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# NATIONAL ASSEMBLY

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FIRST SESSION

THIRTY-SIXTH LEGISLATURE

## **Bill 170**

(2000, chapter 56)

### **An Act to reform the municipal territorial organization of the metropolitan regions of Montréal, Québec and the Outaouais**

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**Introduced 15 November 2000**

**Passage in principle 19 December 2000**

**Passage 20 December 2000**

**Assented to 20 December 2000**

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## EXPLANATORY NOTES

*The purpose of this bill is to create the cities of Montréal, Québec, Hull-Gatineau, Longueuil and Lévis as well as the Communauté métropolitaine de Québec.*

*The bill divides the territories of the cities of Montréal, Québec, Longueuil and Lévis into boroughs, Montréal having twenty-seven, Québec eight, Longueuil seven and Lévis three. The bill determines the number of municipal councillors to represent each borough on the city council. In the case of Ville de Montréal, the office of borough councillor is created for boroughs that have fewer than three municipal councillors. A borough's city councillors, and borough councillors if any, are to have responsibility for the matters over which the borough has jurisdiction. The bill creates an executive committee for each city and gives the mayor the authority to designate its members.*

*The bill determines the fields of jurisdiction each city is to have and those of its boroughs, specifically in the areas of land use planning and development, economic, community and social development, the arterial system, social housing, culture, recreation and parks, residual materials management and fire prevention. All taxation powers are to remain with the city and an allotment is to be made available to each of the boroughs. A borough may request the city to levy a special tax on the immovables in its territory to finance additional services the borough wishes to provide to its citizens. Under the bill, the city is to be the employer of all city officers and employees, regardless of whether they exercise their functions or perform work in connection with responsibilities under the authority of the city or under that of the borough council.*

*In the case of Ville de Hull-Gatineau, the bill determines its territory and provides for the creation of its city council. An executive committee is also established to which the council may delegate certain powers. The bill also specifies the areas of jurisdiction of the Communauté urbaine de l'Outaouais to be assigned to the city. A joint land use planning commission for the Outaouais is established. Its function is to advise the city and Municipalité régionale de comté des Collines-de-l'Outaouais in matters pertaining to land use planning in their territories.*

*The bill provides for each city to have a transition committee established to manage and oversee the implementation of the new municipal structures. Its members will be appointed by the Minister. To that end, the transition committee may formulate recommendations on various issues to the Government so that the Government may make orders with a view to facilitating the transition. The committee is also responsible for conducting the first elections in each new city, to be held on 4 November 2001. It is further provided in the bill that the accumulated deficits and surpluses of each municipality being amalgamated are to continue to burden or be credited to the immovables that were taxable in their respect.*

*The bill provides for the recognition granted under section 29.1 of the Charter of the French language to be maintained in the boroughs deriving from the cities that had previously obtained that recognition, unless, at the request of the borough, the recognition is withdrawn pursuant to that section.*

*The bill determines the territory of the Communauté métropolitaine de Québec and provides for its council to be composed of seventeen councillors representing the cities of Québec and Lévis and the regional county municipalities of La Côte-de-Beaupré, La Jacques-Cartier and L'Île d'Orléans. The mayor of Québec is to chair the Community. The bill provides for the Community to have an executive committee and determines its composition. The rules under which the Community is to operate are defined, as are its powers, jurisdiction and the financial provisions applicable to it. The Community has jurisdiction in matters relating to land use development and planning, economic development, artistic and cultural development, tourist promotion, equipment, infrastructures, services and activities of metropolitan scope, metropolitan public transportation and residual materials management planning.*

*The bill makes consequential amendments to the Act respecting the Communauté métropolitaine de Montréal and introduces provisions to grant the Community powers relating to artistic and cultural development, the metropolitan arterial system and air and water quality. It also amends the composition of the Community's executive committee. It amends the Act respecting the Agence métropolitaine de transport to enable the Agency to plan, carry out and execute extensions to the subway system and public guided land transport infrastructures on the conditions determined by the Government. The bill also amends the Act respecting municipal territorial organization to clarify the provisions applicable to the effects of an amalgamation of municipalities on labour relations and on the maintenance of pension plans, and to define certain time periods concerning pay equity.*

*The bill contains transitional provisions, particularly as regards municipal courts and land use development plans.*

*Lastly, the bill contains other consequential amendments, transitional and final provisions.*

**LEGISLATION AMENDED BY THIS BILL :**

- Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., chapter A-2.1);
- Act respecting acupuncture (R.S.Q., chapter A-5.1);
- Act respecting the Agence de l'efficacité énergétique (R.S.Q., chapter A-7.001);
- Act respecting the Agence métropolitaine de transport (R.S.Q., chapter A-7.02);
- Act respecting land use planning and development (R.S.Q., chapter A-19.1);
- Act respecting the Amicale des anciens parlementaires du Québec (R.S.Q., chapter A-19.2);
- Archives Act (R.S.Q., chapter A-21.1);
- Deposit Insurance Act (R.S.Q., chapter A-26);
- Hearing-aid Acousticians Act (R.S.Q., chapter A-33);
- Building Act (R.S.Q., chapter B-1.1);
- Act respecting the Bibliothèque nationale du Québec (R.S.Q., chapter B-2.1);
- Cultural Property Act (R.S.Q., chapter B-4);
- Act respecting the Caisse de dépôt et placement du Québec (R.S.Q., chapter C-2);
- Act respecting the Centre de recherche industrielle du Québec (R.S.Q., chapter C-8.1);
- Charter of the French language (R.S.Q., chapter C-11);
- Cities and Towns Act (R.S.Q., chapter C-19);

- Highway Safety Code (R.S.Q., chapter C-24.2);
- Code of Penal Procedure (R.S.Q., chapter C-25.1);
- Professional Code (R.S.Q., chapter C-26);
- Labour Code (R.S.Q., chapter C-27);
- Municipal Code of Québec (R.S.Q., chapter C-27.1);
- Act respecting the Commission d'évaluation de l'enseignement collégial (R.S.Q., chapter C-32.2);
- Act respecting the national capital commission (R.S.Q., chapter C-33.1);
- Act respecting the Commission municipale (R.S.Q., chapter C-35);
- Act respecting the Communauté urbaine de Montréal (R.S.Q., chapter C-37.2);
- Act respecting the Conseil de la santé et du bien-être (R.S.Q., chapter C-56.3);
- Act respecting the Conseil des aînés (R.S.Q., chapter C-57.01);
- Act respecting the Conseil des arts et des lettres du Québec (R.S.Q., chapter C-57.02);
- Act respecting the Conseil des relations interculturelles (R.S.Q., chapter C-57.2);
- Act respecting the Conseil médical du Québec (R.S.Q., chapter C-59.001);
- Act respecting the Conseil permanent de la jeunesse (R.S.Q., chapter C-59.01);
- Act respecting the Conseil supérieur de l'éducation (R.S.Q., chapter C-60);
- Act respecting the conservation and development of wildlife (R.S.Q., chapter C-61.1);
- Act respecting the Conservatoire de musique et d'art dramatique du Québec (R.S.Q., chapter C-62.1);

- Act respecting the development of Québec firms in the book industry (R.S.Q., chapter D-8.1);
- 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 threatened or vulnerable species (R.S.Q., chapter E-12.01);
- Act respecting the establishment and enlargement of certain waste elimination sites (R.S.Q., chapter E-13.1);
- Expropriation Act (R.S.Q., chapter E-24);
- Act respecting municipal taxation (R.S.Q., chapter F-2.1);
- Act to establish Fondation, le Fonds de développement de la Confédération des syndicats nationaux pour la coopération et l'emploi (R.S.Q., chapter F-3.1.2);
- Act to establish the Fonds de solidarité des travailleurs du Québec (F.T.Q.) (R.S.Q., chapter F-3.2.1);
- Forest Act (R.S.Q., chapter F-4.1);
- Court Bailiffs Act (R.S.Q., chapter H-4.1);
- Taxation Act (R.S.Q., chapter I-3);
- Act respecting the Institut de tourisme et d'hôtellerie du Québec (R.S.Q., chapter I-13.02);
- Act respecting Institut national de santé publique du Québec (R.S.Q., chapter I-13.1.1);
- Education Act (R.S.Q., chapter I-13.3);
- Education Act for Cree, Inuit and Naskapi Native Persons (R.S.Q., chapter I-14);
- Act respecting Investissement-Québec and Garantie-Québec (R.S.Q., chapter I-16.1);
- Act respecting administrative justice (R.S.Q., chapter J-3);

- Act respecting the Ministère de l’Agriculture, des Pêcheries et de l’Alimentation (R.S.Q., chapter M-14);
- Act respecting the Ministère des Affaires municipales et de la Métropole (R.S.Q., chapter M-22.1);
- Act respecting the Ministère des Relations internationales (R.S.Q., chapter M-25.1.1);
- Act respecting the Ministère du Conseil exécutif (R.S.Q., chapter M-30);
- Act respecting the marketing of agricultural, food and fish products (R.S.Q., chapter M-35.1);
- National Museums Act (R.S.Q., chapter M-44);
- Act respecting labour standards (R.S.Q., chapter N-1.1);
- Act respecting municipal territorial organization (R.S.Q., chapter O-9);
- Pesticides Act (R.S.Q., chapter P-9.3);
- Public Health Protection Act (R.S.Q., chapter P-35);
- Act respecting the preservation of agricultural land and agricultural activities (R.S.Q., chapter P-41.1);
- Roadside Advertising Act (R.S.Q., chapter P-44);
- Environment Quality Act (R.S.Q., chapter Q-2);
- Act respecting the Régie des alcools, des courses et des jeux (R.S.Q., chapter R-6.1);
- Act respecting the Régie du logement (R.S.Q., chapter R-8.1);
- Act respecting the Québec Pension Plan (R.S.Q., chapter R-9);
- Act respecting the Pension Plan of Elected Municipal Officers (R.S.Q., chapter R-9.3);
- Act respecting labour relations, vocational training and manpower management in the construction industry (R.S.Q., chapter R-20);

- Act respecting health services and social services (R.S.Q., chapter S-4.2);
- Act respecting health services and social services for Cree Native persons (R.S.Q., chapter S-5);
- Act respecting the Société d'Investissement Jeunesse (R.S.Q., chapter S-8.1);
- Act respecting the Société de développement des entreprises culturelles (R.S.Q., chapter S-10.002);
- Act respecting the Société de financement agricole (R.S.Q., chapter S-11.0101);
- Act respecting the Société de la Place des Arts de Montréal (R.S.Q., chapter S-11.03);
- Act respecting the Société de télédiffusion du Québec (R.S.Q., chapter S-12.01);
- Act respecting the Société des établissements de plein air du Québec (R.S.Q., chapter S-13.01);
- Act respecting the Société des alcools du Québec (R.S.Q., chapter S-13);
- Act respecting the Société des Traversiers du Québec (R.S.Q., chapter S-14);
- Act respecting the Société du Grand Théâtre de Québec (R.S.Q., chapter S-14.01);
- Act respecting the Société immobilière du Québec (R.S.Q., chapter S-17.1);
- Act respecting Société Innovatech du Grand Montréal (R.S.Q., chapter S-17.2.0.1);
- Act respecting Société Innovatech Québec et Chaudière-Appalaches (R.S.Q., chapter S-17.4);
- Act respecting the Société québécoise d'assainissement des eaux (R.S.Q., chapter S-18.2.1);



- Act respecting the Société québécoise de récupération et de recyclage (R.S.Q., chapter S-22.01);
- Act respecting mixed enterprise companies in the municipal sector (R.S.Q., chapter S-25.01);
- Act respecting the professional status and conditions of engagement of performing, recording and film artists (R.S.Q., chapter S-32.1);
- Act respecting the Québec sales tax (R.S.Q., chapter T-0.1);
- Act respecting the lands in the domain of the State (R.S.Q., chapter T-8.1);
- Act respecting transportation by taxi (R.S.Q., chapter T-11.1);
- Transport Act (R.S.Q., chapter T-12);
- Securities Act (R.S.Q., chapter V-1.1);
- Act respecting off-highway vehicles (R.S.Q., chapter V-1.2);
- Act respecting the combination of certain state enterprises (1998, chapter 45);
- Act respecting Financement-Québec (1999, chapter 11);
- Act respecting Immobilière SHQ (1999, chapter 16);
- Midwives Act (1999, chapter 24);
- Act respecting the Corporation d’hébergement du Québec (1999, chapter 34);
- Act respecting the Société de la faune et des parcs du Québec (1999, chapter 36);
- Act to amend the Environment Quality Act and other legislation as regards the management of residual materials (1999, chapter 75);
- Police Act (2000, chapter 12);
- Act respecting the Communauté métropolitaine de Montréal (2000, chapter 34).

**LEGISLATION REPEALED BY THIS BILL :**

- Act respecting the Commission de développement de la métropole (R.S.Q., chapter C-33.01);
- Act respecting the Communauté urbaine de l'Outaouais (R.S.Q., chapter C-37.1);
- Act respecting the Communauté urbaine de Montréal (R.S.Q., chapter C-37.2);
- Act respecting the Communauté urbaine de Québec (R.S.Q., chapter C-37.3);
- Charter of the city of Québec (1929, chapter 95);
- Charter of the city of Montréal (1959-60, chapter 102);
- Charter of the city of Aylmer (1974, chapter 88);
- Charter of the city of Gatineau (1974, chapter 88);
- Charter of the city of Hull (1975, chapter 94);
- Charter of the city of Masson-Angers (1979, chapter 95);
- Charter of the city of Buckingham (1979, chapter 95).

## **Bill 170**

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

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

#### **CHAPTER I**

##### **CONSTITUTION OF NEW LOCAL MUNICIPALITIES**

1. Ville de Montréal is hereby constituted in accordance with Schedule I.
2. Ville de Québec is hereby constituted in accordance with Schedule II.
3. Ville de Longueuil is hereby constituted in accordance with Schedule III.
4. Ville de Hull-Gatineau is hereby constituted in accordance with Schedule IV.
5. Ville de Lévis is hereby constituted in accordance with Schedule V.

#### **CHAPTER II**

##### **CONSTITUTION OF THE COMMUNAUTÉ MÉTROPOLITAINE DE QUÉBEC**

6. The Communauté métropolitaine de Québec is hereby constituted in accordance with Schedule VI.

#### **CHAPTER III**

##### **AMENDING PROVISIONS**

#### **DIVISION I**

##### **ACT RESPECTING THE COMMUNAUTÉ MÉTROPOLITAINE DE MONTRÉAL**

7. Section 4 of the Act respecting the Communauté métropolitaine de Montréal (2000, chapter 34) is amended

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

“(1) the mayor of Ville de Montréal, and 13 persons designated by the council of that city from among its other members;”;

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

“(3) the mayor of Ville de Longueuil, and two persons designated by the council of that city from among its members;”;

(3) by striking out paragraph 4;

(4) by replacing “six” in the first line of paragraph 6 by “four”.

8. Section 5 of the said Act is replaced by the following section:

“5. The members of the council mentioned in paragraphs 5 and 6 of section 4 whose designation under sections 10 and 11 is required to be effected by more than one regional county municipality shall be designated in accordance with sections 6 to 9.”

9. Section 6 of the said Act is amended by adding the following sentences at the end of the second paragraph: “The secretary shall give public notice, in a newspaper circulated in the territory of the Community, of the date, time and place of the meeting. The notice must be given at least three days before the day on which the meeting is to be held.”

10. Section 7 of the said Act is amended

(1) by striking out the first paragraph;

(2) by replacing “Ils” in the first line of the French text of the second paragraph by “Les maires”;

(3) by striking out the second sentence of the fourth paragraph.

11. Section 10 of the said Act is amended by replacing “and the Municipalité régionale de comté de D’Autray, together, designate” in paragraph 4 by “designates”.

12. Section 11 of the said Act is amended by striking out paragraph 1.

13. Section 13 of the said Act is repealed.

14. Section 34 of the said Act is amended by replacing subparagraphs 3 and 4 of the second paragraph by the following subparagraph:

“(3) three persons designated by the council of the Community from among the members of the council designated under paragraph 1 of section 4;”.

15. Section 38 of the said Act is replaced by the following section :

“38. The regular meetings of the executive committee are held at the place, on the days and at the times fixed in the internal management by-laws adopted by the council.

The special meetings of the executive committee are held at the place, on the days and at the times fixed by the person who requested the convening of the meeting.”

16. Section 39 of the said Act is amended by adding the following paragraph at the end :

“The internal management by-laws adopted by the council may provide that a special meeting of the executive committee may be convened at the request of a number of members of the executive committee fixed in the by-laws and that shall not be less than four.”

17. Section 47 of the said Act is amended by replacing subparagraph 1 of the second paragraph by the following subparagraph :

“(1) the power to adopt a budget, a three-year capital expenditure program or a document under the Act respecting land use planning and development (R.S.Q., chapter A-19.1);”.

18. Section 64 of the said Act is amended by inserting “chair, vice-chair or member of” after “council,” in the second line of the second paragraph.

19. Section 101 of the said Act is amended by replacing “by two-thirds of the votes of the members of the council of the Community” in the second and third lines of the second paragraph by “by a two-thirds majority of the votes cast”.

20. Section 119 of the said Act is amended

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

“(2.1) artistic or cultural development;”;

(2) by replacing paragraph 5 by the following paragraph :

“(5) public transportation and the metropolitan arterial system;”;

(3) by adding the following paragraphs after paragraph 6 :

“(7) air purification ;

“(8) water purification.”

21. Section 120 of the said Act is repealed.

22. Section 121 of the said Act is amended by replacing “by two-thirds of the votes of the members of the council of the Community” in the first and second lines of the third paragraph by “by a two-thirds majority of the votes cast”.

23. Section 122 of the said Act is amended by replacing “by two-thirds of the votes of the members of its council” in the third and fourth lines of the first paragraph by “by a two-thirds majority of the votes cast”.

24. Section 123 of the said Act is amended

(1) by replacing “by two-thirds of the votes of the members of its council” in the first and second lines of the first paragraph by “by a two-thirds majority of the votes cast”;

(2) by replacing “the latter” in the fourth line of the first paragraph by “the municipality”.

25. Section 126 of the said Act is amended

(1) by replacing “in the part of its territory formed by the territory of the regional county municipalities that is situated entirely within its own territory” in the second, third and fourth lines of the first paragraph by “throughout its territory”;

(2) by replacing “of the territory to which it applies” in the third line of the second paragraph by “of the territory of the Community”;

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

“Ville de Montréal, Ville de Laval, Ville de Longueuil and Ville de Mirabel shall be subject both to the provisions of this division concerning regional county municipalities and the provisions concerning local municipalities.”

26. Section 127 of the said Act is amended

(1) by striking out “for the whole of the territory to which it applies,” in the first and second lines of the first paragraph;

(2) by replacing “to which it applies” in the first and second lines of subparagraph 2 of the first paragraph by “of the Community”;

(3) by replacing “of the territory” in the fifth and sixth lines of subparagraph 2 of the first paragraph by “of the territory of the Community”;

(4) by replacing “to which it applies” in the second line of subparagraph 3 of the first paragraph by “of the Community”;

(5) by replacing “to which it applies” in the first and second lines of subparagraph 4 of the first paragraph by “of the Community”;

(6) by replacing “to which it applies” in the third line of subparagraph 6 of the first paragraph by “of the Community”;

(7) by replacing “to which the plan applies” in the fourth line of the second paragraph by “of the Community”.

27. Section 128 of the said Act is amended

(1) by replacing “31 March” in the first line by “15 June”;

(2) by replacing “to which the plan of the Community applies” in the third line by “of the Community”.

28. Section 129 of the said Act is amended

(1) by inserting “whose territory is situated entirely or partially within the territory of the Community” after “county municipality” in the third line of the second paragraph;

(2) by replacing “to which the metropolitan plan applies” in the fourth line of the second paragraph by “of the Community”.

29. Section 130 of the said Act is amended

(1) by inserting “or partially” after “entirely” in the third line of the first paragraph;

(2) by replacing “to which the plan is to apply” in the seventh line of the first paragraph by “of the Community”.

30. Section 131 of the said Act is amended

(1) by inserting “whose territory is situated entirely or partially within the territory of the Community” after “municipality” in the fifth line of the second paragraph;

(2) by replacing “to which the plan is to apply” in the sixth and seventh lines of the second paragraph by “of the Community”.

31. Section 132 of the said Act is replaced by the following section:

“132. The Community shall hold a public meeting in the territory of the Island of Montréal, the territory of Ville de Laval, the part of its territory formed of part or of the whole of the territory of a regional county municipality mentioned in Schedule III and in the part of its territory formed of part or of the whole of the territory of a regional county municipality mentioned in Schedule IV.”

32. Section 132 of the said Act, replaced by section 31, is again replaced by the following section:

“132. The Community shall hold a public meeting in the territory of Ville de Montréal, the territory of Ville de Laval, the part of its territory formed of part or of the whole of the territory of a regional county municipality mentioned in Schedule III and in the part of its territory formed of Ville de Longueuil and of part or of the whole of the territory of a regional county municipality mentioned in Schedule IV.”

33. Section 138 of the said Act is amended by replacing “to which the metropolitan plan applies” in the fourth and fifth lines of the first paragraph by “of the Community”.

34. Section 140 of the said Act is amended

(1) by inserting “whose territory is situated entirely or partially within the territory of the Community” after “county municipality” in the fourth line;

(2) by replacing “to which the plan is to apply” in the fifth line by “of the Community”.

35. Section 141 of the said Act is amended

(1) by replacing “to which the metropolitan plan applies” in the fourth and fifth lines of the first paragraph by “of the Community”;

(2) by replacing “to which the plan is to apply” in the third and fourth lines of the third paragraph by “of the Community”.

36. Section 144 of the said Act is amended by replacing “to which the plan is to apply” in the fifth and sixth lines of the second paragraph by “of the Community”.

37. Section 146 of the said Act is amended

(1) by inserting “and parts of development plans” after “plans” in the second line of the first paragraph;

(2) by replacing “of the regional county municipalities whose territory is situated entirely within the territory of the Community” in the second and third lines of the first paragraph by “applicable in its territory,”;

(3) by striking out “, in respect of the part of its territory formed by the territory of the regional county municipalities,” in the fourth and fifth lines of the first paragraph;

(4) by replacing “to which the plan applies” in the third line of subparagraph 4 of the first paragraph by “of the Community”;



(5) by striking out the last two sentences of the second paragraph;

(6) by striking out the third paragraph.

38. Section 147 of the said Act is amended by striking out “in respect of the territory to which the metropolitan plan is to apply” in the fourth and fifth lines of the first paragraph.

39. Section 149 of the said Act is amended by replacing “Act” wherever it occurs in the third line of the first paragraph by “division”.

40. The said Act is amended by inserting the following after section 149:

“§5. — *Agricultural advisory committee*

“149.1. The Community shall establish an agricultural advisory committee as required under Chapter V.1 of Title I of the Act respecting land use planning and development, and the Community is a regional county municipality for the purposes of that chapter.”

41. Section 150 of the said Act is replaced by the following section:

“150. Not later than one year after the adoption of the draft proposal of the strategic vision provided for in section 131, the Community shall adopt a general economic development plan for its territory.

The Community shall, before adopting the plan referred to in the first paragraph, submit it for public consultation in accordance with sections 132 to 136, with the necessary modifications.

Where the Community fails to adopt the plan within the period provided for in the first paragraph, the Minister of Municipal Affairs and Greater Montréal may act in the place of the Community. Every decision of the Minister has effect as if the decision were a decision of the Community.”

42. Section 151 of the said Act is amended

(1) by replacing “to undertake, outside its territory, any promotion of its territory” in the first and second lines of the first paragraph by “to promote its territory internationally so as”;

(2) by inserting “, notwithstanding the Municipal Aid Prohibition Act (R.S.Q., chapter I-15),” after “and” in the second line of subparagraph 3 of the second paragraph;

(3) by replacing “set up a promotion agency and delegate to it, on the conditions it determines,” in the first and second lines of the third paragraph by “, on the conditions it determines, entrust to an existing body or to a body it sets up for that purpose”;

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

“Local municipalities whose territory is situated within the territory of the Community lose their jurisdiction to promote their territory internationally as soon as the Community exercises the jurisdiction provided for in this section.”

