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Summary

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Municipal Affairs

Gouvernement du Québec

O.C. 549-2006, 14 June 2006

An Act respecting the exercise of certain municipal powers in certain urban agglomerations (R.S.Q., c. E-20.001)

Amendment to certain Orders in Council relating to the municipal reorganization

WHEREAS, under section 135 of the Act respecting the exercise of certain municipal powers in certain urban agglomerations (R.S.Q., c. E-20.001), the Government made Orders in Council respecting the urban agglomerations of Mont-Tremblant, La Tuque, Sainte-Agathe-des-Monts, Mont-Laurier, Sainte-Marguerite-Estérel, Cookshire-Eaton, Rivière-Rouge, Îles-de-la-Madeleine, Québec, Longueuil and Montréal and Order in Council 1210-2005 dated 7 December 2005 respecting various taxation measures relating to the reorganization;

WHEREAS it is expedient to amend the urban agglomeration orders to clarify certain rules relating to the revenues from immovables in industrial parks;

WHEREAS, it is expedient to amend Order in Council 1214-2005 dated 7 December 2005 respecting the urban agglomeration of Longueuil to make a retroactive correction to the measures, made by amending Order in Council 299-2006 dated 5 April 2006, to ensure the continuity of the pension plans of officers or employees transferred to a reconstituted municipality;

WHEREAS it is expedient to amend the Order in Council to facilitate the adoption of the urban agglomeration budget measures for the fiscal year 2006;

WHEREAS it is expedient to amend the rules, provided for in the Order in Council, relating to decision-making on the urban agglomeration council of Longueuil;

WHEREAS it is expedient to amend the Order in Council to temporarily suspend the obligation under section 35 of the Act respecting the exercise of certain municipal powers in certain urban agglomerations for the central municipality to use or to obtain the proceeds of certain fiscal revenues from industrial parks to finance expenditures related to the exercise of an urban agglomeration power;

WHEREAS it is expedient to provide for the possibility for the reconstituted municipalities of the urban agglomeration to designate persons who may attend the meetings of the executive committee of the central municipality;

WHEREAS, until the fiscal year 2009, it is expedient to provide for the central municipality that is unable to collect revenues from the territory of Ville de Saint-Bruno-de-Montarville for the purpose of financing expenditures related to the exercise of its power over water purification;

WHEREAS it is expedient to provide for certain obligations relating to the creation of urban agglomeration commissions and the mandatory establishment, by the urban agglomeration council of Longueuil, of certain commissions;

WHEREAS it is expedient to amend the Orders in Council respecting the urban agglomerations of Québec, Longueuil and Montréal to provide that the related municipality that owns an immovable is entitled to the reimbursement of the actual costs attributable to occupancy or use of the immovable by another related municipality;

WHEREAS it is expedient to amend Order in Council 1210-2005 dated 7 December 2005 respecting various taxation measures relating to the reorganization, amended by Order in Council 10-2006 dated 17 January 2006, to extend the period granted to the reconstituted municipalities wishing to take advantage of the tax reduction measures provided in that Order in Council;

WHEREAS, under section 119 of the Act respecting the exercise of certain municipal powers in certain urban agglomerations, the provisions of the Order in Council may, for transition purposes, create a rule of municipal law or derogate from any provision of an Act under the administration of the Minister, a special Act governing a municipality or an instrument under such an Act;

WHEREAS, under section 122 of the Act, the Government may also make any order to further clarify the scope of a provision of the Act or to correct any omission;

IT IS ORDERED, therefore, on the recommendation of the Minister of Municipal Affairs and Regions, as follows :

1. Section 29.1 of Order in Council 846-2005 dated 14 September 2005 respecting the urban agglomeration of Mont-Tremblant, made by section 7 of Order in Council 1071-2005 dated 9 November 2005, is amended

(1) by adding the following at the end of the second paragraph: “The same rule applies to the proceeds of the lease of an immovable in an industrial park, after deduction, if any, of the part of the proceeds that exceeds the debt-related expenditures pertaining to the immovable.”;

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

“The central municipality must, before alienating an immovable that is used for the exercise of an urban agglomeration power and is situated in the territory of a reconstituted municipality, offer it to that municipality at a price that is not to exceed its fair market value.”.

2. Section 33 of Order in Council 1055-2005 dated 9 November 2005 respecting the urban agglomeration of La Tuque is amended

(1) by adding the following at the end of the second paragraph: “The same rule applies to the proceeds of the lease of an immovable in an industrial park, after deduction, if any, of the part of the proceeds that exceeds the debt-related expenditures pertaining to the immovable.”;

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

“The central municipality must, before alienating an immovable that is used for the exercise of an urban agglomeration power and is situated in the territory of a reconstituted municipality, offer it to that municipality at a price that is not to exceed its fair market value.”.

