges 7 and 8 of the said cadastre; in reference to that cadastre, easterly, part of the dividing line between the said ranges, crossing Chemin Sand Hill that it meets, to the apex of the southwestern angle of Lot 23B of Rang 8; northerly, the western line of the said lot; easterly, part of the dividing line between ranges 8 and 9 to the apex of the southwestern angle of Lot 21C of Rang 9; northerly, the line bounding to the west lots 21C of Rang 9, 21B, 21D and 21F of Rang 10 and 21B of Rang 11 to the dividing line between the cadastres of the townships of Eaton and Newport and the townships of Westbury, Bury and Hampden, that first line crossing Chemin Westleyville that it meets; finally, easterly, part of the dividing line between the said cadastres to the starting point, that line crossing Route 253, Rivière Eaton, the right-of-way of a railroad (Lot 29 of the cadastre of Canton d'Eaton, Route 108 as well as other travelways and watercourses that it meets.

Ministère des Ressources naturelles
Direction de l'information foncière sur le territoire public
Division de l'arpentage foncier

Québec, 22 April 2002

Prepared by: JEAN-FRANÇOIS BOUCHER,
Land surveyor

C-293/1

SCHEDULE B

DIVISION OF ELECTORAL DISTRICTS

Electoral District 1
(550 electors)

Clockwise, from a starting point located at the intersection of the western boundary of the municipality dividing Eaton and Ville de Lennoxville to the intersection of Chemin Labonté and Chemin Laporte, the extension of the rear line of the lots fronting on Chemin Labonté (west side) to the intersection of Route 108, the rear line of the lots fronting on Route 108 (south side) to the intersection of Chemin Robinson, the rear line of the lots fronting on Chemin Robinson (west side), Chemin Grondin, the rear line of the lots fronting on Chemin North (west side) to the intersection of Route 251 and the former boundary dividing Canton Eaton and Canton d'Ascot to the municipal boundary.

Electoral District 2
(531 electors)

Clockwise, from a starting point located at the intersection of the municipal boundary and Chemin Simard, Route 251 to Chemin North, Chemin Grondin, Chemin Robinson to the intersection of Route 108, the rear line of the lots fronting on Route 108 (south side) to Chemin Harvey, the rear line of the lots fronting on Chemin Smith (west side) to Chemin Jordan Hill, the rear line of the lots fronting on Chemin Jordan Hill (north side) to the intersection of Chemin Johnston and the rear line of the lots fronting on Chemin Johnston (west side) to the municipal boundary.

Electoral District 3
(515 electors)

Clockwise, from a starting point located at the intersection of Chemin Labonté and Route 108, Chemin Labonté, the municipal boundary to the intersection of Route 253, the rear line of the lots fronting on Route 253 (west side) to the former boundary of Ville de Cookshire, the former boundary of Ville de Cookshire to the intersection of Rue Principale Ouest, the rear line of the lots fronting on Rue Principale Ouest to the intersection of Rue Principale Est, the rear line of the lots fronting on Rue Craig Sud (west side) to Rue Eastview, Rue Eastview, Rue Pope and Route 108 to the intersection of Chemin Labonté.

Electoral District 4
(585 electors)

Clockwise, from a starting point located at the intersection of the municipal» boundary and Chemin Johnston, Chemin Johnston to the intersection of Chemin Jordan Hill, the rear line of the lots fronting on Chemin Jordan Hill (north side) to the intersection of Chemin Smith, Chemin Smith to the intersection of Chemin Harvey, Chemin Harvey to the intersection of Route 108, the rear line of the lots fronting on Route 108 (east side) to the intersection of Rue Craig Sud, the rear line of the lots fronting on Rue Craig Sud (west side) to the former boundary of Ville de Cookshire, the rear line of the lots fronting on Route 253 (west side) to Chemin Giguère, Chemin Giguère, the rear line of the lots fronting on Route 253 to the former boundary of Village de Sawyerville, the rear line of the lots fronting on Rue Cookshire (south side) to the intersection of Chemin Clifton and the rear line of the lots fronting on Route 210 (south side) to the municipal boundary.

Electoral District 5
(598 electors)

Clockwise, from a starting point located at the intersection of Rue Principale Ouest and Rue Principale Est, Rue Principale Ouest to the former boundary of Ville de Cookshire, Route 253, the municipal boundary to the former boundary of Canton de Newport, the rear line of the lots fronting on Route 108 (north side) to the former boundary of Ville de Cookshire and the rear line of the lots fronting on Rue Principale Est (south side) to the intersection of Rue Craig Sud.

Electoral District 6
(518 electors)

Clockwise, from a starting point located at the intersection of Rue Craig Sud and Rue Principale Est, the rear line of the lots fronting on Rue Principale Est (southeast side) to the former boundary of Ville de Cookshire, Route 108 to the municipal boundary, the former boundary of Canton de Newport to the intersection of Route 212, Route 212 to the former boundary of Ville de Cookshire, Rue Beaudoin and Chemin Fraser to the intersection of Route 253.

Electoral District 7
(566 electors)

Clockwise, from a starting point located at the intersection of the former boundary of Canton de Newport and Route 210, Route 210, Rue Cookshire to the intersection of the former boundary of Village de Sawyerville, Route 253 to the intersection of Chemin Giguère, Route 253 to the former boundary of Ville de Cookshire, the former boundary of Ville de Cookshire to the intersection of Route 212 and the rear line of the lots fronting on Route 212 (south side) to the former boundary of Canton de Newport.

Electoral District 8
(586 electors)

The former boundary of Canton de Newport.

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Index Statutory Instruments

Abbreviations: **A**: Abrogated, **N**: New, **M**: Modified