43. The said Act is amended by inserting the following division after section 151 :

**“DIVISION III.1**

**“ARTISTIC OR CULTURAL DEVELOPMENT**

“151.1. The Community may take any measure for the purpose of promoting artistic or cultural development in its territory.

To that end, the Community may in particular

(1) provide financial support for any event related to artistic or cultural fields that takes place in its territory ;

(2) foster the establishment and maintenance of equipment related to artistic or cultural fields ;

(3) establish links with organizations whose mission is artistic or cultural promotion or development, and support them financially.

This section applies notwithstanding the Municipal Aid Prohibition Act (R.S.Q., chapter I-15).

“151.2. The Community may, on the conditions it determines, entrust to an existing body or to a body it sets up for that purpose the exercise of all or part of the jurisdiction assigned to it by section 151.1. The Community shall, on the conditions it determines, grant the body the sums required to exercise that jurisdiction.”

44. The said Act is amended by inserting the following section after section 153 :

“153.1. The Community shall reimburse to a municipality in its territory the amount of the municipality’s basic contribution paid to a non-profit organization or to a housing cooperative that carries out a project in accordance with a program implemented by the Société d’habitation du Québec.”

45. Section 154 of the said Act is replaced by the following sections :

“154. The Société d’habitation du Québec shall communicate to the Community the information concerning the budgets and financial statements of municipal housing bureaus that is necessary for the purposes of this division.

The Société and the Community shall agree on the manner in which the information is to be communicated.

“154.1. The Community may require any information from Ville de Montréal it considers necessary for the purposes of the third paragraph of section 153.”

46. Section 155 of the said Act is amended

(1) by replacing “for each municipal housing program” in the second line by “for the municipal housing programs”;

(2) by replacing “such a program” in the fifth line by “such programs”;

(3) by adding the following paragraph :

“A person who resides in the territory of the Community may, if the person meets the other conditions provided in accordance with the Act respecting the Société d’habitation du Québec, make a lease application for low-rental housing with any lessor serving a territory of the Community. The application may pertain to any selection area in which the lessor offers low-rental housing.”

47. Sections 156 and 157 of the said Act are replaced by the following sections :

“156. The Community shall contribute, according to the conditions it determines, to the financing of the equipment listed in Schedule V. The Community may also establish rules applicable to the management of that equipment.

“157. The Community may, by a by-law adopted by a two-thirds majority of the votes cast, acquire or build equipment or infrastructures of metropolitan scope.

The Community may also, by a by-law adopted by a two-thirds majority of the votes cast, provide financial support for events of metropolitan scope, notwithstanding the Municipal Aid Prohibition Act (R.S.Q., chapter I-15).

“157.1. The Community may, in respect of equipment belonging to a local municipality whose territory is situated within the territory of the Community or to a mandatary of that local municipality, that was acquired or built by that municipality or its mandatary after 1 January 2001 and that is designated in a by-law of the Community adopted by a two-thirds majority of the votes cast as being of metropolitan scope, establish in the by-law the rules applicable to the management of the equipment, the financing of the expenditures related thereto and the sharing of the income it generates.

Every intermunicipal agreement relating to equipment, in force on the date of coming into force of the by-law of the Community designating the equipment

as being of metropolitan scope, ends on the date determined by the Community. Where the agreement provided for the constitution of an intermunicipal board, that board shall, not later than three months after that date, apply for its dissolution to the Minister, and section 468.49 of the Cities and Towns Act (R.S.Q., chapter C-19) applies, with the necessary modifications, to the application.

The first and second paragraphs apply, with the necessary modifications, in respect of an infrastructure acquired or built before or after 1 January 2001 and in respect of a service or activity.

Where the activity is carried on or the service is provided in relation to an event, it makes no difference whether the event is organized by one of the local municipalities whose territory is situated within the territory of the Community or by a third person.”

48. The said Act is amended by replacing the heading of Division VI of Chapter III by the following heading:

“PUBLIC TRANSPORTATION AND METROPOLITAN ARTERIAL SYSTEM”.

49. Section 158 of the said Act is amended by replacing the second paragraph by the following paragraph:

“The Community shall approve amendments to and the revision of the strategic plan for metropolitan transportation development produced by the Agence métropolitaine de transport and shall have a power of disallowance regarding metropolitan fares transmitted by the Agence métropolitaine de transport.”

50. The said Act is amended by inserting the following section after section 158:

“158.1. The Community shall, by by-law and at the latest on 31 December 2002, identify a metropolitan arterial system and, every five years thereafter, revise it.

The Community shall, by by-law and at the latest on 31 December 2002, prescribe minimum standards for the management of the system and standards for the harmonization of rules governing traffic signs and signals and the control of traffic in its territory and, every five years thereafter, revise them.

A by-law under the first or second paragraph must be preceded by a draft by-law.

The secretary of the Community shall, as soon as possible after the adoption of the draft by-law, transmit an authenticated copy to the Minister of Transport, the Agence métropolitaine de transport and the municipalities whose territory is situated within the territory of the Community.

The Minister, the Agency and the municipalities may give their opinion on the draft by-law within 90 days after it has been transmitted pursuant to the fourth paragraph.

At the expiry of the time period provided for in the fifth paragraph, the Community may adopt the by-law, with or without amendment.”

51. The said Act is amended by adding the following after section 159:

**“DIVISION VIII**

**“AIR PURIFICATION**

“159.1. The Community may, by by-law,

(1) regulate or prohibit the emission into the atmosphere of substances liable to be air pollutants and, in particular, determine for each class of such substances the maximum quantity or concentration that may be emitted into the atmosphere;

(2) require every person who carries on an activity liable to cause the emission of an air pollutant, or who possesses or uses an object the use or operation of which may cause such an emission, to hold a permit issued by the Community; determine classes of permits on the basis of the classes of substances emitted into the atmosphere or any other criterion;

(3) determine the qualifications required of an applicant for a permit, the conditions of issue or renewal of the permit, the information and documents to be provided by the applicant and the cases of suspension or revocation of the permit;

(4) determine the procedure for disposing of air pollutants or substances liable to constitute such pollutants;

(5) determine the methods for collecting, analyzing and computing air pollutants or substances whose emission into the air may constitute an air pollutant; empower the head of the department responsible for air quality or any other officer of the Community the department head designates to have such works and apparatus as the department head or officer considers necessary installed to enable the collection and analysis of a source of air pollution;

(6) prescribe the devices with which the immovables, equipment, facilities and other objects whose use or operation is liable to cause the emission of a pollutant into the atmosphere must be fitted, and determine any other requirement to be met by the owner or user thereof in respect of such devices;

(7) prescribe the powers to be exercised by the head of the department responsible for air quality or by any other officer of the Community the department head designates where the emission of a pollutant into the

atmosphere constitutes an immediate danger to the life or health of persons, animals or plants.

A by-law respecting any matter provided for in subparagraph 5 of the first paragraph must be approved by the Minister of the Environment.

A by-law under this section may vary according to the parts of the territory of the Community.

The Community may, by a by-law approved by the Minister of the Environment, delegate to one or more municipalities in its territory all or part of the jurisdiction and powers provided for in this division.

“159.2. Any decision made by the head or an officer under subparagraph 5 or 7 of the first paragraph of section 159.1 may be contested before the Administrative Tribunal of Québec. Division XI of Chapter I of the Environment Quality Act (R.S.Q., chapter Q-2), with the necessary modifications, applies to the proceeding.

“159.3. In the exercise of their duties, the officers and employees of the Community charged with the application of the by-laws passed under section 159.1 may enter, at any reasonable time,

(1) any premises where there is or may be a substance, an apparatus, a machine, a works or an installation that is subject to such by-laws; or

(2) any premises where an activity that is subject to such by-laws is or may be carried on.

Such officers or employees may examine the substances, apparatus, machines, works or installations; they may also require the production of books, registers and documents relating to the matters to which such by-laws apply, and may require in that respect any other information they consider useful or necessary.

“159.4. No person may hinder an officer or employee referred to in section 159.3 in the performance of his or her duties, particularly by misleading or attempting to mislead the officer or employee by concealment or by misrepresentation.

Such officer or employee shall, if so required, produce identification and a certificate of authority signed by the head of the department concerned.

“159.5. For the purposes of section 159.1, “pollutant” means a substance whose nature, concentration or quantity is likely to in any manner whatsoever reduce air quality.

“159.6. The Community is exempt from the obligation to give security when requesting an interlocutory injunction to cease the infringement of a by-law passed under section 159.1, or of section 159.3 or 159.4.

**“DIVISION IX****“WATER PURIFICATION**

“159.7. The Community may, by by-law,

(1) define and classify the types of waste water and the other substances discharged into a purification works ;

(2) determine standards for the construction, maintenance or operation of a purification works, including standards relating to the materials used and standards relating to methods to be applied for the carrying out of any purification works ;

(3) regulate or prohibit the discharge of waste water or any substance it determines into a purification works or a watercourse ; to that end, establish classes of contaminants or of sources of contamination and determine the maximum quantity or concentration of contaminants allowed in waste water or in substances discharged into a purification works or a watercourse ;

(4) determine the method of computing the quantity of waste water or of substances discharged into a purification works ; prescribe the use of meters ;

(5) require a person or a class of persons discharging waste water or other substances of a class it determines into a purification works to hold a permit issued by the Community ; exempt from such requirement any person or class of persons it determines ;

(6) determine the qualifications required of an applicant for a permit, the terms and conditions of issue and renewal of the permit, the information and documents to be provided by the applicant and the cases of suspension or revocation of the permit.

A by-law adopted pursuant to the first paragraph may vary according to the parts of the territory of the Community.

“159.8. A by-law passed under section 159.7 requires the approval of the Minister of the Environment.

“159.9. The Community may require a person who discharges waste water or other substances into a purification works or a watercourse in contravention of a by-law adopted under section 159.7 to carry out, at the person’s own expense, the work required to clean or repair, as the case may be, the purification works or to eliminate from the watercourse any harmful or hazardous substances the person has unlawfully discharged into the watercourse, or to reimburse the Community for the costs incurred by it for such work.

“159.10. The Community may

(1) require that any person discharging waste water or substances into purification works comply with all or part of the following conditions:

(a) the construction of a man-hole in conformity with the requirements prescribed by the Community, to allow the inspection, sampling, measuring and registration of the quality and flow of the discharged waste water or substances;

(b) the installation and maintenance in good repair of appropriate equipment for the sampling, analysis, measuring and registration of the quality and flow of the discharged waste water or substances, in accordance with the methods prescribed by the Community;

(c) the installation and maintenance in good repair of equipment for the treatment or pre-treatment of waste water or of substances to be discharged in order to regularize the flow of discharge or to bring the equipment into conformity with the requirements of a by-law under section 159.7;

(d) the presentation, for approval, of the plans relating to the installation of the equipment referred to in subparagraph *a*, *b* or *c*, and the procedures for the use of such equipment;

(e) the discharged waste water or substances must not exceed an average or maximum concentration or mass of discharged pollutants according to the class of pollutants;

(f) the presentation of periodic discharge reports indicating the volume and the qualitative and quantitative characteristics of the discharged waste water or substances;

(2) determine the schedule of execution of work required

(a) for the issue, renewal or retention of a permit; or

(b) for the prevention or cessation of an offence or a nuisance.

“159.11. The Community may prescribe the devices and methods whose use is recognized for the purposes of analysis, sampling or computation of concentration.

The Community may also fix the duration of a sampling program and a flow measurement program, determine the analysis parameters and require a permit holder to carry out the measures, sampling or analyses, and to provide it with the results thereof. The Community may, at the person's expense, carry out the measures, sampling or analyses if the person fails to provide results which it considers satisfactory.

“159.12. The Community may require a person to take the necessary measures to prevent the discharge into a purification works or a watercourse



of a substance harmful to humans or to the works or watercourse and to submit the plans for the required work as well as the operation procedures for approval.

The Community may also require a person to notify it in the event of an accidental discharge.

“159.13. The Community may, by by-law, delegate to a department head the powers conferred on it by sections 159.9 to 159.12.

“159.14. Any decision made under any of sections 159.9 to 159.12 may be contested before the Administrative Tribunal of Québec. Division XI of Chapter I of the Environment Quality Act (R.S.Q., chapter Q-2), with the necessary modifications, applies to the proceeding.

“159.15. In the exercise of their duties, the officers and employees of the Community charged with the application of the by-laws adopted under section 159.7 may enter, at any reasonable time,

(1) any premises where there is or may be a substance, an apparatus, a machine, a works or an installation that is subject to such by-laws;

(2) any premises where an activity that is subject to such by-laws is or may be carried on.

Such officers or employees may examine the substances, apparatus, machines, works or installations; they may also require the production of books, registers and documents relating to the matters to which such by-laws apply, and may require in that respect any other information they consider useful or necessary.

“159.16. No person may hinder an officer or employee referred to in section 159.15 in the performance of his or her duties, particularly by misleading or attempting to mislead the officer or employee by concealment or by misrepresentation.

Such officer or employee shall, if so required, produce identification and a certificate of authority signed by the head of the department concerned.

“159.17. The Community is exempt from the obligation to give security when requesting an interlocutory injunction to cease the infringement of a by-law adopted under section 159.7, or of section 159.15 or 159.16.

“159.18. The Community may, in a by-law approved by the Minister of the Environment, delegate to one or more municipalities in its territory all or part of the jurisdiction and powers provided for in this division.”

52. Section 161 of the said Act is amended by adding “by a two-thirds majority of the votes cast” at the end.

53. Section 162 of the said Act is amended by inserting “of the executive committee” after “chair” in the second line of the first paragraph.

54. Section 165 of the said Act is amended

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

“165. The executive committee shall draw up the budget of the Community. The executive committee shall file the budget in the office of the secretary of the Community with its recommendations. The secretary shall forward a copy of each document so filed to each municipality whose territory is situated within the territory of the Community and to every member of the council not later than 1 November.”;

(2) by replacing “first” in the first line of the second paragraph by “second”.

55. Section 166 of the said Act is repealed.

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

“167. The budget of the Community shall be submitted to the council not later than 15 November, at a special meeting convened for that purpose.

The meeting shall be adjourned as often as necessary and shall not be closed until the budget has been adopted. If there is no quorum, the meeting shall be automatically adjourned to 8:00 p.m. on the following juridical day.

The council may, on its own initiative, amend the budget.

The council is not bound to adopt simultaneously all the appropriations of the budget and thus may adopt an appropriation separately.

The council may also, before 1 January, adopt temporarily, for a period of three months, one-quarter of an appropriation provided for in the budget. The same applies before each period beginning on 1 April, 1 July and 1 October. The council may thus adopt at the same time

(1) three-quarters of an appropriation if it does so before 1 April; and

(2) two-quarters of an appropriation, if it does so before 1 July.

If, on 1 January, the budget of the Community has not been adopted, one-quarter of each appropriation provided for in the budget of the preceding fiscal year, with the exception of the appropriations mentioned in the seventh paragraph, is deemed to be adopted and shall come into force. The same applies on 1 April, 1 July and 1 October if on each of those dates the budget has not been adopted.

The presumption of adoption and the coming into force provided for in the sixth paragraph do not apply to the appropriations provided for in the budget for the preceding fiscal year which correspond

(1) to those mentioned in the certificate of the treasurer referred to in section 165;

(2) to those then adopted separately under the fourth paragraph; and

(3) to those one-quarter of which have then been adopted under the fifth paragraph for the same period of three months.

In the hypothesis mentioned in the sixth paragraph, the appropriations mentioned in the certificate of the treasurer referred to in section 165 and included in the budget under study are deemed to be adopted on 1 January and shall then come into force.

The adoption, after 1 January, of the budget or one of its appropriations in accordance with the fourth paragraph is retroactive to that date. The same rule applies to the by-laws and resolutions arising therefrom.

A certified true copy of the budget of the Community shall be transmitted to the Minister within 30 days of its adoption.

The Minister may order that the budget be transmitted by means of a form furnished by the Minister for that purpose.”

57. Section 169 of the said Act is amended

(1) by adding “by a two-thirds majority of the votes cast” at the end of the first paragraph;

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

“The council may, on its own initiative, amend the supplementary budget.”

58. Section 177 of the said Act is amended

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

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

(3) by replacing “0.44” in the third line of the third paragraph by “0.48”;

(4) by striking out the third paragraph;

(5) by replacing the fourth paragraph by the following paragraph:

“However, the Community may, by a by-law adopted by a two-thirds majority of the votes cast, provide

(1) that all or part of its expenditures are apportioned on the basis of another criterion;

(2) that a municipality does not contribute to the payment of part of its expenditures.”

59. Section 180 of the said Act is amended by replacing the first paragraph by the following paragraph:

“180. Not later than one year after the coming into force of the regulation of the Government made under section 219, the Community shall, by a by-law adopted by a two-thirds majority of the votes cast, establish a program to share the growth in its tax base in accordance with the rules determined in the regulation.”

60. Section 181 of the said Act is amended by replacing the first paragraph by the following paragraph:

“181. Not later than one year after the coming into force of the by-law establishing the program provided for in section 180, the Community shall, by a by-law adopted by a two-thirds majority of the votes cast, establish a fund to provide financial support for the development projects it determines, in particular among the projects submitted by the municipalities whose territories are situated within its territory.”

61. Section 185 of the said Act is amended by adding “by a two-thirds majority of the votes cast” at the end of the first paragraph.

62. The said Act is amended by inserting the following section after section 223:

“223.1. The Community may, by by-law, prescribe that any offence under a by-law made under section 159.1 or 159.7 or an offence under section 159.3, 159.4, 159.15 or 159.16, or that failure to comply with a prohibition, condition or requirement established under section 159.9, 159.10, 159.11 or 159.12 shall entail a penalty:

(1) for a first offence, a minimum fine of not more than \$25,000 and a maximum fine of not more than \$500,000, imprisonment for not more than 18 months, notwithstanding article 231 of the Code of Penal Procedure (chapter C-25.1), or both penalties together;

(2) in the case of a second or subsequent conviction, a minimum fine of not more than \$50,000 and a maximum fine of not more than \$1,000,000, imprisonment for not more than 18 months, notwithstanding article 231 of the Code of Penal Procedure, or both penalties together.”

63. Section 225 of the said Act is amended

- (1) by striking out “for the Community” in the second line;
- (2) by adding the following paragraph at the end:

“No act or document shall be rendered illegal by the sole fact that it has been performed or adopted after the expiry of a time period prescribed in this Act or, as the case may be, set or extended by the Minister under the first paragraph.”

64. The said Act is amended by inserting the following section before section 238:

“237.1. Sections 264 and 264.0.1 of the Act respecting land use planning and development (R.S.Q., chapter A-19.1) shall cease to have effect on the day of coming into force of the metropolitan land use and development plan of the Communauté métropolitaine de Montréal.”

65. Section 238 of the said Act is amended by replacing “the Act respecting land use planning and development (R.S.Q., chapter A-19.1)” in the first and second lines by “the said Act”.

66. Section 264 of the said Act is amended

- (1) by inserting “or partially” after “entirely” in the fifth line;
- (2) by adding the following paragraph at the end:

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

67. Section 265 of the said Act is amended

- (1) by striking out “Municipalité régionale de comté de D’Autray,” in the first and second lines of subparagraph 1 of the first paragraph;
- (2) by inserting “, Municipalité régionale de comté de Rouville” after “Deux-Montagnes” in the second line of subparagraph 2 of the first paragraph.

68. The said Act is amended by inserting the following sections after section 265:

“265.1. No officer or employee of a regional county municipality whose territory is situated entirely or partially within the territory of the Communauté métropolitaine de Montréal, other than an officer or employee having entered into employment with the regional county municipality after

20 December 2000, may be laid off or dismissed solely by reason of the coming into force of the revised development plan of the regional county municipality or in anticipation or as a result of the regional county municipality's loss of jurisdiction in respect of land use development owing to the coming into force of the metropolitan land use and development plan of the Communauté métropolitaine de Montréal.

The secretary-treasurer of a regional county municipality referred to in the first paragraph shall, in a document transmitted to the Communauté métropolitaine de Montréal, identify the officers and employees whose services will no longer be required for a reason mentioned in the first paragraph.

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

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

The document referred to in the second paragraph shall be sent to the Communauté métropolitaine de Montréal not later than 30 days before the date on which, according to the document, the services of the officers and employees identified in the document are no longer required. Different documents may be successively sent, according to the different dates on which the services of the various officers or employees concerned will no longer be required.

From 20 December 2000, the regional county municipalities referred to in the first paragraph may not, without the authorization of the Minister of Municipal Affairs and Greater Montréal, increase expenditures relating to the remuneration and employee benefits of the officers or employees to whom the document referred to in the second paragraph is likely to apply, unless the increase results from the application of a clause of a collective agreement or a contract of employment in force on that date.

Any officer or employee laid off or dismissed by a regional county municipality referred to in the first paragraph who is not identified in a document referred to in the second paragraph may, if the officer or employee believes that the document should apply, file a complaint in writing within

30 days of being laid off or dismissed with the labour commissioner general who shall designate a labour commissioner to make an inquiry and decide the complaint. The provisions of the Labour Code (R.S.Q., chapter C-27) relating to the labour commissioner general, the labour commissioners, their decisions and the exercise of their jurisdictions shall apply, with the necessary modifications.

For the purposes of this section, the non-renewal of a contract of employment is considered to be a layoff or dismissal, and Ville de Montréal, Ville de Longueuil, Ville de Laval and Ville de Mirabel are considered to be a regional county municipality.

This section ceases to have effect on the date occurring one year after the coming into force of the metropolitan land use and development plan of the Communauté métropolitaine de Montréal.

“265.2. The Community and a regional county municipality referred to in section 265.1 may, before a document referred to in the second paragraph of that section becomes effective in respect of an officer or employee, enter into an agreement with a view to sharing the services of the officer or employee.

If the agreement contains the particulars mentioned in the third paragraph of section 265.1, it may specify the date on which the officer or employee shall become an officer or employee of the Community in accordance with the fourth paragraph of that section.”

69. Section 266 of the said Act is repealed.

70. Section 267 of the said Act is amended by replacing the second paragraph by the following paragraph:

“Sections 161 to 165 and 167 apply, with the necessary modifications, to the budget; in particular, the dates of 1 November and 30 September referred to in section 165 are replaced by the dates of 15 March and 15 February.”

71. The said Act is amended by inserting the following section after section 267:

“267.1. The fiscal year of the Community ending on 31 December 2001 comprises the period that began on 16 June 2000 and that ends on 31 December 2000.”

72. Section 269 of the said Act is amended by adding the following at the end of the first paragraph: “The Community may, not later than 15 December 2004, make any recommendations it considers appropriate in that respect to the Minister.”

73. Section 270 of the said Act is replaced by the following section:

“270. The Community shall, within three months of the publication by Statistics Canada of the official results of the quinquennial census of 2006, and within three months of the publication of the official results of each such census taken thereafter, report to the Minister on the advisability of modifying its territory to reflect the results.

As soon as possible, the Minister shall report to the Government; the report shall be tabled within the next 15 days in the National Assembly or, if the Assembly is not in session, within 15 days of resumption.”

74. Section 271 of the said Act is amended

- (1) by replacing “les” in the second line of the French text by “des”;
- (2) by replacing “les” in the third line of the French text by “des”;
- (3) by replacing “on the date of coming into force of the metropolitan land use and development plan of the Communauté métropolitaine de Montréal” in the fourth, fifth and sixth lines by “on 1 January 2002”.

75. The English version of section 271 of the said Act is amended by striking out the comma after “267” in the second line.

76. Schedule I to the said Act is amended

- (1) by striking out “Village de Lavaltrie,” in the eleventh line;
- (2) by striking out “Paroisse de Saint-Antoine-de-Lavaltrie,” in the twenty-first and twenty-second lines;
- (3) by striking out “Paroisse de Saint-Gérard-Majella,” in the twenty-sixth line;
- (4) by striking out “Municipalité de Saint-Placide,” in the thirty-first line.