3. Section 30 of Order in Council 1059-2005 dated 9 November 2005 respecting the urban agglomeration of Sainte-Agathe-des-Monts is amended

(1) by adding the following at the end of the second paragraph: “The same rule applies to the proceeds of the lease of an immovable in an industrial park, after deduction, if any, of the part of the proceeds that exceeds the debt-related expenditures pertaining to the immovable.”;

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

“The central municipality must, before alienating an immovable that is used for the exercise of an urban agglomeration power and is situated in the territory of a reconstituted municipality, offer it to that municipality at a price that is not to exceed its fair market value.”.

4. Section 29 of Order in Council 1062-2005 dated 9 November 2005 respecting the urban agglomeration of Mont-Laurier is amended

(1) by adding the following at the end of the second paragraph: “The same rule applies to the proceeds of the lease of an immovable in an industrial park, after deduction, if any, of the part of the proceeds that exceeds the debt-related expenditures pertaining to the immovable.”;

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

“The central municipality must, before alienating an immovable that is used for the exercise of an urban agglomeration power and is situated in the territory of a reconstituted municipality, offer it to that municipality at a price that is not to exceed its fair market value.”.

5. Section 30 of Order in Council 1065-2005 dated 9 November 2005 respecting the urban agglomeration of Sainte-Marguerite–Estérel is amended

(1) by adding the following at the end of the second paragraph: “The same rule applies to the proceeds of the lease of an immovable in an industrial park, after deduction, if any, of the part of the proceeds that exceeds the debt-related expenditures pertaining to the immovable.”;

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

“The central municipality must, before alienating an immovable that is used for the exercise of an urban agglomeration power and is situated in the territory of a reconstituted municipality, offer it to that municipality at a price that is not to exceed its fair market value.”.

6. Section 28 of Order in Council 1068-2005 dated 9 November 2005 respecting the urban agglomeration of Cookshire-Eaton is amended

(1) by adding the following at the end of the second paragraph: “The same rule applies to the proceeds of the lease of an immovable in an industrial park, after deduction, if any, of the part of the proceeds that exceeds the debt-related expenditures pertaining to the immovable.”;

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

“The central municipality must, before alienating an immovable that is used for the exercise of an urban agglomeration power and is situated in the territory of a reconstituted municipality, offer it to that municipality at a price that is not to exceed its fair market value.”.

7. Section 29 of Order in Council 1072-2005 dated 9 November 2005 respecting the urban agglomeration of Rivière-Rouge is amended

(1) by adding the following at the end of the second paragraph: “The same rule applies to the proceeds of the lease of an immovable in an industrial park, after deduction, if any, of the part of the proceeds that exceeds the debt-related expenditures pertaining to the immovable.”;

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

“The central municipality must, before alienating an immovable that is used for the exercise of an urban agglomeration power and is situated in the territory of a reconstituted municipality, offer it to that municipality at a price that is not to exceed its fair market value.”.

8. Section 30 of Order in Council 1130-2005 dated 9 November 2005 respecting the urban agglomeration of Îles-de-la-Madeleine is amended

(1) by adding the following at the end of the second paragraph: “The same rule applies to the proceeds of the lease of an immovable in an industrial park, after deduction, if any, of the part of the proceeds that exceeds the debt-related expenditures pertaining to the immovable.”;

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

“The central municipality must, before alienating an immovable that is used for the exercise of an urban agglomeration power and is situated in the territory of a reconstituted municipality, offer it to that municipality at a price that is not to exceed its fair market value.”.

9. Order in Council 1210-2005 dated 7 December 2005 respecting various taxation measures relating to the reorganization, amended by Order in Council 10-2006 dated 17 January 2006, is further amended by inserting the following after section 9 :

“**9.1.** Despite section 5, the sending referred to in that section may be made not later than 15 September 2006 for the fiscal year 2006.

If the sending is made after the expiry of the period provided for in the second paragraph of section 5 and if the central municipality does not choose to grant the reduction of taxes by means of the reimbursement referred to in section 6.1, the credit referred to in section 6 is, despite the fifth paragraph of that section, granted at the time of the demand for payment of the taxes imposed by the urban agglomeration council for the fiscal year 2007.”.

10. Section 37 of Order in Council 1211-2005 dated 7 December 2005 respecting the urban agglomeration of Québec is amended by adding the following at the end of the second paragraph: “The same rule applies to the proceeds of the lease of an immovable in an industrial park, after deduction, if any, of the part of the proceeds that exceeds the debt-related expenditures pertaining to the immovable.”.

11. Section 38 of the Order is amended by replacing the third paragraph by the following :

“The owner municipality is entitled to the reimbursement of the actual costs attributable to occupancy or use.”.