77. Schedule I to the said Act, amended by section 76, is replaced by the following schedule:

“SCHEDULE I  
(Section 2)

**MUNICIPALITIES WHOSE TERRITORIES FORM THE TERRITORY  
OF THE COMMUNITY**

Ville de Beauharnois, Ville de Beloeil, Ville de Blainville, Ville de Boisbriand, Ville de Bois-des-Filion, Paroisse de Calixa-Lavallée, Ville de Candiac, Ville de Carignan, Ville de Chambly, Ville de Charlemagne, Ville de Châteauguay, Ville de Contrecoeur, Ville de Delson, Ville de Deux-Montagnes, Ville de Hudson, Ville de L’Assomption, Ville de L’Île-Cadieux,



Ville de L'Île-Perrot, Ville de La Plaine, Ville de La Prairie, Ville de Lachenaie, Ville de Laval, Ville de Le Gardeur, Ville de Léry, Municipalité des Cèdres, Ville de Longueuil, Ville de Lorraine, Ville de Maple Grove, Ville de Mascouche, Municipalité de McMasterville, Village de Melocheville, Ville de Mercier, Ville de Mirabel, Ville de Montréal, Ville de Mont-Saint-Hilaire, Municipalité de Notre-Dame-de-l'Île-Perrot, Municipalité d'Oka, Ville d'Otterburn Park, Ville de Pincourt, Municipalité de Pointe-Calumet, Village de Pointe-des-Cascades, Ville de Repentigny, Ville de Richelieu, Ville de Rosemère, Municipalité de Saint-Amable, Ville de Saint-Basile-le-Grand, Ville de Saint-Constant, Ville de Sainte-Anne-des-Plaines, Ville de Sainte-Catherine, Ville de Sainte-Julie, Ville de Sainte-Marthe-sur-le-Lac, Ville de Sainte-Thérèse, Ville de Saint-Eustache, Paroisse de Saint-Isidore, Municipalité de Saint-Joseph-du-Lac, Paroisse de Saint-Lazare, Municipalité de Saint-Mathias-sur-Richelieu, Municipalité de Saint-Mathieu, Municipalité de Saint-Mathieu-de-Beloeil, Municipalité de Saint-Philippe, Paroisse de Saint-Sulpice, Municipalité de Terrasse-Vaudreuil, Ville de Terrebonne, Ville de Varennes, Ville de Vaudreuil-Dorion, Village de Vaudreuil-sur-le-Lac, Ville de Verchères.”

78. Schedule II to the said Act is struck out.

79. Schedule III to the said Act is amended by replacing “, Municipalité régionale de comté de L'Assomption and Municipalité régionale de comté de D'Au-tray” in the third and fourth lines by “and Municipalité régionale de comté de L'Assomption”.

80. Schedule IV to the said Act is amended by striking out “Municipalité régionale de comté de Champlain,” in the first line.

## **DIVISION II**

### **OTHER AMENDMENTS**

#### **ACT RESPECTING ACCESS TO DOCUMENTS HELD BY PUBLIC BODIES AND THE PROTECTION OF PERSONAL INFORMATION**

81. Section 5 of the Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., chapter A-2.1), amended by section 3 of chapter 40 of the statutes of 1999, is again amended by replacing “the Commission de développement de la métropole, an urban community” in the first and second lines of paragraph 2 by “a metropolitan community”.

#### **ACT RESPECTING THE AGENCE MÉTROPOLITAINE DE TRANSPORT**

82. Section 5 of the Act respecting the Agence métropolitaine de transport (R.S.Q., chapter A-7.02) is amended

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

“5. The affairs of the Agency shall be administered by a board of directors composed of seven members.”;

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

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

(1) three persons designated by the council of the Communauté métropolitaine de Montréal from among its members; and

(2) four persons appointed by the Government.”

83. Section 8 of the said Act is amended by replacing “three” in the first line by “four”.

84. Section 27 of the said Act is amended by inserting “after consultation with the council of the Communauté métropolitaine de Montréal” after “determined by the Agency” in the second line of the second paragraph.

85. Section 30 of the said Act is amended by inserting “, the council of the Communauté métropolitaine de Montréal” after “operating authorities” in the second line of the third paragraph.

86. Section 36 of the said Act is amended by inserting “the council of the Communauté métropolitaine de Montréal,” after “consult” in the first line of the third paragraph.

87. Section 41 of the said Act is amended

(1) by replacing “to the Minister its tariff of fares as soon as it” in the first line of the first paragraph by “its tariff of fares to the council of the Communauté métropolitaine de Montréal as soon as the tariff”;

(2) by replacing “Government” in the second line of the first paragraph by “council of the Communauté métropolitaine de Montréal”;

(3) by replacing “Minister has advised the Agency that the Government will not disallow them” in the second and third lines of the second paragraph by “council has advised the Agency that they will not be disallowed”.

88. Section 47 of the said Act is replaced by the following section:

“47. The Agency shall plan, carry out and execute, on the conditions fixed by the Government, any subway system extension and any public guided land transport infrastructure. A representative of the Société de transport de la Communauté urbaine de Montréal is by virtue of office a member of the committees created by the Agency in relation to any subway system extension and requiring its expert services as operator.”

89. Section 60 of the said Act is amended by replacing the first paragraph by the following paragraphs:

“60. The Agency shall prepare and adopt an operating budget each year. The Agency’s budget shall be submitted to the council of the Communauté métropolitaine de Montréal for approval not later than 15 November.

Notwithstanding the absence of approval by the council of the Communauté métropolitaine de Montréal, the budget of the Agency shall come into force on the following 1 January.”

90. Section 76 of the said Act is amended by striking out “, after consultation with the Commission de développement de la métropole,” in the fifth and sixth lines of the second paragraph.

91. Section 77 of the said Act is amended

(1) by replacing “Minister” in the second line of the first paragraph by “council of the Communauté métropolitaine de Montréal, for approval,”;

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

“The council of the Communauté métropolitaine de Montréal shall transmit the revised strategic plan for metropolitan transportation development to the Minister, for approval, within the time specified in section 161, and its updating, within 60 days after receiving it.”

92. Section 78 of the said Act is amended by inserting “after consultation with the Communauté métropolitaine de Montréal,” after “each year,”.

93. Section 83 of the said Act is amended

(1) by striking out “of Transport” in subparagraph 4 of the second paragraph and by replacing “Ministère des Transports” in subparagraph 5 of that paragraph by “department”;

(2) by striking out the third paragraph.

94. Section 86 of the said Act is repealed.

95. Section 161 of the said Act is amended by adding the following paragraphs:

“The Agency shall produce the revised strategic development plan not later than 1 July 2002.

The council of the Communauté métropolitaine de Montréal shall transmit the revised strategic development plan to the Minister not later than 15 November 2002.”

96. Section 171 of the said Act is amended by striking out “of Transport” in the first and second paragraphs.

97. Section 173 of the said Act is amended by replacing “Municipal Affairs and Greater Montréal” by “Transport”.

#### ACT RESPECTING LAND USE PLANNING AND DEVELOPMENT

98. Section 117.15 of the Act respecting land use planning and development (R.S.Q., chapter A-19.1) is amended by striking out the fourth paragraph.

99. Section 252 of the said Act is amended by striking out “, with the exception of the charters of the City of Montréal and of the City of Québec” in the second and third lines.

100. The said Act is amended by inserting the following section after section 264.0.1 :

“264.0.2. For the purposes of this Act, Ville de Hull-Gatineau is a regional county municipality; the powers and responsibilities conferred by this Act on the warden, the council of the regional county municipality and the secretary-treasurer shall be exercised, respectively, in the case of the city, by the mayor, the municipal council and by the clerk or any other officer designated for that purpose.

This Act applies, with the necessary modifications, subject to the following changes :

(1) Chapter I of Title I applies, with the necessary modifications, rather than Chapter III of Title I, subject to the following restrictions :

(a) sections 103 to 106, 59.5 to 59.9 and 137.10 to 137.14 apply, rather than sections 36 to 46, 59 to 59.4 and 137.2 to 137.8, to the conformity of planning by-laws with the development plan;

(b) paragraphs 6 and 7 of section 84 and section 85 apply to the optional content of the plan;

(c) the development plan of the Communauté urbaine de l’Outaouais becomes the development plan of the regional county municipality;

(2) Chapters IV and V of Title I apply, with the necessary modifications, except that subparagraph 2 of the second paragraph of section 113 is amended by adding “where the development plan specifies development areas grouping one or more zones for which a special planning program has come into force, a development area may be a territorial unit for the purposes of the provisions of subdivisions 1 to 2.1 of Division V that relate to approval by way of referendum” at the end.

101. Section 264.3 of the said Act is repealed.

102. Section 267.2 of the said Act is replaced by the following section :

“267.2. The documents in respect of which a consultation referred to in section 267 must be held shall, where they are submitted to the Minister designated in accordance with that section by a regional county municipality whose territory is adjacent to the territory of the Communauté métropolitaine de Montréal or to the territory of the Communauté métropolitaine de Québec, be submitted with an opinion of the Community. As of the coming into force of the metropolitan land use and development plan of the Community, that Minister shall ensure, as part of the functions referred to in that section, that the documents submitted to the Minister are consistent with the development plan.

In addition to reasons relating to the government aims or guidelines referred to in those sections, an objection or disapproval expressed by the Minister under any of the sections referred to in section 267 may be based on the opinion of the Community.”

#### CHARTER OF THE FRENCH LANGUAGE

103. The schedule to the Charter of the French language (R.S.Q., chapter C-11), amended by section 45 of chapter 40 of the statutes of 1999, is again amended

(1) by striking out paragraph 2.1 of Division A;

(2) by replacing subparagraph *a* of paragraph 3 of Division A by the following subparagraph :

“(a) the metropolitan communities and transit authorities :

The Communauté métropolitaine de Québec and the Communauté métropolitaine de Montréal, the Société de transport de la Communauté urbaine de Québec, the Société de transport de la Communauté urbaine de Montréal, the Société de transport de l’Outaouais, the Société de transport de la Ville de Laval and the Société de transport de la rive sud de Montréal;”.

#### CITIES AND TOWNS ACT

104. Section 3 of the Cities and Towns Act (R.S.Q., chapter C-19), amended by section 51 of chapter 40 and section 13 of chapter 43 of the statutes of 1999 and by section 1 of chapter 19 of the statutes of 2000, is again amended by striking out “Ville de Montréal or Ville de Québec,” in the second line of the first paragraph.

105. Section 29.1.5 of the said Act is repealed.

106. Section 29.2 of the said Act is amended by striking out the fourth paragraph.

107. Section 73 of the said Act, replaced by section 2 of chapter 54 of the statutes of 2000, is again replaced by the following section:

“73. Sections 72 to 72.3 and 73.1 apply to a municipality even where the municipality’s charter enacts for the municipality a section of this Act bearing the same number or repeals, replaces or amends section 71, directly or indirectly, in whole or in part.”

108. Section 84.1 of the said Act, enacted by section 3 of chapter 54 of the statutes of 2000, is amended by striking out “apply to Ville de Montréal and Ville de Québec and” in the third paragraph.

109. Section 348.9 of the said Act is repealed.

110. Section 357 of the said Act is amended by striking out the second sentence of the second paragraph.

111. Section 412 of the said Act, amended by section 158 of chapter 36 and by section 51 of chapter 40 of the statutes of 1999, is again amended by striking out the first sentence of the sixth paragraph of paragraph 5.

112. Section 414 of the said Act is amended by striking out the second paragraph.

113. Section 454.1 of the said Act is amended by striking out “, including Ville de Montréal and Ville de Québec” in the first line.

114. Section 465.1 of the said Act, amended by section 51 of chapter 40 and section 13 of chapter 43 of the statutes of 1999, is again amended by striking out “, including the city of Montréal and the city of Québec” in the second and third lines of the second paragraph.

115. Section 467.20 of the said Act is replaced by the following section:

“467.20. This subdivision has precedence over any contrary provision of this Act or of any other Act applicable to a municipality.”

116. Section 468 of the said Act, amended by section 51 of chapter 40 of the statutes of 1999, is again amended by replacing “governed by this Act, as well as Ville de Montréal and Ville de Québec, may” in the first and second lines of the first paragraph by “may”.

117. Section 473 of the said Act is amended

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

(2) by replacing “It” in the first line of the second paragraph of subsection 5 by “This section”;

(3) by striking out “governed by this section” in the first line of the first paragraph of subsection 6.

118. Section 474 of the said Act, amended by section 51 of chapter 40 and section 13 of chapter 43 of the statutes of 1999, is again amended by striking out the second paragraph of subsection 4.

119. Section 474.8 of the said Act is replaced by the following section :

“474.8. Notwithstanding section 474.1, the contracts mentioned in the list referred to in the third paragraph of that section are, in the case of Ville de Montréal, the contracts entered into since the last meeting at which such a list was tabled, and the list referred to in that paragraph must be tabled at a sitting of the council held in the month of October or November each year.”

120. Section 486 of the said Act, amended by section 51 of chapter 40 of the statutes of 1999 and by section 5 of chapter 54 of the statutes of 2000, is again amended

(1) by striking out the first paragraph of subsection 3;

(2) by replacing “In the case of a municipality whose territory is comprised in that of the Communauté urbaine de Montréal, the council” in the first and second lines of the third paragraph of subsection 3 by “The council of Ville de Montréal”.

121. Section 573.4 of the said Act, amended by section 9 of chapter 59 of the statutes of 1999, is again amended by striking out “apply to every municipality governed by this Act, and to Ville de Québec, and” in the first and second lines of the portion before paragraph *a*.

122. Sections 604.5 and 604.14 of the said Act are repealed.

#### CODE OF PENAL PROCEDURE

123. Article 376 of the Code of Penal Procedure (R.S.Q., chapter C-25.1) is amended

(1) by striking out “of the cities of Montréal and Québec and” in the second line of the first paragraph;

(2) by striking out “governed by the Cities and Towns Act (chapter C-19) or by the Municipal Code of Québec (chapter C-27.1)” in the third and fourth lines of the first paragraph.

## PROFESSIONAL CODE

124. Section 37 of the Professional Code (R.S.Q., chapter C-26), amended by section 3 of chapter 13 of the statutes of 2000, is again amended by striking out “all laws governing the urban communities,” in the sixth and seventh lines of paragraph *j*.

## MUNICIPAL CODE OF QUÉBEC

125. Article 1 of the Municipal Code of Québec (R.S.Q., chapter C-27.1) is amended by striking out “, to Ville de Montréal, to Ville de Québec” in the third and fourth lines of the second paragraph.

126. Article 10.9 of the said Code is amended by striking out the fourth paragraph.

127. Article 990 of the said Code, amended by section 60 of chapter 40 of the statutes of 1999, is again amended by striking out subarticle 3.

## ACT RESPECTING THE NATIONAL CAPITAL COMMISSION

128. Section 5 of the Act respecting the national capital commission (R.S.Q., chapter C-33.1) is amended by replacing the second paragraph by the following paragraph:

“Among the members of the board of directors other than the chairman, at least three must reside in the territory of Ville de Québec and at least one must reside in the territory of Ville de Lévis.”

## ACT RESPECTING THE COMMISSION MUNICIPALE

129. The Act respecting the Commission municipale (R.S.Q., chapter C-35) is amended by inserting the following section after section 24.16 enacted by section 8 of chapter 27 of the statutes of 2000:

“24.16.1. This division does not apply in respect of equipment listed in Schedule V to the Act respecting the Communauté métropolitaine de Montréal (2000, chapter 34) or equipment, an infrastructure, a service or an activity which the Communauté métropolitaine de Montréal has designated as being of metropolitan scope under section 157.1 of that Act.”

130. Section 24.16.1 of the said Act, enacted by section 129, is replaced by the following section:

“24.16.1. This division does not apply in respect of equipment listed in Schedule V to the Act respecting the Communauté métropolitaine de Montréal (2000, chapter 34) or equipment, an infrastructure, a service or an activity which the Communauté métropolitaine de Montréal or the Communauté métropolitaine de Québec has designated as being of metropolitan scope



under section 157.1 of the Act respecting the Communauté métropolitaine de Montréal or, as the case may be, section 149 of Schedule VI to the Act to reform the municipal territorial organization of the metropolitan regions of Montréal, Québec and the Outaouais (2000, chapter 56).”

131. Section 77 of the said Act, amended by section 65 of chapter 40 of the statutes of 1999, is again amended by striking out “, of Ville de Montréal or of Ville de Québec” in the third line of the second paragraph.

#### ACT RESPECTING THE COMMUNAUTÉ URBAINE DE MONTRÉAL

132. Section 223 of the Act respecting the Communauté urbaine de Montréal (R.S.Q., chapter C-37.2) is amended by striking out the fourth paragraph.

133. Sections 294 to 294.2 of the said Act are repealed.

134. Section 294.4 of the said Act is amended by inserting the following sentence after the first sentence of the first paragraph: “The Société is also the sole owner of the tunnel, tracks and platforms of the part of the network situated in the territory of a municipality whose territory forms part of the territory of the Société de transport de la rive sud de Montréal and existing on 20 December 2000.”

135. Section 294.5 of the said Act is replaced by the following section:

“294.5. The Société is the owner of the volume occupied by the tunnel it owns and of a thickness of five metres surrounding the interior concrete wall of the tunnel.

The Société also holds a legal servitude established in favour of the volume occupied by the tunnel and limiting the stress applied to the upper surface of the volume to 250 kilopascals.”

#### ACT RESPECTING THE CONSERVATION AND DEVELOPMENT OF WILDLIFE

136. Section 128.16 of the Act respecting the conservation and development of wildlife (R.S.Q., chapter C-61.1), amended by section 113 of chapter 36 of the statutes of 1999, is again amended

(1) by striking out “to the Communauté urbaine de Montréal, the Communauté urbaine de Québec, the Communauté urbaine de l’Outaouais or” in the third, fourth and fifth lines of the first paragraph;

(2) by replacing “municipal body” in the second line of the second paragraph by “municipality”;

(3) by replacing “municipal body” in the second line of the third paragraph by “municipality”;

(4) by replacing “municipal body” in the second line of the fourth paragraph by “municipality”.

137. Section 171.7 of the said Act is amended by replacing “municipal body” in the first line by “municipality”.

#### ACT RESPECTING DUTIES ON TRANSFERS OF IMMOVABLES

138. Section 16 of the Act respecting duties on transfers of immovables (R.S.Q., chapter D-15.1), amended by section 112 of chapter 40 of the statutes of 1999, is again amended by striking out the second paragraph.

139. Section 17 of the said Act, amended by section 20 of chapter 8, section 112 of chapter 40, section 13 of chapter 43 and section 19 of chapter 83 of the statutes of 1999, is again amended

(1) by replacing “either by a municipality or by an urban community” in the first and second lines of paragraph *b* by “by a municipality”;

(2) by striking out “or such community” in the third line of paragraph *b*.

#### ACT RESPECTING ELECTIONS AND REFERENDUMS IN MUNICIPALITIES

140. Section 66 of the Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2), amended by section 8 of chapter 25 of the statutes of 1999, is again amended by striking out “section 12.8 of the Act respecting the Communauté urbaine de Montréal (chapter C-37.2),” in the fourth and fifth lines of the second paragraph.

#### ACT RESPECTING THREATENED OR VULNERABLE SPECIES

141. Section 26 of the Act respecting threatened or vulnerable species (R.S.Q., chapter E-12.01), amended by section 133 of chapter 36 of the statutes of 1999, is again amended

(1) by striking out “, to the Communauté urbaine de Montréal, the Communauté urbaine de Québec, the Communauté urbaine de l’Outaouais or” in the third, fourth and fifth lines of the first paragraph;

(2) by replacing “municipal body” in the second line of the second paragraph by “municipality”;

(3) by replacing “municipal body” in the third line of the third paragraph by “municipality”;

(4) by replacing “municipal body” in the first line of the fourth paragraph by “municipality”.

142. Section 49 of the said Act is amended by replacing “municipal body” in the first line and “that body” in the last line by “municipality” and “the municipality”, respectively.

#### ACT RESPECTING MUNICIPAL TAXATION

143. Section 1 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1), amended by section 1 of chapter 31, section 133 of chapter 40 and section 13 of chapter 43 of the statutes of 1999 and by section 37 of chapter 54 of the statutes of 2000, is again amended

(1) by replacing the definition of “**community**” in the first paragraph by the following definition :

““**community**” means the Communauté métropolitaine de Montréal or the Communauté métropolitaine de Québec;”;

(2) by replacing the definition of “**municipal body responsible for assessment**” in the first paragraph by the following definition :

““**municipal body responsible for assessment**” means a regional county municipality or a local municipality in respect of which a regional county municipality has no jurisdiction in matters of assessment;”;

(3) by striking out “, a community” in the third and fourth lines of the definition of “**municipal service**” in the first paragraph.

144. Sections 4 and 4.1 of the said Act are repealed.

145. Section 6 of the said Act is amended by striking out “community or a” in the second line of the first paragraph.

146. Section 8 of the said Act, amended by section 133 of chapter 40 of the statutes of 1999, is again amended

(1) by striking out “community or” in the first line of the first paragraph;

(2) by striking out “4 or” in the first line of the first paragraph;

(3) by striking out “, or their respective fiscal potentials, within the meaning of section 261.5, depending on whether the expenditures are those of a regional county municipality or of a community” in the third, fourth and fifth lines of the second paragraph.

147. Section 82 of the said Act is amended by striking out the first paragraph.

148. Section 83 of the said Act is amended

(1) by striking out “or, as the case may be, the community” in the second line of the second paragraph;

(2) by striking out “or the community” and “or of the community” in the fifth line and in the sixth line, respectively, of the second paragraph.

149. Section 204 of the said Act, amended by section 133 of chapter 40 of the statutes of 1999, by section 325 of chapter 12 and by section 59 of chapter 54 of the statutes of 2000, is again amended

(1) by striking out “to the Commission de développement de la métropole,” in the first and second lines of paragraph 5;

(2) by striking out “of the Commission or” in the third line of paragraph 5.

150. Section 232 of the said Act, amended by section 133 of chapter 40 of the statutes of 1999 and by section 65 of chapter 54 of the statutes of 2000, is again amended by inserting “as it existed on 31 December 2001” after “Montréal” in the fifth line of the third paragraph.

151. Section 236 of the said Act, amended by section 133 of chapter 40 of the statutes of 1999, by section 26 of chapter 10, section 325 of chapter 12 and by section 71 of chapter 54 of the statutes of 2000, is again amended by striking out “the Commission de développement de la métropole,” in the first and second lines of subparagraph *b* of paragraph 1.

152. Section 244.13 of the said Act, amended by section 78 of chapter 54 of the statutes of 2000, is again amended by inserting “as it existed on 31 December 2001” after “Montréal” in the fifth line of the third paragraph.

153. Section 244.25 of the said Act, amended by section 81 of chapter 54 of the statutes of 2000, is again amended by inserting “as it existed on 31 December 2001” after “Montréal” in the fifth line of the third paragraph.

154. Section 244.49 of the said Act, enacted by section 82 of chapter 54 of the statutes of 2000, is again amended by inserting “as it existed on 31 December 2001” after “Montréal” in the fifth line of the first paragraph.

155. Section 261.5 of the said Act, amended by section 133 of chapter 40 of the statutes of 1999 and by section 87 of chapter 54 of the statutes of 2000, is again amended by replacing “0.96” in the first line of subparagraph 2 of the first paragraph by “0.48”.

#### FOREST ACT

156. Section 124.2 of the Forest Act (R.S.Q., chapter F-4.1) is amended by striking out the third paragraph.

157. Section 124.18 of the said Act is amended by replacing the third paragraph by the following paragraph:

“For the purposes of this section and sections 124.19 to 124.23, the following shall be regarded as a regional county municipality:

(1) Ville de Hull-Gatineau;

(2) until the coming into force of the metropolitan land use and development plan applicable in their territory, Ville de Laval, Ville de Mirabel, Ville de Montréal, Ville de Québec, Ville de Longueuil and Ville de Lévis and, from the coming into force of their metropolitan land use and development plan, the Communauté métropolitaine de Montréal and the Communauté métropolitaine de Québec.”

#### TAXATION ACT

158. Section 1029.8.83 of the Taxation Act (R.S.Q., chapter I-3) is amended by replacing “a municipality listed in Schedule A to the Act respecting the Communauté urbaine de Montréal (chapter C-37.2)” in the first and second lines of subparagraph *i* of paragraph *e* in the definition of “eligible housing unit” by “Ville de Montréal”.

#### EDUCATION ACT

159. Section 211 of the Education Act (R.S.Q., chapter I-13.3) is amended by replacing “each regional county municipality or urban community whose territory coincides wholly or partly with the territory of the school board” in the second, third and fourth lines of the first paragraph by “any town or regional county municipality responsible for the management of a land use plan applicable to the whole or a part of the territory of the school board and to any metropolitan community responsible for the preparation or management of a metropolitan land use and development plan applicable to that territory or designed to apply to that territory”.

160. Section 314 of the said Act, amended by section 158 of chapter 40 of the statutes of 1999, is again amended by striking out the second paragraph.

161. Section 401 of the said Act is amended by striking out “; the Council may, however, relocate it elsewhere on the island of Montréal” in the second and third lines of the first paragraph.

162. Section 520 of the said Act, amended by section 2 of chapter 28 of the statutes of 1999, is again amended by replacing “each regional county municipality or urban community whose territory coincides wholly or partly with that of the school board” in the third and fourth lines of the first paragraph by “every town or regional county municipality responsible for the management of a land use plan applicable to the whole or a part of the territory of the school board and to each metropolitan community responsible for the

preparation or management of a metropolitan land use and development plan applicable to that territory or intended to apply to that territory”.

#### EDUCATION ACT FOR CREE, INUIT AND NASKAPI NATIVE PERSONS

163. Section 497 of the Education Act for Cree, Inuit and Naskapi Native Persons (R.S.Q., chapter I-14) is amended by striking out “, but the Council may transfer it elsewhere on the island of Montréal ; such a change shall come into force upon publication of a notice to that effect in the *Gazette officielle du Québec*” in the second, third and fourth lines.

#### ACT RESPECTING ADMINISTRATIVE JUSTICE

164. Schedule II to the Act respecting administrative justice (R.S.Q., chapter J-3) is amended

(1) by striking out paragraphs 3.1 and 3.2;

(2) by inserting the following paragraph after paragraph 3.2:

“(3.3) proceedings under section 104 of the Act respecting the Communauté métropolitaine de Montréal (2000, chapter 34);”;

(3) by inserting the following paragraph after paragraph 3.3 enacted by paragraph 2:

“(3.4) proceedings under section 97 of Schedule VI to the Act to reform the municipal territorial organization of the metropolitan regions of Montréal, Québec and the Outaouais (2000, chapter 56);”.

165. Schedule III to the said Act, amended by section 158 of chapter 36 of the statutes of 1999 and by section 48 of chapter 9 of the statutes of 2000, is again amended

(1) by striking out paragraphs 1 and 1.1;

(2) by inserting the following paragraph after paragraph 1.1:

“(1.2) proceedings against decisions or orders of the Communauté métropolitaine de Montréal or, in the case of delegation, the head of a department or an officer brought under section 159.2 or 159.14 of the Act respecting the Communauté métropolitaine de Montréal (2000, chapter 34);”;

(3) by inserting the following paragraph after paragraph 1.2 enacted by paragraph 2:

“(1.3) proceedings against decisions or orders of Ville de Québec or, in the case of delegation, the executive committee or a department head brought

under section 104 of Schedule II to the Act to reform the municipal territorial organization of the metropolitan regions of Montréal, Québec and the Outaouais (2000, chapter 56);”.

#### ACT RESPECTING THE MINISTÈRE DES AFFAIRES MUNICIPALES ET DE LA MÉTROPOLE

166. Section 17.2 of the Act respecting the Ministère des Affaires municipales et de la Métropole (R.S.Q., chapter M-22.1), enacted by section 7 of chapter 43 of the statutes of 1999, is amended by replacing “urbaine” in the first line of subparagraph 3 of the first paragraph by “métropolitaine”.

167. Section 17.5 of the said Act, enacted by section 7 of chapter 43 of the statutes of 1999, is amended by replacing “urbaine” in the first line by “métropolitaine”.

168. The schedule to the said Act, enacted by section 8 of chapter 43 of the statutes of 1999, is replaced by the following schedule :

#### “SCHEDULE

#### “MUNICIPAL BODIES WHOSE TERRITORIES MAKE UP GREATER MONTRÉAL (Section 17)

“Communauté métropolitaine de Montréal, Ville de Bellefeuille, Canton de Gore, Ville de Lafontaine, Village de Lavaltrie, Municipalité de Notre-Dame-de-Bonsecours, Ville de Saint-Antoine, Paroisse de Saint-Antoine-de-Lavaltrie, Paroisse de Saint-Colomban, Ville de Saint-Jérôme, Municipalité de Saint-Placide.”

#### ACT RESPECTING THE MARKETING OF AGRICULTURAL, FOOD AND FISH PRODUCTS

169. Section 6 of the Act respecting the marketing of agricultural, food and fish products (R.S.Q., chapter M-35.1) is amended

(1) by replacing “Communauté urbaine de Montréal or its immediate vicinity” in the first and second lines of the first paragraph by “Communauté métropolitaine de Montréal”;

(2) by replacing “Communauté urbaine de Québec or its immediate vicinity” in the third line of the first paragraph by “Communauté métropolitaine de Québec”.

#### ACT RESPECTING MUNICIPAL TERRITORIAL ORGANIZATION

170. Section 86 of the Act respecting municipal territorial organization (R.S.Q., chapter O-9) is amended by replacing subparagraph 3 of the first paragraph by the following subparagraph :

“(3) a statement to the effect that the municipality will be governed by the Municipal Code of Québec (chapter C-27.1) or by the Cities and Towns Act (chapter C-19);”.

171. Section 108 of the said Act is amended by replacing subparagraph 3 of the first paragraph by the following subparagraph :

“(3) a statement to the effect that the municipality is governed by the Municipal Code of Québec (chapter C-27.1) or by the Cities and Towns Act (chapter C-19);”.

172. Section 125.4 of the said Act, enacted by section 1 of chapter 27 of the statutes of 2000, is repealed.

173. Section 125.13 of the said Act, enacted by section 1 of chapter 27 of the statutes of 2000, is amended by inserting the following paragraph after the second paragraph :

“An agreement entered into under this section may not provide conditions of employment that entail higher costs than those entailed by the application of the conditions of employment applicable on the date of coming into force of the order made under section 125.12, or increase the staff.”

174. Section 176.2 of the said Act, enacted by section 3 of chapter 27 of the statutes of 2000, is amended by adding the following paragraph at the end :

“The expression “comprehensive agreement” means, as the case may be, the comprehensive agreement on the description of the bargaining unit for police officers or for firefighters, or the comprehensive agreement on the description of the bargaining units for all the other groups of employees.”

175. Section 176.14 of the said Act, enacted by section 3 of chapter 27 of the statutes of 2000, is amended by adding the following paragraph at the end :

“The parties may agree on a term of more than three years for a collective agreement.”

176. Section 176.15 of the said Act, enacted by section 3 of chapter 27 of the statutes of 2000, is amended by replacing “refer the dispute to an arbitrator” in the fourth line of the first paragraph by “apply the modes of settlement hereinafter provided for to the dispute”.

177. Section 176.19 of the said Act, enacted by section 3 of chapter 27 of the statutes of 2000, is amended

(1) by replacing “176.20 and” in the second line of the first paragraph by “176.20 to”;

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



“The award may be rendered after the date of expiry applicable to it.

No award shall take effect until the filing at the office of the labour commissioner general of a copy of the award. Such filing has retroactive effect to the date provided in the award for its coming into force or, failing such date, to the date it bears.”

178. Section 176.20 of the said Act, enacted by section 3 of chapter 27 of the statutes of 2000, is amended by striking out the third paragraph.

179. The said Act is amended by inserting the following section after section 176.20, enacted by section 3 of chapter 27 of the statutes of 2000:

“176.20.1. Where, to settle a matter in dispute, the arbitrator harmonizes different conditions of employment applied to the employees covered by the award, the harmonization alone shall not operate to increase the total of the municipality’s annual expenditures related, in respect of those employees, to remuneration and to employee benefits of the following nature:

- (1) wages, bonuses, allowances and income replacement indemnities;
- (2) contributions of the municipality, as an employer, to pension plans and group insurance plans and to public plans such as health insurance, employment insurance and the Québec Pension Plan;
- (3) contributions paid to the Commission de la santé et de la sécurité du travail and to the Commission des normes du travail;
- (4) other employee benefits such as redemption of sick-leave days, vacation bonuses, moving costs, and free room and board.”

180. Section 176.22 of the said Act, enacted by section 3 of chapter 27 of the statutes of 2000, is amended

- (1) by replacing “176.19” in the first line of the first paragraph by “176.18 and the first and second paragraphs of section 176.19”;
- (2) by replacing “sections 176.20 and 176.21” in the second line of the second paragraph by “the third and fourth paragraphs of section 176.19 and sections 176.20 to 176.21”.

181. Section 176.23 of the said Act, enacted by section 3 of chapter 27 of the statutes of 2000, is amended by adding the following paragraphs at the end:

“Those provisions also apply, with the necessary modifications, in the case of an amalgamation of municipal housing bureaus that comes into force between 16 June 2000 and 16 June 2004 and in the case of a transfer of employees and officers from any municipal or supramunicipal body to a

metropolitan community or to a municipality resulting from the amalgamation that occurs during that period.

The Government may, however, by order, having regard to the objects of this chapter, wholly or partially exempt the parties referred to in section 176.2 from the application of this chapter.”

182. The said Act is amended by adding the following sections after section 176.24, enacted by section 3 of chapter 27 of the statutes of 2000:

“176.25. Notwithstanding any other provision, no party to a pension plan established by a by-law of a municipality that will cease to exist on an amalgamation, or an urban community or any other municipal or supramunicipal body involved in an amalgamation may terminate the plan unless the formalities concerning recommendation and approval that apply to a by-law amending the by-law establishing the plan are observed.

“176.26. Notwithstanding any other provision, the assets and liabilities of a pension plan established by a by-law of a municipality that ceased to exist on amalgamation, an urban community or any other municipal or supramunicipal body involved in an amalgamation may not be wholly or partly amalgamated with those of another pension plan unless the by-law establishing the plan had first been amended to that effect and the formalities concerning recommendation and approval that apply in respect of a by-law amending the by-law establishing the plan have been observed.

“176.27. The time limit provided for in section 37 of the Pay Equity Act (chapter E-12.001) does not apply in respect of

(1) municipalities having made a joint application for amalgamation before 21 November 2001 in accordance with section 86 of this Act;

(2) municipalities having received the writing referred to in section 125.2 of this Act before 21 November 2001;

(3) municipalities mentioned in a notice published pursuant to section 125.6 of this Act before 21 November 2001;

(4) an urban community and the municipalities subject to the Act to reform the municipal territorial organization of the metropolitan regions of Montréal, Québec and the Outaouais (2000, chapter 56), effective 15 November 2000;

(5) municipal housing bureaus that amalgamated before 21 November 2001;

(6) a municipality as regards employees of any municipal or supramunicipal body who have been transferred to the municipality.

The Minister of Municipal Affairs and Greater Montréal shall transmit a copy of the application mentioned in subparagraph 1 or of the notice mentioned in subparagraphs 2 and 3 of the first paragraph to the Commission de l'équité salariale.

“176.28. The date or the time period by or in which the provisions of section 37 of the Pay Equity Act must be complied with is

(1) 21 November 2005 for a municipality mentioned in subparagraphs 1 to 3 of the first paragraph of section 176.27 if no amalgamation order has come into force in its respect before 16 June 2004 or, as the case may be, 18 months from the date of the notice given by the Minister of Municipal Affairs and Greater Montréal informing the municipality that it will not be amalgamated;

(2) 36 months from the date of the determination of the last bargaining unit

(a) for a municipality that succeeds to the municipalities referred to in subparagraphs 1 to 3 of the first paragraph of section 176.27;

(b) for the municipal housing bureau that succeeds to the municipal housing bureaus that have ceased to exist; and

(c) for a municipality referred to in subparagraph 6 of the first paragraph of section 176.27; and

(3) 48 months for the city that succeeds to the municipalities referred to in subparagraph 4 of the first paragraph of section 176.27.

Notwithstanding the time periods fixed in subparagraphs 1 to 3, the salary compensations required to achieve pay equity must have been determined or a pay equity plan must have been completed not later than 21 November 2005.

The Minister of Municipal Affairs and Greater Montréal shall transmit a copy of the notice given under subparagraph 1 of the first paragraph to the Commission de l'équité salariale.

“176.29. Notwithstanding the provisions of the first paragraph of section 71 of the Pay Equity Act, the employer shall pay the salary compensations in full or, as the case may be, the first salary compensations on the date or on the expiry of the time period fixed in the first and second paragraphs of section 176.28. The compensations are retroactive to 21 November 2001 and may, for the purpose of calculating the amount of the compensations to be paid, be spread, having regard to the provisions of section 70 of that Act, over a period between 21 November 2001 and 21 November 2005.

“176.30. Every person who contravenes section 176.29 is guilty of an offence and is liable to a fine of not less than \$1,000 and not more than \$25,000.

Sections 115 to 118 of the Pay Equity Act apply to the offence, with the necessary modifications.”

183. Section 210.4 of the said Act is amended by striking out “the territory of an urban community,” in the second line.

184. Section 214 of the said Act is amended by replacing “urbaine” in the second line by “métropolitaine”.

#### PUBLIC HEALTH PROTECTION ACT

185. Section 1 of the Public Health Protection Act (R.S.Q., chapter P-35) is amended by striking out “, the police department of an urban community” in the first and second lines of subparagraph *p* of the first paragraph.

#### ACT RESPECTING THE PRESERVATION OF AGRICULTURAL LAND AND AGRICULTURAL ACTIVITIES

186. Section 1 of the Act respecting the preservation of agricultural land and agricultural activities (R.S.Q., chapter P-41.1), amended by section 235 of chapter 40 of the statutes of 1999, is again amended

(1) by replacing subparagraph 5 of the first paragraph by the following subparagraph:

“(5) “community” means the Communauté métropolitaine de Montréal and the Communauté métropolitaine de Québec”;

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

“The following are a regional county municipality for the purposes of this Act:

(1) Ville de Hull-Gatineau;

(2) until the coming into force of the metropolitan land use and development plan applicable in their territories, Ville de Montréal, Ville de Longueuil, Ville de Laval, Ville de Mirabel, Ville de Québec and Ville de Lévis.”

187. Section 58.4 of the said Act is amended

(1) by replacing the second sentence of the first paragraph by the following sentence: “Where the application concerns a lot within the territory of a community, the commission shall, if the metropolitan land use and development plan is not in force, make the request for a recommendation to the regional county municipality whose territory includes the lot in respect of which the application is made and to the community whose territory also includes the lot. If the metropolitan plan is in force, the application shall be made only to the community.”;

(2) by striking out the fourth paragraph.

188. Section 62 of the said Act is amended

(1) by replacing “in the territory of the Commission de développement de la métropole” in the fourth and fifth lines of subparagraph 5 of the second paragraph by “in the territory of a community”;

(2) by striking out “or with the objectives of the land use plan of the Commission de développement de la métropole” in the fourth and fifth lines of subparagraph 1 of the third paragraph.

189. Section 62.4 of the said Act is repealed.

#### ENVIRONMENT QUALITY ACT

190. Section 34 of the Environment Quality Act (R.S.Q., chapter Q-2) is amended by striking out the second sentence of the fourth paragraph.

191. Section 53.5 of the said Act, enacted by section 13 of chapter 75 of the statutes of 1999 and amended by section 239 of chapter 34 of the statutes of 2000, is again amended by replacing the second paragraph by the following paragraph:

“For the purposes of this division, the Communauté métropolitaine de Montréal, the Communauté métropolitaine de Québec, Ville de Lévis, Ville de Hull-Gatineau and the regional county municipalities except those whose territory is situated entirely within the territory of the Communauté métropolitaine de Montréal or the territory of the Communauté métropolitaine de Québec are regional municipalities.”

192. Section 53.9 of the said Act, enacted by section 13 of chapter 75 of the statutes of 1999 and amended by section 242 of chapter 34 of the statutes of 2000, is again amended by replacing the third paragraph by the following paragraph:

“For the purposes of subparagraph 1 of the first paragraph,

(1) in the case of a regional county municipality whose territory is situated partly within the territory of the Communauté métropolitaine de Montréal or the Communauté métropolitaine de Québec, the territory to which the plan applies does not include the part of the territory of the regional county municipality situated within the territory of the Community;

(2) the territory to which the plan of the Communauté métropolitaine de Québec applies does not include the territory of Ville de Lévis.”

193. Section 53.13 of the said Act, enacted by section 13 of chapter 75 of the statutes of 1999 and amended by section 246 of chapter 34 of the statutes

of 2000, is again amended by replacing the second paragraph by the following paragraph :

“The commission must hold at least two public meetings in the territory covered by the draft plan within the time specified in the resolution referred to in section 53.12; where the territory covered by the draft plan includes the territory of several local municipalities, the two public meetings must be held in the territory of two of those local municipalities. The commission shall determine the date, time and place of each public meeting.”

194. Section 53.24 of the said Act, enacted by section 13 of chapter 75 of the statutes of 1999 and amended by section 256 of chapter 34 of the statutes of 2000, is again amended by replacing the first paragraph by the following paragraph :

“53.24. A management plan in force is binding on the local municipalities whose territory is situated within the territory covered by the plan.”

#### ACT RESPECTING THE RÉGIE DU LOGEMENT

195. Section 51 of the Act respecting the Régie du logement (R.S.Q., chapter R-8.1) is amended

(1) by replacing “the Communauté urbaine de Montréal” in the first and second lines of the third paragraph by “Ville de Montréal”;

(2) by replacing “the municipality in whose territory” in the third line of the third paragraph by “the borough in which”;

(3) by replacing “Outside the territory of the Community” in the fourth line of the third paragraph by “In the territory of a municipality other than Ville de Montréal”.

196. Section 54.12 of the said Act is amended

(1) by replacing “of a municipality whose territory is comprised in the territory of the Communauté urbaine de Montréal and” in the first and second lines of the portion before paragraph 1 by “of a borough of Ville de Montréal”;

(2) by replacing “, and the council of Ville de Montréal may” in the fourth line of the portion before paragraph 1 by “may”.

197. Section 54.13 of the said Act is amended by replacing “whose territory is not comprised in the territory of the Communauté urbaine de Montréal” in the second and third lines of the portion before paragraph 1 by “, except the council of Ville de Montréal.”.

## ACT RESPECTING THE PENSION PLAN OF ELECTED MUNICIPAL OFFICERS

198. Section 18 of the Act respecting the Pension Plan of Elected Municipal Officers (R.S.Q., chapter R-9.3), amended by section 250 of chapter 40 of the statutes of 1999, is again amended by replacing “the Commission de développement de la métropole, any urban community,” in the first and second lines of paragraph 2 by “a metropolitan community, any”.

## ACT RESPECTING HEALTH SERVICES AND SOCIAL SERVICES

199. Section 126.1 of the Act respecting health services and social services (R.S.Q., chapter S-4.2) is amended by replacing “the Montréal or Québec urban communities” in the eleventh and twelfth lines of the first paragraph by “Ville de Montréal or Ville de Québec”.

200. Section 397 of the said Act is amended

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

“(3) four persons elected by the regional county municipalities whose territory is situated in the region, from among the elected municipal officers of the local municipalities whose territory is situated within the territory of those regional county municipalities; in the case of the regional boards established for each of the regions of Montréal and Laval, the four persons shall be elected respectively by Ville de Montréal and Ville de Laval from among their elected municipal officers; in the case of the regional boards established for each of the regions of Québec’s national capital and the Outaouais, two persons shall be elected by the regional county municipalities whose territory is situated in the region, from among the elected municipal officers of the local municipalities whose territory is situated in the territory of those regional county municipalities and two persons shall be elected respectively by Ville de Québec and Ville de Hull-Gatineau from among their elected municipal officers; in the case of the regional boards established for each of the regions of Montérégie and Chaudière-Appalaches, the four persons shall be elected by the group formed of the regional county municipalities whose territory is situated in the region and of Ville de Longueuil or Ville de Lévis, as the case may be, from among the elected municipal officers of those cities and of the local municipalities whose territory is situated in the territory of those regional county municipalities;”;

(2) by replacing the first sentence of the second paragraph by the following sentence: “No election under subparagraph 3 of the first paragraph may result in the election of more than one municipal officer from each regional county municipality.”

201. Section 397.2 of the said Act is amended by striking out “whose territories are comprised in the territory of an urban community” in the fifth and sixth lines of the first paragraph.

## ACT RESPECTING THE SOCIÉTÉ DES TRAVERSIERS DU QUÉBEC

202. Section 2 of the Act respecting the Société des Traversiers du Québec (R.S.Q., chapter S-14) is amended by replacing “Communauté urbaine de Québec or in its immediate vicinity” in the second line by “Communauté métropolitaine de Québec”.

## ACT RESPECTING SOCIÉTÉ INNOVATECH DU GRAND MONTRÉAL

203. Schedule A to the Act respecting Société Innovatech du Grand Montréal (R.S.Q., chapter S-17.2.0.1) is amended

(1) by replacing “Communauté urbaine de Montréal” by “Ville de Montréal”;

(2) by replacing “Communauté urbaine de l’Outaouais” by “Ville de Hull-Gatineau”;

(3) by replacing “Municipalité régionale de comté de Champlain” by “Ville de Longueuil”.

## ACT RESPECTING SOCIÉTÉ INNOVATECH QUÉBEC ET CHAUDIÈRE-APPALACHES

204. Schedule A to the Act respecting Société Innovatech Québec et Chaudière-Appalaches (R.S.Q., chapter S-17.4) is amended

(1) by replacing “Communauté urbaine de Québec” by “Ville de Québec”;

(2) by replacing “Municipalité régionale de comté de Desjardins” and “Municipalité régionale de comté des Chutes-de-la-Chaudière” by “Ville de Lévis”.

## ACT RESPECTING MIXED ENTERPRISE COMPANIES IN THE MUNICIPAL SECTOR

205. Section 5 of the Act respecting mixed enterprise companies in the municipal sector (R.S.Q., chapter S-25.01), amended by section 13 of chapter 43 of the statutes of 1999, is again amended by replacing “the chairman of the council in the case of the Communauté urbaine de l’Outaouais, the chairman of the executive committee in the case of the Communauté urbaine de Montréal, the chairman of the Community in the case of the Communauté urbaine de Québec and the chairman” in the third, fourth, fifth and sixth lines of the third paragraph by “the chair of the council of the Communauté métropolitaine de Montréal or the Communauté métropolitaine de Québec and the chair”.

206. Section 30 of the said Act, amended by section 13 of chapter 43 of the statutes of 1999, is again amended by replacing “sections 82.1 to 83 of the Act respecting the Communauté urbaine de l’Outaouais (chapter C-37.1), sections



120.0.1 to 120.0.3 of the Act respecting the Communauté urbaine de Montréal (chapter C-37.2), sections 92 to 92.0.2 of the Act respecting the Communauté urbaine de Québec (chapter C-37.3)” in the second, third, fourth, fifth and sixth lines of the third paragraph by “sections 106 to 108 of the Act respecting the Communauté métropolitaine de Montréal (2000, chapter 34), sections 99 to 101 of Schedule VI to the Act to reform the municipal territorial organization of the metropolitan regions of Montréal, Québec and the Outaouais (2000, chapter 56)”.

207. Section 42 of the said Act is amended by replacing “section 143.3 of the Act respecting the Communauté urbaine de l’Outaouais (chapter C-37.1), of section 222.1 of the Act respecting the Communauté urbaine de Montréal (chapter C-37.2) and of section 157.3 of the Act respecting the Communauté urbaine de Québec (chapter C-37.3)” in the second, third, fourth, fifth and sixth lines by “section 184 of the Act respecting the Communauté métropolitaine de Montréal (2000, chapter 34) and of section 174 of Schedule VI to the Act to reform the municipal territorial organization of the metropolitan regions of Montréal, Québec and the Outaouais (2000, chapter 56)”.