12. Section 13 of Order in Council 1214-2005 dated 7 December 2005 respecting the urban agglomeration of Longueuil is amended by adding the following after the first paragraph :

“When a proposal submitted to the urban agglomeration council is the subject of a negative decision by the sole application of the double majority rule provided for in the first paragraph, it may, if it is again submitted to the council at the following meeting, be the subject of a positive decision made by a two-thirds majority of the votes of the members of the council.

If the proposal is again the subject of a negative decision, it may then be submitted to the jurisdiction of the Commission municipale du Québec which then decides instead of the council, without however being able to change the proposal.

The decision of the urban agglomeration council to submit the proposal to the jurisdiction of the Commission municipale du Québec is made by a majority of the votes cast by the representatives of the central municipality or by the representatives of the reconstituted municipalities.

The central municipality is to send to the Commission all the documents useful or necessary for making a decision, and any other document requested by the Commission.”.

13. Section 15 of Order in Council 1214-2005 dated 7 December 2005 respecting the urban agglomeration of Longueuil is amended by adding the following after the second paragraph:

“One or more persons, the number of which may not exceed four, who are chosen from among the elected officers of the reconstituted municipalities and designated for the purpose by the mayors of the reconstituted municipalities, may attend the meetings of the executive committee, without being entitled to vote. The mayors of the reconstituted municipalities are to determine together the manner of designation and send to the director general of the central municipality a list of the designated persons. Once the director general receives the list, the director general must send the documents relating to the meetings of the committee to the designated persons and to the executive committee.”.

14. Section 17 of the Order is amended by adding the following at the end of the third paragraph: “The urban agglomeration council also designates, for each commission, a chair and vice-chair, for a term of six months. The holder of each of those positions is chosen alternately from among the elected members of the council of the central municipality and those of the councils of the reconstituted municipalities; the two positions may never be held by representatives of the same group.”.

15. Section 39 of the Order is amended by adding the following at the end of the second paragraph: “The same rule applies to the proceeds of the lease of an immovable in an industrial park, after deduction, if any, of the part of the proceeds that exceeds the debt-related expenditures pertaining to the immovable.”.

16. Section 40 of the Order is amended by replacing the third paragraph by the following:

“The owner municipality is entitled to the reimbursement of the actual costs attributable to occupancy or use.”.

17. Section 62.12 of the Order, made by section 2 of Order in Council 299-2006 dated 5 April 2006, is amended by striking out “that is a reconstituted municipality”.

18. The Order is amended by inserting the following after section 70:

“**70.1.** The urban agglomeration council must, not later than 3 July 2006 and on the proposal from a representative of the central municipality, adopt for the fiscal year 2006 an urban agglomeration budget estimating a total of expenditures not exceeding \$240,000,000 and

the by-law providing for taxes or other methods of financing to raise the revenue budgeted and, for the same fiscal year, the by-law under section 69 of the Act respecting the exercise of certain municipal powers in certain urban agglomerations.

Despite section 13, the decisions referred to in the first paragraph are made by a majority of two-thirds of the votes of the members of the council. Every decision is without effect if the adopted budget provides for a total of expenditures greater than the maximum provided.

Failure by the urban agglomeration council to make a valid decision in accordance with the first two paragraphs, the decisions are made by the Commission municipale du Québec not later than 28 July 2006.

For the purposes of the first paragraph, “urban agglomeration budget” means the part of the budget of the central municipality within the powers of the urban agglomeration council.

The right of objection provided for in section 115 of the Act respecting the exercise of certain municipal powers in certain urban agglomerations does not apply to decisions made in accordance with this section.

70.2. The obligation for the central municipality to use or to obtain certain sums, set out in section 35 of the Act respecting the exercise of certain municipal powers in certain urban agglomerations, applies only as of the municipal fiscal year 2009.

70.3. The urban agglomeration council must, before 1 July 2006, create urban agglomeration commissions in accordance with section 17, including a budget, finance and administration commission, a public security commission and an environment and planning commission.

70.4. The central municipality may not collect any revenue from the territory of Ville de Saint-Bruno-de-Montarville for the purpose of financing expenditures related to the exercise of its power over water purification.

The first paragraph ceases to have effect as of fiscal year 2009.”.

19. Section 39 of Order in Council 1229-2005 dated 8 December 2005 respecting the urban agglomeration of Montréal is amended by adding the following at the end of the second paragraph: “The same rule applies to the proceeds of the lease of an immovable in an industrial park, after deduction, if any, of the part of the proceeds that exceeds the debt-related expenditures pertaining to the immovable.”.

20. Section 42 of the Order is amended by replacing the third paragraph by the following :

“The owner municipality is entitled to the reimbursement of the actual costs attributable to occupancy or use.”.

21. This Order in Council comes into force on the date of its publication in the *Gazette officielle du Québec*, except section 17 which has effect from 1 January 2006.

Clerk of the Conseil exécutif,
ANDRÉ DICAIRE

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IndexAbbreviations : **A**: Abrogated, **N**: New, **M**: Modified

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