#### ACT RESPECTING THE LANDS IN THE DOMAIN OF THE STATE

208. Section 25 of the Act respecting the lands in the domain of the State (R.S.Q., chapter T-8.1), amended by section 13 of chapter 43 of the statutes of 1999, is again amended

(1) by replacing “an urban” in the third line of the first paragraph by “a metropolitan”;

(2) by inserting “or to both councils if the amendment is proposed to a plan respecting lands comprised both in the territory of a regional county municipality and in the territory of a metropolitan community” after “community” in the fifth line of the first paragraph;

(3) by replacing “municipality or the urban community gives notice before that date to the Minister of Municipal Affairs and Greater Montréal of its approval of the proposed amendment” in the seventh, eighth and ninth lines of the first paragraph by “Minister received, before that date, from each regional county municipality or metropolitan community concerned, notice of approval of the proposed amendment”;

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

“For the purposes of section 23 and of this section, the following shall be considered to be a regional county municipality:

(1) Ville de Hull-Gatineau;

(2) until the coming into force of the metropolitan land use and development plan applicable in their territory, Ville de Laval, Ville de Mirabel, Ville de

Montréal, Ville de Québec, Ville de Longueuil and Ville de Lévis and, from the coming into force of their metropolitan land use and development plan, the Communauté métropolitaine de Montréal and the Communauté métropolitaine de Québec.”

#### ACT RESPECTING OFF-HIGHWAY VEHICLES

209. Section 12 of the Act respecting off-highway vehicles (R.S.Q., chapter V-1.2) is amended by replacing “on the development plan of a regional county municipality or urban community” in the second and third lines of paragraph 4 by “on a development plan or a metropolitan land use and development plan”.

#### OTHER LEGISLATION

210. Section 52 of the Act to amend the Environment Quality Act and other legislation as regards the management of residual materials (1999, chapter 75) is amended by inserting “metropolitan community,” after “urban community,” in the second line of the third paragraph.

211. Section 71 of the Police Act (2000, chapter 12) is amended

(1) by striking out “the Communauté urbaine de Montréal or” in the first and second lines of the third paragraph;

(2) by striking out “, selon le cas,” in the third line of the third paragraph of the French text.

212. Section 72 of the said Act is amended

(1) by striking out “the Communauté urbaine de Montréal or” in the first and second lines of the third paragraph;

(2) by striking out “, selon le cas,” in the third line of the third paragraph of the French text.

213. Section 143 of the said Act is amended by replacing “executive committee of the Communauté urbaine” in the first line of subparagraph 2 of the second paragraph by “council of Ville”.

214. Section 257 of the said Act is amended by replacing “the Communauté urbaine de Montréal, on the recommendation of the executive committee of the urban community” in the second, third and fourth lines of the second paragraph by “Ville de Montréal, on the recommendation of the council of that city”.

215. Section 278 of the said Act is amended by replacing the third, fourth, fifth and sixth lines of subparagraph 2 of the first paragraph by “case of the chief of the police department of Ville de Montréal, recommend to the Government that the chief of the police department be dismissed, in accordance

with section 110 of Schedule I to the Act to reform the municipal territorial organization of the metropolitan regions of Montréal, Québec and the Outaouais (2000, chapter 56)”.

216. Section 354 of the said Act is amended

(1) by replacing “the Communauté urbaine” in the fifth line of the first paragraph by “Ville”;

(2) by adding “, but it does not apply to the police department of Ville de Montréal or any of its members” at the end of the second paragraph.

217. Section 8 of the Fire Safety Act (2000, chapter 20) is amended

(1) by striking out “, urban communities” in the first line of the first paragraph;

(2) by inserting “Montréal, Québec, Hull-Gatineau, Longueuil, Lévis,” after “cities of” in the first line of the second paragraph.

218. The words “urban community” and “urban communities” are replaced, with the necessary modifications, in the following provisions by the words “metropolitan community” and “metropolitan communities”, respectively:

(1) subparagraph 3 of the first paragraph of section 42, paragraph 4 of section 65.4, the first and second paragraphs of section 133 and section 193 of the Building Act (R.S.Q., chapter B-1.1);

(2) paragraph *g* of section 51 and sections 128 and 129 of the Cultural Property Act (R.S.Q., chapter B-4);

(3) the second paragraph of subsection 1.1 of section 28, section 29.1.3 and the second paragraph of section 573.10 of the Cities and Towns Act (R.S.Q., chapter C-19);

(4) the definition of “**municipality**” in section 4 and paragraph 5 of section 207 of the Highway Safety Code (R.S.Q., chapter C-24.2);

(5) section 40 of the Labour Code (R.S.Q., chapter C-27);

(6) the second paragraph of article 6.1, article 10.7, article 688.4 and the second paragraph of article 944 of the Municipal Code of Québec (R.S.Q., chapter C-27.1);

(7) section 37, the second paragraph of section 104, the second paragraph of section 111 and the second paragraph of section 122 of the Act respecting the conservation and development of wildlife (R.S.Q., chapter C-61.1);

(8) paragraph *a* of the Schedule to the Act respecting the development of Québec firms in the book industry (R.S.Q., chapter D-8.1);

(9) the second paragraph of section 260, the second paragraph of section 297, the third paragraph of section 298, the third paragraph of section 312, the first paragraph of section 357, the first and third paragraphs of section 359, paragraphs 2 and 3 of section 504 and the first paragraph of section 511 of the Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2);

(10) the third paragraph of section 3 of the Act respecting the establishment and enlargement of certain waste elimination sites (R.S.Q., chapter E-13.1);

(11) the fourth paragraph of section 36 of the Expropriation Act (R.S.Q., chapter E-24);

(12) the definition of “municipality” in section 1, and section 39.3 of the Taxation Act (R.S.Q., chapter I-3);

(13) the first paragraph of section 23 of the Act respecting the Ministère des Relations internationales (R.S.Q., chapter M-25.1.1);

(14) the first paragraph of section 3.11 of the Act respecting the Ministère du Conseil exécutif (R.S.Q., chapter M-30);

(15) the second paragraph of section 7 of the National Museums Act (R.S.Q., chapter M-44);

(16) paragraph 1 of the definition of “employer subject to contribution” in the first paragraph of section 39.0.1 of the Act respecting labour standards (R.S.Q., chapter N-1.1);

(17) the first paragraph of section 1 and sections 82, 126, 177, 191 and 200 of the Act respecting municipal territorial organization (R.S.Q., chapter O-9);

(18) sections 18 and 19, the second paragraph of section 20, the second paragraph of section 74 and sections 102 and 103 of the Pesticides Act (R.S.Q., chapter P-9.3);

(19) paragraph *h* of section 81 of the Act respecting the Québec Pension Plan (R.S.Q., chapter R-9);

(20) subparagraph 3 of the first paragraph of section 19 of the Act respecting labour relations, vocational training and manpower management in the construction industry (R.S.Q., chapter R-20);

(21) the definition of “municipal entity” in section 1, section 24, the second paragraph of section 48 and subparagraph 2 of the second paragraph of section 51 of the Act respecting mixed enterprise companies in the municipal sector (R.S.Q., chapter S-25.01);

(22) paragraph 1 of the definition of “municipality” in section 1 of the Act respecting the Québec sales tax (R.S.Q., chapter T-0.1);

(23) the fourth paragraph of section 23 of the Act respecting the lands in the domain of the State (R.S.Q., chapter T-8.1);

(24) subparagraph *a* of paragraph 2 of section 41 and paragraph 8 of section 44 of the Securities Act (R.S.Q., chapter V-1.1).

219. The words “the Communauté urbaine de Montréal” are replaced, with the necessary modifications, in the following provisions by the words “Ville de Montréal”:

(1) section 4 of the Act respecting acupuncture (R.S.Q., chapter A-5.1);

(2) section 4 of the Act respecting the Bibliothèque nationale du Québec (R.S.Q., chapter B-2.1);

(3) section 2 of the Act respecting the Conseil des relations interculturelles (R.S.Q., chapter C-57.2);

(4) section 3 of the Act to establish Fondation, le Fonds de développement de la Confédération des syndicats nationaux pour la coopération et l’emploi (R.S.Q., chapter F-3.1.2);

(5) section 3 of the Act to establish the Fonds de solidarité des travailleurs du Québec (F.T.Q.) (R.S.Q., chapter F-3.2.1);

(6) section 4 of the Court Bailiffs Act (R.S.Q., chapter H-4.1);

(7) section 4 of the Act respecting the Institut de tourisme et d’hôtellerie du Québec (R.S.Q., chapter I-13.02);

(8) the second paragraph of section 563 of the Education Act for Cree, Inuit and Naskapi Native Persons (R.S.Q., chapter I-14);

(9) paragraph 1 of section 149.6 of the Act respecting health services and social services for Cree Native persons (R.S.Q., chapter S-5);

(10) section 4 of the Act respecting the Société d’Investissement Jeunesse (R.S.Q., chapter S-8.1);

(11) the first paragraph of section 4 of the Act respecting the Société de développement des entreprises culturelles (R.S.Q., chapter S-10.002);

(12) sections 3 and 4 of the Act respecting the Société de la Place des Arts de Montréal (R.S.Q., chapter S-11.03);

(13) the first paragraph of section 4 of the Act respecting the Société de télédiffusion du Québec (R.S.Q., chapter S-12.01);

(14) section 3 of the Act respecting the Société des alcools du Québec (R.S.Q., chapter S-13);

(15) the first paragraph of section 48 of the Act respecting the professional status and conditions of engagement of performing, recording and film artists (R.S.Q., chapter S-32.1);

(16) the first paragraph of section 88 of the Act respecting transportation by taxi (R.S.Q., chapter T-11.1);

(17) the second paragraph of section 15 and section 16.1 of the Transport Act (R.S.Q., chapter T-12);

(18) section 3 of the Midwives Act (1999, chapter 24);

(19) subparagraph 3 of the second paragraph of section 18 of the Police Act (2000, chapter 12).

220. The words “the Communauté urbaine de Québec” are replaced, with the necessary modifications, in the following provisions by the words “Ville de Québec”:

(1) section 115 of the Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., chapter A-2.1);

(2) the first paragraph of section 3 of the Act respecting the Agence de l'efficacité énergétique (R.S.Q., chapter A-7.001);

(3) section 3 of the Act respecting the Amicale des anciens parlementaires du Québec (R.S.Q., chapter A-19.2);

(4) section 4 of the Hearing-aid Acousticians Act (R.S.Q., chapter A-33);

(5) the first paragraph of section 3 of the Act respecting the Centre de recherche industrielle du Québec (R.S.Q., chapter C-8.1);

(6) section 200 of the Charter of the French language (R.S.Q., chapter C-11);

(7) the second paragraph of section 6 of the Professional Code (R.S.Q., chapter C-26);

(8) the first paragraph of section 12 of the Act respecting the Commission d'évaluation de l'enseignement collégial (R.S.Q., chapter C-32.2);

(9) the first paragraph of section 15 of the Act respecting the Conseil de la santé et du bien-être (R.S.Q., chapter C-56.3);

(10) the first paragraph of section 12 of the Act respecting the Conseil des aînés (R.S.Q., chapter C-57.01);

(11) the first paragraph of section 4 of the Act respecting the Conseil des arts et des lettres du Québec (R.S.Q., chapter C-57.02);

(12) the first paragraph of section 15 of the Act respecting the Conseil médical du Québec (R.S.Q., chapter C-59.0001);

(13) section 14 of the Act respecting the Conseil permanent de la jeunesse (R.S.Q., chapter C-59.01);

(14) the first paragraph of section 14 of the Act respecting the Conseil supérieur de l'éducation (R.S.Q., chapter C-60);

(15) the first paragraph of section 132 of the Act respecting the conservation and development of wildlife (R.S.Q., chapter C-61.1);

(16) section 3 of the Act respecting the Conservatoire de musique et d'art dramatique du Québec (R.S.Q., chapter C-62.1);

(17) the first paragraph of section 8 of the Act respecting Institut national de santé publique du Québec (R.S.Q., chapter I-13.1.1);

(18) the first paragraph of section 3 and section 52 of the Act respecting Investissement-Québec and Garantie-Québec (R.S.Q., chapter I-16.1);

(19) sections 16 and 166 of the Act respecting administrative justice (R.S.Q., chapter J-3);

(20) the first paragraph of section 6.9 of the Environment Quality Act (R.S.Q., chapter Q-2);

(21) the first paragraph of section 14 of the Act respecting the Régie des alcools, des courses et des jeux (R.S.Q., chapter R-6.1);

(22) the first paragraph of section 21.0.2 of the Act respecting labour relations, vocational training and manpower management in the construction industry (R.S.Q., chapter R-20);

(23) the first paragraph of section 4 of the Act respecting the Société de financement agricole (R.S.Q., chapter S-11.0101);

(24) section 2 of the Act respecting the Société des établissements de plein air du Québec (R.S.Q., chapter S-13.01);

(25) sections 3 and 4 of the Act respecting the Société du Grand Théâtre de Québec (R.S.Q., chapter S-14.01);

(26) the first paragraph of section 2 of the Act respecting the Société immobilière du Québec (R.S.Q., chapter S-17.1);

(27) the first paragraph of section 4 of the Act respecting the Société québécoise de récupération et de recyclage (R.S.Q., chapter S-22.01);

(28) the first paragraph of section 15 of the Transport Act (R.S.Q., chapter T-12);

(29) sections 3, 9, 14 and 20 of the Act respecting the combination of certain state enterprises (1998, chapter 45);

(30) section 13 of the Act respecting Financement-Québec (1999, chapter 11);

(31) section 8 of the Act respecting Immobilière SHQ (1999, chapter 16);

(32) section 12 of the Act respecting the Corporation d'hébergement du Québec (1999, chapter 34);

(33) section 5 of the Act respecting the Société de la faune et des parcs du Québec (1999, chapter 36).

221. The words “Communauté urbaine de Montréal, the Communauté urbaine de Québec, the Communauté urbaine de l’Outaouais” are replaced, with the necessary modifications, in the following provisions by the words “Communauté métropolitaine de Montréal, the Communauté métropolitaine de Québec”:

(1) paragraph 4 of the Schedule to the Archives Act (R.S.Q., chapter A-21.1);

(2) paragraph 10 of section 1 of the Environment Quality Act (R.S.Q., chapter Q-2);

(3) the definition of “municipality” in section 1 of the Act respecting the Société québécoise d’assainissement des eaux (R.S.Q., chapter S-18.2.1).

222. The words “community”, “urban community” and “urban communities” are struck out, with the necessary modifications, wherever they appear in the following provisions:

(1) the second paragraph of section 471.0.5 of the Cities and Towns Act (R.S.Q., chapter C-19);

(2) the second paragraph of article 524.6 of the Municipal Code of Québec (R.S.Q., chapter C-27.1);



(3) the first paragraph of section 53.15 of the Expropriation Act (R.S.Q., chapter E-24);

(4) paragraph 2 of section 36.1 of the Act respecting the Ministère de l'Agriculture, des Pêcheries et de l'Alimentation (R.S.Q., chapter M-14);

(5) section 2 of the Roadside Advertising Act (R.S.Q., chapter P-44).

223. The words “comprised in that of a regional county municipality or in that of an urban community” and “contained in the territory of a regional county municipality or in the territory of an urban community” are replaced, with the necessary modifications, in the following provisions by the words “situated within the territory of a regional county municipality”:

(1) the first paragraph of section 466.1 and sections 466.1.1 and 466.2 of the Cities and Towns Act (R.S.Q., chapter C-19);

(2) the first paragraph of article 627.1 and articles 627.1.1 and 627.2 of the Municipal Code of Québec (R.S.Q., chapter C-27.1).

224. The words “or in the immediate vicinity” are struck out, with the necessary modifications, in the following provisions:

(1) section 3 of the Deposit Insurance Act (R.S.Q., chapter A-26);

(2) section 2 of the Act respecting the Caisse de dépôt et placement du Québec (R.S.Q., chapter C-2).

225. The words “This section applies to every municipality governed by this Act, and to Ville de Montréal and Ville de Québec.” are struck out in the following provisions: the third paragraph of section 14.1, the second paragraph of sections 29.1 and 29.10, the eighth paragraph of section 322 and the sixth paragraph of section 481 of the Cities and Towns Act (R.S.Q., chapter C-19).

## **CHAPTER IV**

### **REPEALING PROVISIONS**

226. The Act respecting the Commission de développement de la métropole (R.S.Q., chapter C-33.01) is repealed.

227. The Act respecting the Communauté urbaine de l'Outaouais (R.S.Q., chapter C-37.1) is repealed.

228. The Act respecting the Communauté urbaine de Montréal (R.S.Q., chapter C-37.2) is repealed.

229. The Act respecting the Communauté urbaine de Québec (R.S.Q., chapter C-37.3) is repealed.

## CHAPTER V

### TRANSITIONAL AND FINAL PROVISIONS

230. The Communauté métropolitaine de Montréal shall appoint the members of the agricultural advisory committee established under section 149.1 of the Act respecting the Communauté métropolitaine de Montréal (2000, chapter 34), enacted by section 40, before 1 July 2001.

231. From 1 January 2001 to 31 December 2001, the second sentence of the first paragraph of section 58.4 of the Act respecting the preservation of agricultural land and agricultural activities (R.S.Q., chapter P-41.1) shall be read as follows: "It must make a similar request to the Communauté métropolitaine de Montréal if the application concerns a lot situated within the territory of the Community."

232. From 20 December 2000, no regular election proceeding may take place in a local municipality referred to in section 5 of Schedules I to V.

The term of office of the members of the council of a local municipality referred to in the first paragraph ends on 31 December 2001.

233. The Government may, by regulation, create a program to financially compensate the members of the council of a local municipality referred to in section 5 of Schedules I to V who will be unable to complete their current term of office on the council of the local municipality solely by reason of the municipality ceasing to exist on 1 January 2002.

The compensation determined under the program must be based on the remuneration to which the eligible council member would have been entitled in relation to his or her functions on the council of the municipality, until the end of the council member's interrupted term of office. The compensation must also include the provisional contribution payable under section 26 of the Act respecting the Pension Plan of Elected Municipal Officers (R.S.Q., chapter R-9.3) that the municipality would have been required to pay in relation to that part of the salary, calculated using the factor applicable pursuant to that section at the time the regulation referred to in the first paragraph is made.

Any compensation granted to a person under the program referred to in the first paragraph must be funded, in equal proportions, by the Government and the new city whose territory comprises the territory of the municipality in which the person was a council member. However, the part payable by the Government shall be reduced by any amount paid by the municipality to the person under section 31 of the Act respecting the remuneration of elected municipal officers (R.S.Q., chapter T-11.001).

234. A municipal court is hereby established, effective 1 January 2002, in each new city to which this Act applies, having jurisdiction within the whole territory of the city.

The new municipal court is to integrate the municipal courts which, on 31 December 2001, are established in the municipalities forming the new city, and the old courts are abolished.

The Act respecting municipal courts (R.S.Q., chapter C-72.01) applies to the municipal courts so established, subject to sections 235 to 246.

235. The new municipal court of each of the cities shall continue to have jurisdiction in the municipalities whose territories, on 31 December 2001, are under the jurisdiction of a municipal court integrated into the new court, unless those municipalities become part of a new municipality, or an order to the contrary is made at the request of one or the other of the municipalities.

236. Before 1 February 2001, the Minister of Justice shall designate, by order, one or more mandataries entrusted with analyzing the situation of each municipal court to be integrated into a new municipal court, and with proposing a plan for the integration of the courts existing on 31 December 2000 and for the organization of each new municipal court.

237. The mandatary shall submit the integration and organization plan for the new court to the Minister of Justice before 1 June 2001. In preparing the plan, the mandatary shall consult the transition committee in each city, the chief judge of the municipal courts and, where applicable, the chief judge of a court to be integrated, as well as the judges in office in the municipal courts to be integrated and any other person or body whose opinion may be useful.

The plan must take into account the requirements of the proper administration of justice, the needs of the whole territory in which the new court will have jurisdiction, the maintenance of neighbourhood justice and services in the boroughs.

The plan must also specify the mode of organization of the new court, evaluate the number of sittings necessary to ensure the proper dispatch of business, the number of judges to be assigned to the court, taking into consideration that the judges of the Municipal Court will have identical powers, and the resources necessary for its proper operation.

238. The Minister of Justice shall form a committee to advise the Government as to the designation of the judges to be assigned to each new court.

The committee shall be composed of the chief judge of the municipal courts, an advocate chosen after consultation with the Barreau du Québec and another person who is neither judge nor advocate. The committee shall be responsible for proposing to the Government a list of the judges of the municipal courts to be given priority consideration in the designation.

To establish the list, the committee shall take into account, for each judge, experience on the bench, the conditions of exercise of the office, ability to

integrate into the new court and any intentions the judge may have expressed regarding his or her future.

239. The Minister of Justice shall receive the integration and organization plan and, after examining it, shall present to the Government an integration and organization proposal for each new municipal court, in which the best interests of justice are considered. If the plan has not been submitted by the prescribed date, the Minister shall nevertheless present his or her proposal.

240. The Government, on the recommendation of the Minister of Justice, shall fix, by order, the name and the chief-place of each new municipal court, the places where each court may sit and the number of judges assigned to each court.

Subject to the third paragraph, the Government shall also designate, for each court, the judges assigned to the court, the judge responsible for the court and shall fix, as if making an order under section 49 of the Act respecting municipal courts (R.S.Q., chapter C-72.01), the additional remuneration to which the judge is entitled. The judges shall be designated from among the municipal judges in office on 1 June 2001 in the municipal courts integrated into the new court.

The chief judge, the associate chief judge and the coordinating judge of the municipal court of Ville de Montréal and the chief judge of the municipal court of Ville de Québec in office upon the making of the order shall retain those functions in the new municipal courts of Montréal and Québec, respectively. The judges of the municipal courts of Ville de Montréal and Ville de Québec in office on that date become judges of the new municipal court of Montréal and of the new municipal court of Québec, respectively.

241. The Government may, by order, on the recommendation of the Minister of Justice and considering the interests of justice, prescribe special terms of application of the Act respecting municipal courts (R.S.Q., chapter C-72.01) or exemptions from that Act or any other relevant Act, without derogating from the provisions concerning the status and remuneration of the judges in office or the provisions of sections 39.2 and 39.3 of the Act respecting municipal courts.

The Government may also, by order, adopt provisions necessary to ensure a smooth transition between the old municipal courts and the new municipal courts, and the proper administration of the new courts, in particular to provide for the continuance of proceedings in progress and the functions of the clerks, assistant clerks and other necessary officers of justice, or to remedy any omission.

242. The judges of the municipal courts of Ville de Montréal and Ville de Québec in office on 31 December 2001 continue to be governed, as regards their status and their remuneration, by the provisions of the Charter of the city of Montréal (1959-60, chapter 102) or the sections of the Charter of the city of

Québec (1929, chapter 95) applicable to them and which shall subsist solely for those purposes.

The judges of the municipal courts of Ville de Montréal and Ville de Québec who exercise administrative functions shall retain the benefits associated with those functions.

243. The chief judge of the municipal courts in office on 31 December 2001 becomes, on 1 January 2002, a judge of the new municipal court of Québec; he or she is relieved of the functions of judge of that court while holding the office of chief judge.

244. Every order made under sections 240 and 241 shall be published in the *Gazette officielle du Québec*.

245. The sums required for the purposes of sections 236 to 239 shall be chargeable to the Government.

246. Sections 234 to 245 prevail over any inconsistent provision of any other Act.

247. Until the coming into force of the metropolitan land use and development plan of the Communauté métropolitaine de Montréal, Ville de Montréal is, for the purposes of the Act respecting land use planning and development (R.S.Q., chapter A-19.1), subject to both the provisions of that Act that concern regional county municipalities and the provisions concerning local municipalities, subject to the necessary modifications. The powers and responsibilities conferred by that Act on the warden, the council and the secretary-treasurer of a regional county municipality shall be exercised, respectively, subject to the provisions concerning the borough councils provided in Schedule I, by the mayor, the city council and the clerk.

However, sections 103 to 106, 59.5 to 59.9 and 137.10 to 137.14 of the said Act apply, rather than sections 36 to 46, 59 to 59.4 and 137.2 to 137.8, to the conformity of planning by-laws with the development plan.

The development plan of Ville de Montréal is the development plan of the Communauté urbaine de Montréal in force on 31 December 2001.

The planning by-laws of Ville de Montréal are all the by-laws in force on 31 December 2001 in the local municipalities to which the city succeeds.

248. Until the coming into force of the metropolitan land use and development plan of the Communauté métropolitaine de Québec, Ville de Québec is, for the purposes of the Act respecting land use planning and development (R.S.Q., chapter A-19.1), subject to both the provisions of that Act that concern regional county municipalities and the provisions concerning local municipalities, subject to the necessary modifications. The powers and responsibilities conferred by that Act on the warden, the council and the

secretary-treasurer of a regional county municipality shall be exercised, respectively, subject to the provisions concerning the borough councils provided in Schedule II, by the mayor, the city council and the clerk.

However, sections 103 to 106, 59.5 to 59.9 and 137.10 to 137.14 of the said Act apply, rather than sections 36 to 46, 59 to 59.4 and 137.2 to 137.8, to the conformity of planning by-laws with the development plan.

The development plan of Ville de Québec is the development plan of the Communauté urbaine de Québec in force on 31 December 2001.

The planning by-laws of Ville de Québec are all the by-laws in force on 31 December 2001 in the local municipalities to which the city succeeds.

249. Until the coming into force of the metropolitan land use development plan of the Communauté métropolitaine de Montréal, Ville de Longueuil is, for the purposes of the Act respecting land use planning and development (R.S.Q., chapter A-19.1), subject to both the provisions of that Act that concern regional county municipalities and the provisions concerning local municipalities, subject to the necessary modifications. The powers and responsibilities conferred by that Act on the warden, the council and the secretary-treasurer of a regional county municipality shall be exercised, respectively, subject to the provisions concerning the borough councils provided in Schedule III, by the mayor, the city council and the clerk.

However, sections 103 to 106, 59.5 to 59.9 and 137.10 to 137.14 of the said Act apply, rather than sections 36 to 46, 59 to 59.4 and 137.2 to 137.8, to the conformity of planning-laws with the development plan.

The development plan of Ville de Longueuil is the development plan, in force on 31 December 2001, of Municipalité régionale de comté de Champlain and the part of the development plans of Municipalité régionale de Lajemmerais and Municipalité régionale de comté de La Vallée-du-Richelieu applicable in its territory.

The planning by-laws of Ville de Longueuil are all the by-laws in force on 31 December 2001 in the local municipalities to which the city succeeds.

250. Until the coming into force of the metropolitan land use development plan of the Communauté métropolitaine de Québec, Ville de Lévis is, for the purposes of the Act respecting land use planning and development (R.S.Q., chapter A-19.1), subject to both the provisions of that Act that concern regional county municipalities and the provisions concerning local municipalities, subject to the necessary modifications. The powers and responsibilities conferred by that Act on the warden, the council and the secretary-treasurer of a regional county municipality shall be exercised, respectively, subject to the provisions concerning the borough councils provided in Schedule V, by the mayor, the city council and the clerk.

However, sections 103 to 106, 59.5 to 59.9 and 137.10 to 137.14 of the said Act apply, rather than sections 36 to 46, 59 to 59.4 and 137.2 to 137.8, to the conformity of planning by-laws with the development plan.

The development plan of Ville de Lévis is the part of the development plan of the Municipalité régionale de comté des Chutes-de-la-Chaudière in force on 31 December 2001 and the part of the development plan of the Municipalité régionale de comté de Desjardins applicable in its territory.

The planning by-laws of Ville de Lévis are all the planning by-laws in force on 31 December 2001 in the local municipalities to which the city succeeds.

251. From 20 December 2000 to 31 December 2001, the word “community” mentioned in paragraph 5 of section 204, in subparagraph *b* of paragraph 1 of section 236 and in section 244.1 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1) means, notwithstanding the definition of the word in the first paragraph of section 1 of that Act, the Communauté urbaine de l’Outaouais, the Communauté urbaine de Montréal, the Communauté urbaine de Québec and the Communauté métropolitaine de Montréal.

252. Unless otherwise provided for in this Act, every legislative provision applicable to an urban community on 19 December 2000 and amended by this Act solely to strike out or replace a reference to such a community continues to apply to the urban community until 31 December 2001 notwithstanding the coming into force of the amendment.

Every provision that adds a reference to the Communauté métropolitaine de Québec has effect, notwithstanding its coming into force, only from 1 January 2002.

253. The by-laws, resolutions, minutes, agreements and other acts of the Communauté urbaine de Montréal, the Communauté urbaine de Québec and the Communauté urbaine de l’Outaouais that are compatible with the provisions of this Act and of any order of the Government made under section 9 of Schedule I, Schedule II or Schedule IV remain in force in the territory for which they were made until their objects are achieved or until they are amended, replaced or repealed in accordance with this Act. They are deemed to emanate from the authority to which, pursuant to this Act or to such an order, the jurisdiction to which they are attached is transferred.

254. A municipal housing bureau shall be constituted in each of the new cities constituted by this Act. That bureau succeeds, on 1 January 2002, to any other municipal bureau existing at that time. Every other such bureau is extinguished as of that same date.

255. The Government may, by order, establish any rule derogating from the first paragraph of section 57 or section 58 of the Act respecting the Société d’habitation du Québec (R.S.Q., chapter S-8) that is necessary to ensure, in each new city, the constitution of the new bureau and the appointment of its directors and officers.

An order referred to in the first paragraph must be made before 1 January 2002, and comes into force on the date of its publication in the *Gazette officielle du Québec* or any later date indicated therein.

256. The employees of an office extinguished under section 254 become, as of 1 January 2002, without salary reduction, employees of the bureau constituted, and retain their seniority and employee benefits.

They may not be laid off solely by reason of the extinction of the office that employed them.

257. The Minister of Municipal Affairs and Greater Montréal is responsible for the administration of this Act, except the provisions of Chapter V of each of Schedules I to III and V and of Chapter VI of Schedule IV, for which the Minister of Labour is responsible.

258. The Minister of Transport shall prepare a new institutional and financial framework for public transportation in the Montréal region. The framework shall concern in particular the regionalization of management and financing of the subway and the establishment of an appropriate management plan for the transportation system, having regard, in the determination of municipal contributions, to provision of service, the use of services and to any other relevant factor.

Not later than 15 November 2001, the Minister of Transport shall make a report to the National Assembly, or, if it is not in session, within 15 days of resumption, on the Minister's proposals concerning the implementation of the institutional and financial framework referred to in the first paragraph. At that time, the Minister shall introduce, where applicable, a bill respecting, among other things, the bodies that provide public transportation in the Montréal region.

259. Sections 18, 74 and 75 have effect from 16 June 2000.

260. This Act comes into force on 20 December 2000, subject to the following provisions:

(1) paragraphs 1 and 2 of section 20, sections 21, 22 to 24, paragraphs 1 and 2 of section 25, sections 26 to 31, 33 to 36, paragraphs 1 to 4 and 6 of section 37, sections 38 to 50, 57, paragraphs 1 to 3 and 5 of section 58, sections 59 to 61, 63 to 67, 72 to 75, 82 to 97, 132 to 135, paragraph 2 of sections 164 and 165 and section 168 come into force on 1 January 2001;

(2) sections 1 to 8, 12 to 14, paragraph 3 of section 20, paragraph 3 of section 25, section 32, paragraph 5 of section 37, section 51, paragraph 4 of section 58, sections 62, 69, 77, 78, 80, 98 to 101, 104 to 128, 130, 131, 136 to 148, 150, 152 to 163, paragraphs 1 and 3 of sections 164 and 165, sections 169 to 171, 183 to 185, paragraph 2 of section 186, sections 190, 191 to 197, 199 to 204, paragraph 4 of section 208, sections 209, 211 to 217, 219, 220, 222 to 225, 227 to 229, 247 to 250 and 253 come into force on 1 January 2002;



(3) Schedule I comes into force on 1 January 2002, except sections 7, 9, 152 to 197 and 200 which come into force on 20 December 2000. However, for the sole purposes of the city's first general election, sections 10, 14 to 20, 37 to 42 and Schedules I-A and I-B come into force on 20 December 2000;

(4) Schedule II comes into force on 1 January 2002, except sections 7, 9, 132 to 175 and 177 which come into force on 20 December 2000. However, for the sole purposes of the city's first general election, sections 10 and 13 to 18, 37 to 41 and Schedules II-A and II-B come into force on 20 December 2000;

(5) Schedule III comes into force on 1 January 2002, except sections 7, 9, 89 to 134 and 136 which come into force on 20 December 2000. However, for the sole purposes of the city's first general election, sections 11 and 15 to 20, 37 to 41 and Schedules III-A and III-B come into force on 20 December 2000;

(6) Schedule IV comes into force on 1 January 2002, except sections 7, 9, 78, 91 to 135 and 138 which come into force on 20 December 2000. However, for the sole purposes of the city's first general election, Schedule IV-A comes into force on 20 December 2000;

(7) Schedule V comes into force on 1 January 2002, except sections 7, 9, 103 to 147 and 149 which come into force on 20 December 2000. However, for the sole purposes of the city's first general election, sections 10 and 13 to 18, 35 to 39 and Schedules V-A and V-B come into force on 20 December 2000;

(8) Schedule VI comes into force on 1 January 2002, except section 231 which comes into force on 20 December 2000;

(9) sections 162 of Schedule I, 142 of Schedule II, 99 of Schedule III, 100 of Schedule IV and 113 of Schedule V have effect from 15 November 2000.

**SCHEDULE I***(section 1)***CHARTER OF VILLE DE MONTRÉAL****CHARTER I****CONSTITUTION OF THE MUNICIPALITY**

1. A city is hereby constituted under the name “Ville de Montréal”.

Montréal is a French-speaking city.

2. The city is a legal person.

3. The territory of the city is the territory described in Schedule I-A.

4. Subject to any other provision of this Act or of any order of the Government made under section 9, the city is a municipality governed by the Cities and Towns Act (R.S.Q., chapter C-19).

5. The city, to the extent provided for in this Act or in any order of the Government made under section 9, succeeds to the rights, obligations and charges of the Communauté urbaine de Montréal and to those of the following municipalities as they existed on 31 December 2001 : Ville d’Anjou, Ville de Baie-d’Urfé, Ville de Beaconsfield, Cité de Côte-Saint-Luc, Ville de Dollard-des-Ormeaux, Cité de Dorval, Ville de Hampstead, Ville de Kirkland, Ville de Lachine, Ville de LaSalle, Ville de L’Île-Bizard, Ville de L’Île-Dorval, Ville de Montréal, Ville de Montréal-Est, Ville de Montréal-Nord, Ville de Montréal-Ouest, Ville de Mont-Royal, Ville d’Outremont, Ville de Pierrefonds, Ville de Pointe-Claire, Ville de Roxboro, Ville de Sainte-Anne-de-Bellevue, Ville de Sainte-Geneviève, Ville de Saint-Laurent, Ville de Saint-Léonard, Village de Senneville, Ville de Verdun and Ville de Westmount.

The city becomes, without continuance of suit, a party to every suit, in the place of the urban community or, as the case may be, of every municipality to which the city succeeds.

6. The by-laws, resolutions, minutes, assessment roll, collection roll and other acts of each of the municipalities that are consistent with the provisions of this Act and of any order of the Government made under section 9 shall remain in force in the territory for which they were made until their objects are attained or until they are amended, replaced or repealed in accordance with this Act. They are deemed to be acts of the city or, according to the field of jurisdiction to which they relate, of the borough within which that territory is situated.

7. The officers and employees of the Communauté urbaine de Montréal and of the municipalities referred to in section 5 shall become, without reduction in salary, officers and employees of the city, and shall retain their

seniority and employee benefits and, in particular, continue to be members of the pension plan of which they were members prior to the constitution of the city.

The officers and employees of the Communauté urbaine de Montréal who, on 31 December 2001, exercise their functions within the scope of the jurisdiction of the Community as regards land use planning or powers of the Community transferred to the Communauté métropolitaine de Montréal on 1 January 2002, may be reassigned to the Communauté métropolitaine de Montréal by any order of the Government made under section 9.

No officer or employee to whom this section applies, other than an officer or employee having entered into employment with the urban community or any of the municipalities after 15 November 2000 may be laid off or dismissed solely by reason of the constitution of the city.

8. The debts and any category of surplus of each of the municipalities referred to in section 5 shall continue to burden or be credited to the immovables that were taxable in their respect on 31 December 2001. In particular, any unfunded liability of a pension plan established in respect of officers and employees or elected municipal officers of such a municipality or the surplus of such a plan shall continue to burden or be credited to the immovables that were taxable in its respect on 31 December 2001.

The revenues or costs in relation to legal proceedings or a dispute to which such a municipality or, as the case may be, the city is a party in respect of an event prior to 1 January 2002 that concerns the municipality shall continue to be credited to or to burden the taxable immovables of the sector formed by the territory of that municipality.

9. The Government may, by order, from among the special legislative provisions that govern the urban community or any municipality referred to in section 5 on 31 December 2001, determine the provisions, if any, that are to apply to all or any part of the territory of the city determined in the order.

An order under the first paragraph may also, in relation to all or any part of the territory of the city, contain any rule

(1) prescribing the conditions under which a special legislative provision referred to in the first paragraph is to apply;

(2) providing for any omission for the purpose of ensuring the application of this Act;

(3) derogating from any provision of an Act for which the Minister of Municipal Affairs and Greater Montréal is responsible, of this Act, of a special Act governing a municipality referred to in section 5, or of an instrument made under any of those Acts.

An order referred to in the first paragraph may, however, derogate from section 8 only to allow for the sharing, to the extent fixed in the order, of the debts incurred by a municipality after 20 December 2000 in connection with the carrying out of an economic development project.

Any order of the Government made pursuant to this section must be made before 4 November 2001 and comes into force on the date of its publication in the *Gazette officielle du Québec* or on any later date indicated therein.

## **CHAPTER II**

### **ORGANIZATION OF THE MUNICIPALITY**

#### **DIVISION I**

##### **DIVISION OF TERRITORY**

10. The territory of the city is, for the exercise of certain of its fields of jurisdiction, divided into 27 boroughs described in Schedule I-B.

The city council shall, by by-law, number the boroughs.

11. The following boroughs are deemed to be recognized in accordance with section 29.1 of the Charter of the French language (R.S.Q., chapter C-11): the borough of Beaconsfield, the borough of Côte-Saint-Luc, the borough of Dollard-des-Dormaux, the borough of Dorval, the borough of Kirkland, the borough of Mont-Royal, the borough of Pierrefonds, the borough of Pointe-Claire and the borough of Westmount.

A borough referred to in the first paragraph shall retain that recognition until, at its request, the recognition is withdrawn by the Government pursuant to section 29.1 of that Charter.

Officers or employees of the city who exercise their functions or perform work in connection with the powers of a borough referred to in the first paragraph or recognized under section 29.1 of the Charter of the French language are, for the purposes of sections 20 and 26 of that Charter, deemed to be officers or employees of that borough.

#### **DIVISION II**

##### **CITY COUNCIL AND BOROUGH COUNCILS**

12. The affairs of the city shall be administered, in accordance with the apportionment of the powers and jurisdiction provided by this Act, by the city council or, as the case may be, by each borough council.

13. Subject to any other provision of this Act or any order of the Government made under section 9, the borough council is, as regards the exercise of its jurisdiction, subject to the rules provided for by the Cities and Towns Act (R.S.Q., chapter C-19) in respect of the council of a municipality, in particular

the rules relating to the requirement that council meetings be open to the public.

§1. — *City council*

14. The city council is composed of the mayor and 72 city councillors.

15. The mayor is elected by the electors of all the boroughs.

16. The city councillors are elected by the electors of the borough they represent. Each borough is represented on the city council by the number of city councillors prescribed by Schedule I-B in its regard.

§2. — *Borough council*

17. A borough council is made up of the city councillors who represent the borough on the city council and, as required, of borough councillors.

18. If fewer than three city councillors are to be elected by a borough, the electors of the borough shall elect, to sit only on the borough council, the number of borough councillors required so that the borough council is made up of three members.

A borough councillor is an elected municipal officer.

19. The borough council shall designate a borough chair from among its members.

If a borough is represented on the city council by only one city councillor, that councillor is by virtue of office the borough chair.

20. If the members of a borough council are unable to designate the borough chair at the latest at the first regular meeting of the borough council following a general election, the city council may make that designation. As long as the city council has not designated the borough chair, the members of the borough council may do so.

The person designated to act as borough chair shall hold office until the end of the person's term of office as city councillor in effect at the time of the designation.

21. The council may, by by-law, grant additional remuneration to the borough chair. The additional remuneration may be fixed according to the population of the borough, by classes established by the council or proportionally.

The Act respecting the remuneration of elected municipal officers (R.S.Q., chapter T-11.001) applies to the additional remuneration.

**DIVISION III****EXECUTIVE COMMITTEE**

22. The executive committee of the city is composed of the mayor and the council members designated by the mayor. The number of members so designated shall not be fewer than seven nor more than 11.

The mayor may replace a member of the executive committee at any time.

23. The council shall designate the chair and the vice-chair of the executive committee from among the members of the executive committee on the recommendation of the mayor.

24. Any designated member of the executive committee may resign from the executive committee by sending a written notice to that effect, signed by the member, to the clerk. The resignation takes effect on the date the clerk receives the notice, or on any later date specified in the notice.

25. The regular meetings of the executive committee are held at the place and on the days and at the times fixed in the internal management by-laws adopted by the council.

The special meetings of the executive committee are held at the place, on the days and at the times fixed by the chair.

26. The chair of the executive committee shall convene and preside at meetings of the executive committee and ensure that they are properly conducted.

27. The vice-chair replaces the chair where the latter is unable to act or where the office of chair is vacant. The vice-chair may also preside at a meeting of the executive committee at the request of the chair.

28. Any member of the executive committee who is not present at the place where a meeting is held may take part in the meeting by means of electronic communications equipment.

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

Every member participating in such manner in a meeting is deemed to be present at the meeting.

29. The meetings of the executive committee are closed to the public.

However, the executive committee sits in public

(1) in the cases provided for in the internal management by-laws of the city; and

(2) for all or part of a meeting if the executive committee so decides.

30. A majority of members constitutes a quorum at meetings of the executive committee.

31. Each member of the executive committee present at a meeting has one vote.

32. Each decision is made by a simple majority vote.

33. The executive committee shall prepare and submit to the council the following documents:

(1) the city's annual budget;

(2) any request for the allocation of the proceeds of loans and for any other moneys required;

(3) any request in relation to the adoption, amendment or replacement of a planning program;

(4) draft by-laws;

(5) any request for the transfer of funds or moneys already voted;

(6) any report on taxes, permits or licences to be imposed;

(7) any report recommending the granting of franchises or privileges;

(8) any report concerning exchanges or emphyteusis in respect of an immovable belonging to the city, and the leasing of the city's movable or immovable property where the term of the lease exceeds one year;

(9) any report on any other subject submitted to it by the council that falls within the council's jurisdiction;

(10) any plan for the classification of positions and the related salaries.

In addition, the executive committee acts for the city in all cases in which a provision of the internal management by-laws assigns the power to perform the act to the executive committee. The executive committee may grant any contract involving an expenditure that does not exceed \$100,000.

The executive committee shall give the council its opinion on any matter, where required to do so under a provision of the by-laws, at the request of the council or on its own initiative.

The opinion of the executive committee does not bind the council. Failure to submit an opinion required under the internal management by-laws or requested by the council does not limit the council's power to consider and vote on the matter.

34. The council may, in the internal management by-laws, determine any act within its jurisdiction which it has the power or the duty to perform, that it delegates to the executive committee, and prescribe the terms and conditions of the delegation.

However, the following powers may not be delegated:

(1) the power to adopt a budget, a three-year program of capital expenditures or a document required under the Act respecting land use planning and development (R.S.Q., chapter A-19.1), Chapter IV of the Cultural Property Act (R.S.Q., chapter B-4), the Act respecting municipal courts (R.S.Q., chapter C-72.01), the Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2) or the Act respecting municipal territorial organization (R.S.Q., chapter O-9);

(2) the power to designate a person to a position that may only be held by a member of the council;

(3) the power to appoint the director general, the clerk, the treasurer and their assistants;

(4) the power to create the various departments within the city, determine the scope of their activities and appoint the department heads and assistant heads; and

(5) the power to dismiss, suspend without pay or reduce the salary of an officer or employee who is not an employee within the meaning of the Labour Code (R.S.Q., chapter C-27) and who has held a position for at least six months or has held, within the city, a position the holder of which is not an employee within the meaning of that Code.

The council may also, in the internal management by-laws, determine any matter on which the executive committee must give its opinion to the council, and prescribe the terms and conditions of consultation. The internal management by-laws may also prescribe the manner in which a member of the council may request the executive committee to report to the council on any matter within the jurisdiction of the executive committee.

35. The executive committee may adopt an internal management by-law concerning its meetings and the conduct of its affairs. The by-law may also, if permitted by the internal management by-laws of the city, enable the executive committee to delegate to any employee of the city the power to authorize expenditure, on the conditions determined by the executive committee and in accordance with the rules and restrictions applicable to the city, and enter into contracts on behalf of the city.



36. A decision by the council to delegate a power to or withdraw a power from the executive committee must be supported by a majority of two-thirds of the votes of the members of the council.

#### **DIVISION IV**

#### **PROVISIONS CONCERNING ELECTIONS**

37. Subject to this Act and to any order of the Government made under section 9, the Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2) applies in respect of the election of the mayor of the city, the city councillors and the borough councillors.

38. Every borough whose council is composed exclusively of city councillors shall be divided into districts.

39. Every borough whose council is composed of two city councillors and of one borough councillor is deemed to constitute a division of the territory of the city for election purposes. In such a borough, the offices of city councillor and the office of borough councillor must be numbered. The offices of city councillor must be numbered before the office of borough councillor.

Every borough whose council is composed of one city councillor and of two borough councillors must be divided into districts for the purposes of the two offices of borough councillor. In such a borough, the city councillor shall be elected by all the electors of the borough.

40. For the purposes of section 47 of the Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2), 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 situated within the territory of the borough where the person exercises the right to vote.

41. For the purposes of section 57 of the Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2), the list formed by the lists of electors of all the boroughs constitutes the list of electors of the municipality.

42. A person is eligible for office as mayor or as a member of the city council if the person is entitled to have his or her name entered on the list of electors of any borough and has resided continuously or not in the territory of the city for at least 12 months on 1 September of the calendar year in which a regular election is to be held.

A person is eligible for office as a borough councillor if the person is entitled to have his or her name entered on the list of electors of the borough and has resided continuously or not in the territory of the city for at least 12 months on 1 September of the calendar year in which a regular election is to be held.

**DIVISION V****SALARY, ALLOWANCE AND PENSION PLAN OF BOROUGH COUNCILLORS**

43. The city 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., chapter T-11.001).

44. For the purposes of the Act respecting the Pension Plan of Elected Municipal Officers (R.S.Q., chapter R-9.3), borough councillors are deemed to be members of the city council.

**DIVISION VI****OFFICERS AND EMPLOYEES**

45. The city 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 city or in connection with responsibilities under the authority of a borough council, and decisions relating to their hiring and dismissal, and negotiation of their conditions of employment are within the authority of the city council.

46. The borough council shall, however, determine the assignment of the work and the responsibilities of the officers and employees the city assigns to the borough. Disciplinary measures other than dismissal are also within the authority of the borough council.

47. The city council shall determine the staff required for the management of each borough.

Subject to the third paragraph, it shall define the staffing methods used to fill positions and the procedures for the identification, placing on reserve and assignment of public servants having permanent tenure who are surplus to the requirements of a borough.

Borough staffing and recall to work must be effected giving priority to the employees in the borough among those who meet the reassignment requirements or, as the case may be, the selection criteria negotiated and agreed by the parties to a collective agreement.

48. Notwithstanding section 45, the borough council may negotiate and agree on the clauses of a collective agreement that relate to the following matters :

- (1) overtime work, except remuneration ;
- (2) work schedules, except duration of work ;

(3) annual vacation, except quantum and remuneration ; and

(4) statutory and floating holidays, except quantum and remuneration.

49. The borough council must send, within 30 days after a notice of negotiation has been received by the addressee or is deemed to have been received in accordance with section 52.2 of the Labour Code (R.S.Q., chapter C-27), a notice to the city and the certified association concerned identifying which of the matters referred to in section 48 it intends to negotiate.

The negotiating stage in respect of matters referred to in section 48 begins once the notice has been received by the certified association.

50. Strikes and lock-outs are prohibited in respect of any matter referred to in section 48.

51. Clauses negotiated and agreed by a certified association and a borough council also bind the city.

52. An agreement on a matter referred to in section 48 shall be filed at the office of the labour commissioner general in accordance with the first paragraph of section 72 of the Labour Code (R.S.Q., chapter C-27). The agreement shall take effect in accordance with the second paragraph of that section.

53. If no agreement is reached on a matter referred to in section 48, one party may request the Minister of Labour to appoint a mediator-arbitrator with a view to settling their disagreement.

54. The mediator-arbitrator shall endeavour to bring the parties to settle their disagreement. For that purpose, the mediator-arbitrator shall meet with the parties and, in case of refusal to attend a meeting, give them an opportunity to present their observations.

55. If a disagreement subsists 60 days after the appointment of the mediator-arbitrator, one party may request the mediator-arbitrator to rule on the subject of the disagreement. If the mediator-arbitrator is of the opinion that a settlement is not likely to be reached by the parties, the mediator-arbitrator shall rule on the question and inform the parties of the decision.

The decision of the mediator-arbitrator is deemed to be an agreement within the meaning of section 52.

56. Except on a question of jurisdiction, no action pursuant to article 33 of the Code of Civil Procedure (R.S.Q., chapter C-25) may be taken nor any extraordinary recourse within the meaning of that Code be exercised, and no provisional remedy may be ordered against the mediator-arbitrator appointed under section 53.

57. Notwithstanding section 49, a borough council and a certified association may, at any time, negotiate and agree on the replacement, amendment, addition or repeal of a clause of the collective agreement relating to a matter referred to in section 48.

In no case, however, may any negotiation under the first paragraph give rise to a dispute.

## **DIVISION VII**

### **CONSEIL DES ARTS**

58. An arts council is hereby established under the name “Conseil des arts de la Ville de Montréal”.

59. The arts council has the following functions :

(1) to draw up and keep a permanent list of the associations, societies, organizations, groups or persons engaged in artistic and cultural activities in the territory of the city ;

(2) to combine, co-ordinate and promote artistic or cultural initiatives in the territory of the city ; and

(3) within the limits of the funds available for that purpose, to designate the associations, societies, organizations, groups or persons and the artistic or cultural events worthy of receiving grants, fix the amount of any grant and recommend the payment of it by the city.

The city council may, by by-law, confer any other power on the arts council or impose on it any other duty it considers advisable to better enable it to attain its objects.

60. The city council shall determine, by by-law, the number of members composing the arts council, the qualifications they must have, the duration of their terms and the time and method of their appointment and replacement, as well as the rules of internal management and operation of the arts council, and the rules of procedure for its meetings.

61. The members of the arts council must be Canadian citizens and be domiciled in the territory of the city.

The members are appointed by the city council which shall designate a chair and two vice-chairs from among the members.

62. The members of the arts council are not remunerated. However, they are entitled to reimbursement by the arts council for all expenses authorized by the arts council and incurred by the members in the exercise of their functions.

63. The members of the arts council may retain the services of the personnel they require, including a secretary, and fix their remuneration.

The employees of the arts council are not by that sole fact officers or employees of the city.

The treasurer of the city or such assistant as the treasurer may designate is by virtue of office the treasurer of the arts council.

64. The fiscal year of the arts council coincides with that of the city, and the city's auditor shall audit the financial statements of the arts council and, within 120 days following the expiry of the fiscal year, make a report of that audit to the city.

65. A special fund hereinafter called "the fund" is hereby established under the name "Fonds du Conseil des arts de la Ville de Montréal". The treasurer of the arts council has custody of the fund.

66. The fund is constituted of

- (1) the gifts, legacies and grants made to the arts council;
- (2) the sums voted annually for that purpose out of the city's budget; and
- (3) the sums put at the disposal of the arts council every year that have not been used before the end of the fiscal year.

The city council may, by by-law, prescribe the minimum amount that must be allocated every year for the purposes of subparagraph 2 of the first paragraph. As long as the by-law remains in force, the treasurer of the city must include the amount so prescribed in the certificate the treasurer prepares in accordance with section 474 of the Cities and Towns Act.

67. The fund shall be used exclusively to pay grants, on the recommendation of the arts council, and to defray the administrative costs of the arts council.

At the end of each fiscal year, the treasurer of the arts council shall render account to it of the sums paid under the first paragraph.

68. The jurisdiction of the arts council extends to every municipality whose territory is situated in whole or in part within a 50-kilometre radius of the territory of the city and which has expressed such a desire by a resolution of its council transmitted to the clerk of the city.

The council of such a municipality is empowered to pass the resolution provided for in the first paragraph.

The resolution remains in force for a period of three years; it is thereafter tacitly renewed every three years for a new three-year period unless the

municipality has given the clerk of the city a notice to the opposite effect at least six months before the date of expiry of the three-year period then in effect.

The arts council has jurisdiction in respect of the municipality as long as the resolution remains in force.

69. The city shall fix the annual contribution that must be paid into the fund by a municipality in respect of which the arts council has jurisdiction pursuant to section 68; it shall also fix the terms and conditions and the time of payment of the contribution.

A municipality may require the city to fix in its respect, for a period of three years, the contribution, the terms and conditions and the time referred to in the first paragraph before it transmits its resolution to the clerk of the city in accordance with the first paragraph of section 68, or, where applicable, at least one month before the expiry of the time allowed it to give a notice in accordance with the third paragraph of that section.

70. A municipality in respect of which the arts council has jurisdiction pursuant to section 68 is authorized and required to pay into the fund the annual contribution fixed in its regard in accordance with section 69.

71. For the purposes of this division, “territory of the city” includes the territory of a municipality in respect of which the arts council has jurisdiction pursuant to section 70.

## **DIVISION VIII**

### **PUBLIC SAFETY COMMITTEE**

72. In addition to any other committee that may be created by the council, the public safety committee of Ville de Montréal is hereby established. It is composed of seven members, including a chair and a vice-chair.

One member of the committee is appointed by the Government. The city pays the member the salary fixed by the Government, which also fixes the member’s other conditions of employment and his or her term of office. The other six members of the committee are appointed by the council from among its members.

73. The function of the committee is to examine any question concerning public safety and to make the recommendations it considers appropriate to the council. The committee shall carry out its function at the request of the council or the executive committee, or on its own initiative.

74. The committee must hold at least four meetings per year, at least two of which shall be public meetings.

**DIVISION IX****PUBLIC CONSULTATION OFFICE**

75. An Office to be known as “Office de consultation publique de Montréal” is hereby established.

76. The council shall designate, by a decision made by two-thirds of the members having voted, a president of the Office from among the candidates having special competence as regards public consultation, and shall determine the president’s remuneration and other conditions of employment.

The president shall be appointed for a term not exceeding four years. The office of president is a full-time position.

77. The president shall retain, as the need arises and for the period determined by the president, one or more commissioners chosen from a list prepared by the municipal council on the recommendation of the executive committee.

The president may, annually, propose a list to the executive committee.

Only persons having special competence as regards public consultation may be entered on the list.

78. The members of the city council or of a borough council and the officers and employees of the city are disqualified from exercising the functions of president or commissioner.

79. Commissioners may be remunerated in accordance with a by-law made by the city council. They are entitled to reimbursement by the Office of expenses incurred in the exercise of their functions.

80. The president may retain the services of the personnel the president requires for the exercise of the functions of the Office and fix their remuneration. Employees of the Office are not city employees.

The city council may also assign any employee of the city it designates to the functions of the Office.

The treasurer of the city or the assistant designated by the treasurer is by virtue of office treasurer of the Office.

81. The fiscal year of the Office coincides with the fiscal year of the city, and the auditor of the city shall audit the financial statements of the Office, and, within 120 days after the end of the fiscal year, make a report of his or her audit to the council.

82. The council shall put the sums necessary for the exercise of the Office’s functions at its disposal.

The council shall, by by-law, prescribe the minimum amount of the sums that are to be put at the Office's disposal each year. The treasurer of the city must include the amount so prescribed in the certificate the treasurer prepares in accordance with section 474 of the Cities and Towns Act (R.S.Q., chapter C-19).

83. The functions of the Office shall be

(1) to propose a regulatory framework for the public consultations carried out by the official of the city in charge of such consultations pursuant to any applicable provision so as to ensure the establishment of credible, transparent and effective consultation mechanisms ;

(2) to hold the public consultations required under any applicable provision or requested by the city council, respecting amendments and revisions of the city's planning program ;

(3) to hold public hearings in the territory of the city, at the request of the city council or the executive committee, on any project designated by the council or the committee.

The council shall determine, by by-law and according to categories established on the basis of the type and size of the projects that may be considered in the territory of the city, those projects which may be designated pursuant to subparagraph 3 of the first paragraph.

The Office shall report on its activities to the council at the request of the council or of the executive committee and in any case at least once a year. On that occasion, the Office may make any recommendation to the council.

### **CHAPTER III**

#### **JURISDICTION**

##### **DIVISION I**

###### **GENERAL PROVISIONS**

84. The city has jurisdiction in all matters within the jurisdiction of a local municipality, and shall exercise its powers and fulfil its obligations in respect thereof, subject to any provision of this Act or of any order made by the Government under section 9.

The city shall act through its council if the apportionment of jurisdiction provided by this Act does not implicitly or explicitly enable a determination to be made as to whether the power to act lies with the city council or with the borough council.

85. The city council may, subject to the conditions it determines, provide a borough council with a service related to a jurisdiction of the borough council ;



the resolution of the city council shall take effect on passage by the borough council of a resolution accepting the provision of services.

A borough council may, subject to the conditions it determines, provide the city council with a service related to a jurisdiction of the city council; the resolution of the borough council shall take effect on passage by the city council of a resolution accepting the provision of services.

Every decision under the first or second paragraph shall be made by a two-thirds majority of the votes cast.

86. In the event of incompatibility between a provision of a by-law of the city council and a provision of a by-law of the borough council, the former shall prevail.

## **DIVISION II**

### **SPECIAL FIELDS OF JURISDICTION OF THE CITY**

#### *§1. — General provisions*

87. In addition to what is provided in section 84, the city has, to the extent provided by this Act or by the order of the Government made under section 9, special jurisdiction, obligations and powers in the following fields :

- (1) land use planning and development ;
- (2) community, economic and social development ;
- (3) recovery and recycling of residual materials ;
- (4) culture, recreation and parks ;
- (5) social housing ;
- (6) the arterial system ;
- (7) water purification ;
- (8) police services ;
- (9) road service and vehicle towing ; and
- (10) the municipal court.

#### *§2. — Land use planning and development*

88. The city shall determine, by by-law, from among the provisions concerning a matter referred to in subparagraph 1 of the third paragraph of section 123 of the Act respecting land use planning and development (R.S.Q.,

chapter A-19.1) and that are applicable in the borough of Ville-Marie, the provisions of the by-laws of the city that are subject to approval by way of referendum for the purposes of Division V of Chapter IV of Title I of that Act.

89. For the purposes of sections 123 to 137 of the Act respecting land use planning and development, and notwithstanding the third paragraph of section 123 of that Act, a provision likely to lead to the adoption of a separate by-law which, by reason of section 136.1 of that Act, must be submitted for approval to the qualified voters of the whole territory of the city is not a provision making the by-law a by-law subject to approval by way of referendum.

90. For the purposes of paragraph 7 of section 119 of the Act respecting land use planning and development (R.S.Q., chapter A-19.1), the city shall assign to each borough an officer responsible for the issuing of permits and certificates.

§3. — *Community, economic and social development*

91. The city shall prepare a plan relating to the development of its territory.

The plan shall include the objectives pursued by the city as regards community, economic and social development and the rules relating to the financial support a borough council may grant to a body carrying on its activities in the borough and whose mission is local economic, community or social development.

§4. — *Recovery and recycling of residual materials*

92. The city may, in or outside its territory,

(1) establish, own and operate

(a) a residual materials recovery and recycling establishment;

(b) premises for the disposal of residue from the operation of that establishment and residual materials in possession of the city for purposes of recovery or recycling that cannot be used for such purposes;

(c) premises for the disposal of residue from the operation of the waste water purification plant of the city; and

(2) regulate the use of an establishment or premises referred to in paragraph 1.

93. The city may, by by-law, prescribe rules relating to the transport of residual materials between the place where they are collected and the recovery and recycling establishment.

It may also, by by-law,

(1) require a person who carries on transport referred to in the first paragraph to hold a permit for that purpose;

(2) prescribe the conditions and procedures for the issue and renewal of the permit, and the conditions and procedures for the suspension or revocation of a permit;

(3) in such cases as it may determine, require the person whose residual materials are transported to furnish the person who carries them with a bill of lading, and require the latter to keep the bill of lading in his or her possession when effecting the transport; require each of those persons to keep a register of the bills of lading furnished or received, as the case may be; and

(4) prescribe the form and the minimum content of the bill of lading or register.

§5. — *Culture, recreation and parks*

94. The city shall, by by-law, identify the parks and cultural or recreational equipment to be managed by the city council.

95. The city may, by by-law, determine the location of a park to be under the management of the city council, whether or not the city is the owner of the land.

Such a by-law is without effect as regards third persons as long as the city is not the owner of the land or has not made an agreement allowing it to operate the park with the owner of the land or, in the case of land in the domain of the State, with the person having authority over the land.

96. From the coming into force of the by-law provided for in section 95, the city may make an agreement with any person holding the right of ownership or any other right in respect of an immovable situated in the park concerned.

Such an agreement may provide

(1) that the person retains the right for a certain period or with certain restrictions;

(2) that the person grants the city a right of preemption;

(3) that the person agrees not to make improvements or changes to the immovable except with the consent of the city; and

(4) that the person agrees, in case of total or partial expropriation of the right, not to claim any indemnity by reason of an increase in value of the immovable or right that could result from the establishment of the park or from improvements or changes made to the immovable.

The agreement may also contain any other condition relating to the use of the immovable or right.

97. The city may, by by-law, in respect of a park or recreational equipment under the management of the city council,

(1) establish rules governing the protection and preservation of the natural environment and its elements;

(2) determine the extent to which and the purposes for which the public is to be admitted;

(3) prescribe the conditions on which a person may stay, travel or engage in an activity in the park;

(4) prohibit or regulate the carrying and transport of firearms;

(5) prohibit or regulate the use or parking of vehicles;

(6) prohibit the transport and possession of animals or prescribe the conditions with which a person having custody of an animal must comply;

(7) prohibit or regulate posting;

(8) establish rules for maintaining order and for ensuring the cleanliness of the premises and the well-being and tranquillity of users;

(9) prohibit certain recreational activities or prescribe conditions governing participation in such activities;

(10) prohibit or regulate the operation of businesses;

(11) determine cases where a person may be kept out or expelled; and

(12) determine powers and obligations of employees.

98. The city may operate accommodation, restaurant or commercial establishments, or parking lots, in a park to be managed by the city council, for the benefit of users, or cause such establishments to be operated.

99. The city, a regional county municipality or a local municipality may make an agreement with respect to parks in accordance with the provisions of Section XXV of Chapter II of Title XIV of the Municipal Code of Québec (R.S.Q., chapter C-27.1).

100. The city and the Minister of Culture and Communications may enter into an agreement relating to the applicability of the Cultural Property Act (R.S.Q., chapter B-4) to a park situated in whole or in part in a natural district within the meaning of that Act. The agreement shall contain a development

plan for the whole or the part of the park situated in the natural district and may provide that an authorization required by section 48 of the Cultural Property Act is not necessary where the city carries out an operation referred to in one of those sections, if the city adheres to the development plan contained in the agreement.

Before entering into the agreement, the city shall consult the population on the draft agreement and transmit to the Minister of Culture and Communications a document setting forth the results of the consultation.

101. The city may, by by-law, establish bicycle paths and lanes reserved for bicycle riding, and regulate the use thereof.

For such purposes, it may order that the roadway of the streets identified in the by-law be reserved, in whole or in part, for bicycle riding. In such a case, the by-law must be approved by the Minister of Transport.

The by-law respecting the use of a bicycle path may allow, in addition to bicycles, roller skates, roller blades, skateboards, ski-boards or any other similar mode of locomotion to be used thereon. The by-law may reserve the path for one or more of those modes of locomotion, exclusive of the others, or establish different rules for traffic on the path according to the mode of locomotion.

For the purposes of this section, the word “bicycle” does not include a motorized bicycle.

102. The city may entrust the organization and management, on its behalf, of activities in a park under the management of the city council to non-profit bodies, and, for that purpose, enter into contracts with those bodies and grant them the sums required.

103. For the purposes of sections 94 to 102, a natural area or a corridor for recreational and sports activities is considered to be a park. However, a corridor to be used exclusively for the purposes referred to in section 101 is governed by that section rather than by the other sections.

#### §6. — *Social housing*

104. The city shall establish a social housing development fund.

The city shall pay into the fund annually an amount at least equal to the basic contribution required to build the housing allocated to its territory by the Société d’habitation du Québec.

The Société shall provide the city with the information necessary to determine the amount to be paid into the fund.

§7. — *Arterial system*

105. The city shall identify, by by-law, from among the streets and roads under the management of the city pursuant to section 467.16 of the Cities and Towns Act (R.S.Q., chapter C-19), those which form its arterial system and those which form the system under the management of the borough councils.

It shall also, by by-law, establish minimum standards for the management of those systems.

The city council shall, in respect of the city's arterial system, exercise the jurisdiction of the city as regards traffic signs and signals and the control of traffic; the city council may, by by-law, in respect of all the systems referred to in the first paragraph, prescribe standards for the harmonization of the rules governing traffic signs and signals and the control of traffic.

§8. — *Police*

106. A department of the city is hereby established under the name "service de police de la Ville de Montréal".

Subject to the provisions of this subdivision, the Police Act (2000, chapter 12) applies to the department.

107. The police department is composed of the chief of police, police officers and the other officers and employees necessary.

Subject to this Act, the members of the personnel of the police department shall exercise their functions under the authority of the chief of police.

108. The Government shall appoint the chief of police on the recommendation of the Minister of Public Security, who shall first consult the council and the public safety committee.

The chief of police shall take office on the date specified by the instrument of appointment, which shall be published in the *Gazette officielle du Québec* through the Minister of Public Security.

109. The chief of police is appointed for a term of at least five years, unless the Minister of Public Security recommends a different term; the term is renewable.

Notwithstanding the expiry of his or her term, the chief of police shall remain in office until reappointed or replaced.

110. The Government may not dismiss the chief of police except on the recommendation of the Minister of Public Security, who must first obtain the opinion of the council and the public safety committee; the public safety committee shall, for that purpose, hear the chief of police.

111. If the office of chief of police is vacant, the chief of police shall be replaced in the manner provided in section 108.

If the chief of police is absent or unable to act, the Government, on the recommendation of the Minister of Public Security, shall designate a person to temporarily exercise the functions of the chief of police.

112. Before taking office, the chief of police shall take the oaths set out in Schedules A and B to the Police Act (2000, chapter 12) before the mayor; a police officer of the police department shall take the oaths before the chief of police.

113. The chief of police shall

(1) submit to the council, at such times as it may fix but at least every other month, a report of activities, in the form and in the manner determined by the council, to be transmitted by the mayor to the public safety committee;

(2) supply the council and the public safety committee with any information necessary for the exercise of their functions;

(3) submit to the council, at its request, a detailed report on situations that disrupt order, disturb the peace or jeopardize public safety, or on the crime situation; and

(4) prepare the annual budget of the department and send it to the council on the date fixed by the council.

114. Subject to this Act, the chief of police is responsible for the management of the police department and the organization and conduct of its police operations.

115. The council exercises, over the police department, the chief of police and the personnel of the police department, the same authority as it exercises over the other departments of the city, the department heads and their personnel, subject to the Police Act (2000, chapter 12).

116. The council may exercise the following powers only on the advice of the public safety committee:

(1) the power to determine the objectives of the police department;

(2) the power to determine the number of police officers and of officers and employees in the department;

(3) the power to determine the hiring standards applicable to the personnel of the department; and

(4) the power to determine the conditions of employment applicable to the members of the personnel of the department who are not employees within the meaning of the Labour Code (R.S.Q., chapter C-27), and to establish their retirement plan, pension plan or pension fund.

In addition, the council must have the budget of the police department, prepared by the chief of police, examined by the public safety committee before including it in the budget of the city, with or without amendment.

117. The public safety committee shall receive the comments or representations of any person or group of persons in respect of the objectives and administration of the police department, and may proceed with such consultations as it considers expedient.

However, in no case may the committee proceed with consultations on any question that is the subject of an investigation of the police ethics commissioner or of a person commissioned to conduct an investigation under sections 280 and 281 of the Police Act (2000, chapter 12).

118. As regards discipline, the council shall, on the recommendation of the chief of police, rule in respect of police officers who are not employees within the meaning of the Labour Code (R.S.Q., chapter C-27), subject to, where the police officer has been in the service of the city for at least six months, their right of appeal under section 89 of the Police Act (2000, chapter 12).

119. Unless authorized by the Attorney General, no recourse provided in articles 33 or 834 to 850 of the Code of Civil Procedure (R.S.Q., chapter C-25) may be exercised nor any injunction granted against the city or the members of the council by reason of acts done by them when acting in their official capacities under this subdivision.

120. A judge of the Court of Appeal, upon a motion, may summarily annul any writ, order or injunction issued or granted contrary to section 119.

121. Police officers who are not employees within the meaning of the Labour Code (R.S.Q., chapter C-27) shall remain in office during good behaviour until the retirement age fixed for them by the council after consultation with the association representing the members of the superior staff.

They shall not be dismissed except by the council, acting on the recommendation of the chief of police, in the manner provided in sections 87 to 89 of the Police Act (2000, chapter 12).

122. The conditions of employment of the police officers who are not employees within the meaning of the Labour Code (R.S.Q., chapter C-27), and their retirement plan, pension plan or pension fund, shall be established in accordance with subparagraph 4 of the first paragraph of section 116.



§9. — *Road service and vehicle towing*

123. The city may regulate road service and vehicle towing in any part of its territory not covered by a regulation made by the Government for that purpose under the Act respecting the Ministère des Transports (R.S.Q., chapter M-28).

To regulate road service and vehicle towing, the city may, by by-law,

(1) require that the appropriate permit issued by the city be held by persons operating or using a road service vehicle in its territory ;

(2) establish classes of permits based on the classes of road service vehicles established under subparagraph 6 ;

(3) determine the qualifications and knowledge required of applicants for a permit, the term and other conditions applying to the issue and renewal of permits, and the information and documents to be provided by applicants ;

(4) determine the subject matter for the examinations to be taken by all permit applicants, the nature of the examinations and the pass mark ;

(5) determine the grounds on which the issue or renewal of permits may be refused, or on which permits may be suspended or revoked ;

(6) establish classes of road service vehicles and prescribe the characteristics of each class ;

(7) prescribe, for each class of road service vehicle, the mandatory accessories, devices and equipment for the vehicles in that class ;

(8) fix, according to the classes of towed vehicles it determines, the rates that may be charged by permit holders ;

(9) prescribe the obligations of permit holders including, in particular, the manner in which permit holders are to conduct themselves when dealing with customers ; and

(10) prescribe the books, registers and records to be kept by permit holders.

124. The city may enter into a contract with any person to entrust the person with the provision of road service and vehicle towing services, in any part of its territory not covered by a regulation made by the Government under section 12.1.1 of the Act respecting the Ministère des Transports (R.S.Q., chapter M-28), in respect of any vehicle that obstructs traffic or constitutes a hazard on a public road.

Where a by-law adopted under section 123 is in force, the contract referred to in the first paragraph may be entered into only with a holder of the

appropriate permit. The contract may, however, contain stipulations that depart from the provisions of the by-law adopted under subparagraphs 7 to 10 of the second paragraph of that section.

Road service and vehicle towing services that are covered by a contract entered into under this section may be provided, if the vehicle no longer obstructs traffic or no longer constitutes a hazard on the public road, by a person other than the person authorized under the contract.

125. An inspector responsible for the application of a by-law adopted under section 123 may, in performing his or her duties, enter a building or on land at any reasonable time and inspect any vehicle, accessory, device or equipment to which the by-law applies.

The inspector may examine the books, registers and records of any person operating or using a road service vehicle in any part of the territory of the city in which the by-law applies, and make copies of the books, registers and records. The inspector may, in addition, require any information to be furnished relating to the application of the by-law.

126. No person may hinder an inspector in the performance of his or her duties. In particular, no person may deceive or attempt to deceive an inspector by concealment or false declarations.

On demand, the inspector must produce identification and a certificate of appointment as an inspector, signed by the department head or the person responsible for the administrative unit to which the inspector is attached.

127. Every person who provides the road service or vehicle towing services covered by a contract under section 123 without being authorized to do so under such a contract is guilty of an offence.

128. The city may, by by-law, prescribe that an offence under section 126 or 127 entails the penalty prescribed in the by-law, which may not exceed the amounts fixed under the second paragraph of section 369 of the Cities and Towns Act (R.S.Q., chapter C-19).

### **DIVISION III**

#### **JURISDICTION OF THE BOROUGH COUNCIL**

##### *§1. — General provisions*

129. The borough council may submit opinions and make recommendations to the city 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 city council.

130. The borough council has, for the borough and to the extent provided by this Act or by the order of the Government made under section 9, jurisdiction, powers and obligations in the following fields:

- (1) urban planning;
- (2) exceptions to the prohibition from converting immovables to divided co-ownership;
- (3) the prevention aspect of fire safety;
- (4) removal of residual materials;
- (5) local economic, community and social development;
- (6) culture, recreation and borough parks; and
- (7) local roads.

Subject to the provisions of this Act or of the order of the Government made under section 9, the borough council has, in the exercise of such jurisdiction and with the necessary modifications, all the powers and is subject to all the obligations assigned to or imposed on a local municipality by the Cities and Towns Act (R.S.Q., chapter C-19) or any other Act, other than the power to borrow and the power to levy taxes.

The borough council shall maintain a borough office, for the purposes of issuing permits and affording the population access to information on any matter within the authority of the city council or of the borough council.

## §2. — *Urban planning*

131. For the purposes of sections 123 to 137 of the Act respecting land use planning and development (R.S.Q., chapter A-19.1),

- (1) a public consultation meeting shall be held in each borough concerned by the draft by-law;
- (2) the date, time and place of any meeting shall be fixed by the council of any borough in which a meeting is to be held under subparagraph 1;
- (3) every public consultation meeting shall be presided by the chair of the borough council;
- (4) the notice required by section 126 of that Act shall be posted at the office of the city and at the office of each borough concerned by the draft by-law, and shall state that a copy of the draft by-law is available for consultation both at the office of the city and at the office of each such borough;

(5) the summary referred to in section 129 of that Act may be obtained at the office of the borough; and

(6) a notice under section 132 of that Act shall be issued separately for each borough and shall deal only with the provisions of the second draft by-law that are to affect the borough concerned by the notice.

For the purposes of the first paragraph and of the Act respecting land use planning and development, every provision amending a by-law adopted under the Charter of the city of Montréal and repealed by section 200, concerning a matter referred to in section 123 of that Act or in another section of that Act to which that section refers is deemed to be adopted under the corresponding provision of the Act respecting land use planning and development.

132. The borough council may, in accordance with Chapter V of Title I of the Act respecting land use planning and development (R.S.Q., chapter A-19.1), with the necessary modifications, establish an advisory planning committee.

133. A borough council having an advisory planning committee may adopt a by-law concerning minor exemptions from the planning by-laws of the city.

Division VI of Chapter IV of Title I of the Act respecting land use planning and development (R.S.Q., chapter A-19.1) applies, with the necessary modifications. In particular, the notice referred to in section 145.6 of that Act shall be published in accordance with the Cities and Towns Act (R.S.Q., chapter C-19) and be posted at the office of the borough.

§3. — *Exceptions to the prohibition from converting immovables to divided co-ownership*

134. The borough council has jurisdiction to grant exceptions to the prohibition from converting immovables to divided co-ownership in accordance with the Act respecting the Régie du logement (R.S.Q., chapter R-8.1).

§4. — *Prevention aspect of fire safety*

135. The borough council shall participate, by its recommendations, in the preparation of the city's fire safety cover plan and its amendments and revisions, and promote the implementation in the borough of the measures contained in it.

§5. — *Removal of residual materials*

136. The borough council shall exercise the jurisdiction of the city as regards the removal of residual materials.

§6. — *Local economic, community and social development*

137. Notwithstanding the Municipal Aid Prohibition Act (R.S.Q., chapter I-15), the borough council may, in accordance with the rules established in the development plan prepared by the city pursuant to section 91, provide financial support to a body carrying on its activities in the borough and whose mission is local economic, community or social development.

§7. — *Water purification*

138. Subject to the Environment Quality Act (R.S.Q., chapter Q-2), the city may, by by-law, order the carrying out, even outside its territory, of work respecting purification works serving or intended to serve its territory or of work designed to generate cost savings in respect of the collecting system.

For the purposes of the first paragraph, “purification works” means a sewer, a sewer system, a pumping station, a water purification station or any other works used to collect, receive, carry, treat or drain waste water or substances compatible with the city’s purification processes.

139. The city may receive for treatment purposes, from a person other than a municipality, waste water or other substances from its territory or elsewhere.

Before making any contract for such purpose, the city shall obtain the consent of the local municipality in whose territory the waste water or other substances originate.

140. The city is authorized to supply other persons with any service, advice, matter, material and equipment relating to the study, construction, operation, supervision or management of a water purification system.

Every agreement made under this section requires the approval of the Minister of the Environment.

§8. — *Culture, recreation and borough parks*

141. The borough council is responsible for the management of the parks and the cultural and recreational equipment situated in the borough and not identified in the city by-law adopted under section 94.

The borough council is also responsible for the organization of recreational sports and sociocultural activities. It may for that purpose provide financial support to bodies whose goal is to organize and foster physical or cultural activity.

§9. — *Local roads*

142. The borough council is responsible for the management of the streets and roads identified by the city council in accordance with section 105. It shall exercise, in respect of those streets and roads, the jurisdiction of the city as regards traffic signs and signals and the control of traffic in a manner consistent with the rules established by the city council under that section.

**CHAPTER IV**

**SPECIAL FINANCIAL AND FISCAL PROVISIONS**

**DIVISION I**

**FINANCIAL PROVISIONS**

143. The city shall determine the annual allotment to be made to each borough council according to a formula it determines that establishes, among other things, elements of equalization among the boroughs.

144. The borough council is responsible for the management of its budget.

It must, however, administer its allotment in conformity with the minimum standards fixed by by-law of the city council regarding the level of services to be offered by each borough council.

145. The only mode of tariffing which may be used by the borough council to finance all or part of its property, services or activities is a tariff involving a fixed amount charged on an *ad hoc* basis, in the form of a subscription or under terms similar to those of a subscription, for the use of a property or service or in respect of a benefit derived from an activity.

No borough council may require the inhabitants and ratepayers of the other city boroughs to pay an amount greater than the amount required from the inhabitants and ratepayers of the borough.

Revenues generated by the application by the borough council of a mode of tariffing referred to in the first paragraph are for the exclusive use of the borough council.

146. The borough council may request the city to grant it an additional amount with a view to increasing the level of its services.

Where the city grants the borough council's request, the city shall, to finance such additional amount, require compensation from the owners or occupants of immovables situated in the borough, or levy a tax on the taxable immovables situated in the borough.

147. Every agreement entailing commitment of the city's funds by a borough council for a period extending beyond the fiscal year in which the agreement is made must be authorized by the city council.

The city council may, by by-law, provide for exceptions to the rule set out in the first paragraph.

148. A loan by-law need not be submitted for approval to the qualified voters

(1) if repayment of the loan ordered therein is charged entirely to the owners of immovables in the whole territory of the city ; or

(2) if the subject of the by-law is the execution of permanent work on waste water purification works, drinking water supply systems, underground conduits, road surfacing, curbs, sidewalks, lighting and traffic signs and signals, and the acquisition by agreement or expropriation of land or servitudes required for the execution of that permanent work.

In addition, where repayment of the loan is, in accordance with section 487 of the Cities and Towns Act (R.S.Q., chapter C-19), charged partly to the owners of immovables in the whole territory of the city and partly to the owners of immovables in part of the territory,

(1) the by-law need not be submitted for approval to the qualified voters where the portion charged to the owners in part of the territory is less than 25% ; and

(2) where that portion is 25% or more, the by-law must be submitted to the approval of the qualified voters in the part of the territory concerned.

Where subparagraph 2 of the second paragraph applies, section 561.3 of the Cities and Towns Act applies, with the percentage of 75% read as 25%.

## **DIVISION II**

### **FISCAL PROVISIONS**

149. The city may, by by-law, establish the rules enabling it to grant an abatement in order to limit to 5% the increase in the amount of the general property tax or of the tax or surtax on non-residential immovables payable for a fiscal year in respect of a unit of assessment, in relation to the amount of the same tax payable for the preceding fiscal year in respect of the same unit.

The by-law adopted under the first paragraph must, in particular, establish

(1) rules enabling the abatement to be applied in respect of a unit resulting from the combination of whole units ;

(2) rules allowing for the increase in the value of a unit resulting from the realization of a condition provided for in section 32 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1) or from work performed on a building already forming part of the unit, where such work is substantially completed or where two years have elapsed since the beginning of the work, whichever event occurs first, to be disregarded.

The first and second paragraphs apply, with the necessary modifications, in respect of the business tax payable in respect of one and the same business establishment.

150. The city may, by by-law, establish the rules enabling it to provide for a surcharge on the amount of the general property tax or of the tax or surtax on non-residential immovables payable for a fiscal year in respect of a unit of assessment in order to limit the percentage of reduction, in relation to the amount of the tax payable in respect of the unit for the preceding fiscal year.

The first paragraph applies, with the necessary modifications, as regards the business tax payable in respect of the same business establishment.

151. For the purposes of sections 149 and 150, where the tax on non-residential immovables is levied for a fiscal year, and the surtax on non-residential immovables is levied for the following fiscal year, or vice versa, the same tax shall be considered to be levied for both fiscal years.

## **CHAPTER V**

### **EFFECTS OF AN AMALGAMATION ON LABOUR RELATIONS**

152. Subject to this section, sections 176.1 to 176.22 of the Act respecting municipal territorial organization (R.S.Q., chapter O-9), the third paragraph of section 176.23, and sections 176.24 to 176.26 apply, with the necessary modifications, to the amalgamations and transfers provided for in paragraph 1 in accordance with the rules set out in paragraphs 2 to 13

(1) to the amalgamation provided for in this Act and to the transfer of employees and officers from any municipal or supramunicipal body to the city or to a metropolitan community; and

(2) for the purposes of sections 176.1, 176.2, 176.10, 176.25 and 176.26, the expression “a municipality that ceased to exist on amalgamation” means “a municipality that will cease to exist on the constitution of the city”;

(3) the agreement provided for in section 176.2 and the decision rendered by a labour commissioner under sections 176.5 and 176.9 shall not operate to define the bargaining units with reference to one or more boroughs;

(4) the agreement provided for in section 176.2 and the decision rendered by a labour commissioner under sections 176.5 and 176.9 shall not operate to modify a bargaining unit that has been granted certification under the sixth



paragraph of section 21 of the Labour Code (R.S.Q., chapter C-27) for the purpose of including therein the managers, superintendents, foremen, engineer managers or employer representatives that are, on 1 May 2001, in the employment of the Communauté urbaine de Montréal and of the other municipalities referred to in section 5 or are hired by Ville de Montréal or the Communauté urbaine de Montréal after 1 May 2001 or by the city after 1 January 2002;

(5) the labour commissioner's decision must, in the cases provided for in sections 176.5 and 176.9, be rendered no later than 27 October 2001;

(6) the period for making an agreement under section 176.2 begins on 1 May 2001 and ends on 14 June 2001;

(7) 1 May 2001 is the reference date for the purposes of the second paragraph of section 176.5;

(8) the period for making an application under sections 176.6 and 176.7 begins on 15 June 2001;

(9) the provisions of the first paragraph of section 176.10 become effective on 1 May 2001, except the provisions of subparagraph *b* of subparagraph 1 of the first paragraph concerning dispute arbitration in the case of arbitration of a dispute involving the city and an association certified to represent police officers or firefighters to the extent that the dispute was referred to arbitration before 15 November 2000 and the arbitration award is rendered not later than 31 December 2001 for a period not exceeding 31 December 2000;

(10) the suspension of the application of paragraph *a* of section 22 of the Labour Code, provided for in subparagraph 3 of the first paragraph of section 176.10, terminates on 15 July 2001; as regards the suspension of the other provisions of section 22, the suspension terminates on 31 January 2003;

(11) the exercise of the right to strike of the employees of the municipalities referred to in section 5 is suspended from 1 May 2001 to 30 July 2002;

(12) every collective agreement binding a municipality referred to in section 5 expires on the date provided for its expiry or on 1 May 2002, whichever is earlier; and

(13) the notice of negotiation referred to in section 176.14 may not be given before 1 May 2002.

## CHAPTER VI

### TRANSITION COMMITTEE

#### DIVISION I

#### COMPOSITION AND ORGANIZATION OF THE TRANSITION COMMITTEE

153. A transition committee composed of the members designated by the Minister of Municipal Affairs and Greater Montréal is hereby constituted, effective 20 December 2000. The number of members of the committee shall not be fewer than five nor more than twelve.

The Minister shall designate a chair from among the committee members.

154. No person who is a member of the council of a municipality amalgamated under this schedule may sit as a member of the transition committee. In addition, a person who has acted as a member of the committee is ineligible for office as a member of the city council or a borough council in the city's first general election; no such person may be employed by the city to hold a position referred to in the second paragraph of section 71 of the Cities and Towns Act (R.S.Q., chapter C-19) until the expiry of a period of two years from the end of the person's term as member of the committee.

155. The transition committee is a legal person.

The transition committee has its head office at the place determined by the Minister. Notice of the location and of any change of location of the head office must be published in the *Gazette officielle du Québec* and in a newspaper circulated in the territory described in section 3.

156. Every member of the transition committee shall be paid the remuneration and expense allowance determined by the Minister. The remuneration and allowance fixed in respect of the chair may be greater. The Minister may determine any other condition of employment of a member.

In addition, every member shall, in conformity with the internal management by-laws of the committee, be reimbursed for the expenses incurred on behalf of the committee in the exercise of his or her functions. The internal management by-laws concerning the reimbursement of expenses of each member of the transition committee must be approved by the Minister.

157. No deed, document or writing binds the transition committee unless it is signed by the chair or, to the extent determined in the internal by-laws of the transition committee, by a member of the committee's personnel.

The committee may allow, subject to the conditions and on the documents it determines in its internal management by-laws, that a signature be affixed by means of an automatic device or that a facsimile of a signature be engraved,

lithographed or printed. However, the facsimile has the same force as the signature itself only if the document is countersigned by a person authorized by the chair.

158. The minutes of a meeting of the transition committee, approved by the committee and certified by the chair or any other member of the personnel so authorized by the internal management by-laws, are authentic, as are documents and copies emanating from the committee or forming part of its records if signed or certified by any such person.

159. The Minister shall appoint the secretary of the transition committee and determine the secretary's remuneration and other conditions of employment.

The secretary shall attend the meetings of the committee. The secretary shall keep the registers and have custody of the records and documents of the committee. The secretary shall exercise any other responsibility that the committee determines.

The secretary is responsible for access to the committee's documents.

If the secretary is unable to act, the committee may replace the secretary temporarily by appointing another person to that function. One of the members of the committee may also act in the place of the secretary if the secretary is unable to act.

160. The transition committee may hire the employees required for the exercise of its responsibilities, and determine their conditions of employment. The transition committee may also obtain the expert services it considers necessary.

161. No judicial proceedings may be brought against the members of the transition committee or the committee's employees and representatives by reason of an official act done in good faith in the exercise of their functions. Sections 604.6 to 604.10 of the Cities and Towns Act (R.S.Q., chapter C-19) apply, with the necessary modifications, in respect of the committee members and employees.

Any liability that may be connected with the protection of the members and employees of the committee under the first paragraph is assumed by the Government.

162. The Government may, under the conditions and on the terms it determines, grant the transition committee any sum it considers necessary for its operation.

163. The transition committee is a municipal body for the purposes of the Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., chapter A-2.1).

164. Unless otherwise provided in an order of the Government made under section 9, the mandate of the transition committee ends on the date of constitution of the city. The committee shall then be dissolved and its assets and liabilities transferred to the city.

## **DIVISION II**

### **MISSION OF THE TRANSITION COMMITTEE**

165. The mission of the transition committee is to participate, together with the administrators and employees of the municipalities referred to in section 5, of the urban community and of any body thereof, in the establishment of the conditions most conducive to facilitating the transition, for the citizens of the new city, from the existing administrations to the new city.

## **DIVISION III**

### **OPERATION, POWERS AND RESPONSIBILITIES OF THE TRANSITION COMMITTEE**

#### *§1. — Operation and powers of the committee*

166. The decisions of the transition committee shall be made at meetings of the committee.

The quorum at meetings of the committee is the majority of its members.

167. Subject to the second paragraph of section 173, the transition committee shall, during its term, provide the citizens of the municipalities referred to in section 5 with any information it considers relevant to keep them informed on the carrying out of its mission.

The Minister may issue directives to the committee in that respect.

168. The transition committee may adopt internal management by-laws establishing its rules of operation.

169. The transition committee may form any sub-committee for the examination of particular matters, determine its mode of operation and designate the members, including the person who is to chair the sub-committee.

A person who is not a member of the committee may also be designated as a member of a sub-committee.

170. The chair of the transition committee may entrust to one or more members of the committee or, where applicable, of a sub-committee the exercise of certain functions or the examination of any matter the chair indicates.

171. The transition committee may require any municipality referred to in section 5, the urban community or a body thereof to furnish information, records or documents belonging to the municipality, the community or the body and which the transition committee considers necessary to consult.

172. The transition committee may require any municipality referred to in section 5, the urban community or a body thereof to submit a report on a decision or matter relating to the municipality, the community or the body and that is within and relevant to the committee's functions, concerning the financial situation of the municipality, community or body or the staff or any person in its employment.

173. Sections 171 and 172 apply notwithstanding the Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., chapter A-2.1).

The members of the transition committee or of any sub-committee and the committee employees are required to ensure the confidentiality of the information obtained under sections 171 and 172.

174. The transition committee may, where it considers it necessary for the exercise of its responsibilities, use the services of an officer or employee of a municipality referred to in section 5, the urban community or a body thereof. The committee and the employer of the officer or employee shall agree on the amount to be paid by the committee for the use of the services.

Failing an agreement, the Minister may designate a conciliator at the request of the committee or the employer to assist the parties in reaching an agreement. The conciliator shall act as if he or she were designated under section 468.53 of the Cities and Towns Act (R.S.Q., chapter C-19), and section 469 of that Act applies in that case, with the necessary modifications.

The officers and employees seconded to the committee remain in the employment of the municipality, the urban community or the body, as the case may be, are remunerated by their employer, and are governed by the same conditions of employment during the secondment.

175. Every member of the council and every officer or employee of a municipality referred to in section 5, the urban community or a body thereof must cooperate with the transition committee members, employees and representatives acting in the exercise of their functions.

#### §2. — *Responsibilities of the committee*

176. The transition committee shall, as soon as it is able to do so after the designation of all of its members, establish an advisory committee formed of the mayors it determines from the municipalities referred to in section 5. The transition committee may submit to the advisory committee any matter on

which it seeks the opinion of the mayors of the municipalities referred to in section 5. The advisory committee may give the transition committee its opinion regarding any matter related to the mandate of the transition committee.

The transition committee shall hold at least one meeting every month with the advisory committee. A member of the advisory committee who is unable to act may be replaced by a member of the council of the municipality it designates.

The rules of operation of the advisory committee may be prescribed by the internal management by-laws of the transition committee.

177. Every decision by which an urban community, a municipality referred to in section 5 or a body thereof makes a financial commitment for a period extending beyond 31 December 2001 must be authorized by the transition committee if the decision is made on or after 15 November 2000.

Every collective agreement or contract of employment entered into or amended as of 15 November 2000 by the urban community or a municipality referred to in section 5 must be authorized by the transition committee if the effect of the agreement or contract is to increase the remuneration and employee benefits of the officers and employees.

Until the transition committee is formed, an application must be made to the Minister for every authorization required under this section.

178. The transition committee shall hire and remunerate the election officers prescribed by the Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2) for the purposes of the city's first general election. The committee shall designate the person who is to act as the returning officer for the purposes of the election.

Subject to any other provision of this Act or of any order of the Government made under section 9, the transition committee shall in respect of the election exercise the powers and assume the responsibilities assigned to the council of a municipality by the Act respecting elections and referendums in municipalities.

179. The transition committee shall, for the purposes of the city's first general election and of any by-election held before the second general election, prepare a division of a borough into districts or, as the case may be, number the offices of councillor in the borough, in accordance with sections 38 and 39.

The transition committee shall, with the assistance of the chief electoral officer and using the information on the permanent list of electors, prepare a division of the territory of each borough into districts and a determination of their boundaries. The division of a borough into districts must result in there

being only one councillor per district, and the determination must, as far as possible, respect the criteria set out in sections 11 and 12 of the Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2).

The division prepared by the transition committee in collaboration with the chief electoral officer must be submitted to the Minister by the transition committee, and has effect only if adopted by an order of the Government made under section 9.

180. The transition committee may examine the circumstances of the hiring of officers and employees after 15 November 2000 and make any recommendations to the Minister in their regard as concerns the protection provided for in section 7.

181. The transition committee shall, within the time prescribed by the Minister of Municipal Affairs and Greater Montréal, agree with all the certified associations within the meaning of the Labour Code (R.S.Q., chapter C-27) representing the employees in the employment of the municipalities referred to in section 5 and of the urban community on the procedure for the reassignment of those employees as members of the personnel of the city or, as the case may be, of the Communauté métropolitaine de Montréal, and on the rights of and remedies available to an employee who believes he or she has been wronged as a consequence of the application of that procedure.

The parties may in addition agree on conditions of employment incidental to the reassignment of employees.

An agreement entered into under this section may not provide conditions of employment that entail higher costs than those entailed by the application of the conditions of employment applicable on 20 December 2000, or increase the staff.

The Minister may grant additional time at the request of the committee or of a certified association.

The provisions concerning the application of the reassignment process provided for in the applicable conditions of employment, or, where there is no such process, the provisions that allow employees to be assigned a position or a place of employment, constitute the employee reassignment procedure.

182. If an agreement has not been reached on all the matters referred to in the first and second paragraphs of section 181 within the time prescribed by the Minister, the Minister of Municipal Affairs and Greater Montréal shall so inform the Minister of Labour, and sections 125.16 to 125.23 of the Act respecting municipal territorial organization (R.S.Q., chapter O-9), with the necessary modifications.

183. Subject to section 152, the transition committee shall, for the purposes of sections 176.2 to 176.9 of the Act respecting municipal territorial

organization (R.S.Q., chapter O-9), negotiate any agreement on the determination of the future bargaining units with any association referred to in section 176.2 of that Act.

Any such agreement or any decision of the labour commissioner under sections 176.5 and 176.9 of that Act also binds the city.

184. The transition committee shall also prepare any plan for the reassignment of the officers and employees of the municipalities referred to in section 5 and of the urban community who are not represented by a certified association, as well as the procedure relating to the rights of and remedies available to an employee who believes he or she has been wronged as a consequence of the application of the reassignment plan.

A plan prepared under the first paragraph applies to the city as of 31 December 2001.

185. The transition committee shall appoint the director general, the clerk and the treasurer of the city for a term not to exceed five years.

It may create the various departments within the city, and determine the scope of their activities. The transition committee may appoint the department heads and assistant heads, and define their functions.

186. The transition committee shall examine the implementation of the service structures required by this Act, in particular in the boroughs created in the territory that on 1 January 2002 was the territory of Ville de Montréal. It may make any recommendation to the Minister in that regard.

187. The transition committee shall examine the specific characteristics of the borough of Ville-Marie mentioned in Schedule I-B, in particular as regards the nature and mode of exercise of the powers and authority conferred on boroughs by this Act. The transition committee may make any recommendation to the Minister in that regard.

188. The transition committee shall consider the assets and liabilities of the urban community and of the municipalities referred to in section 5. It may make any recommendation to the council of the new city in that regard.

Notwithstanding section 8, only the city council may declare the debts related to any equipment or infrastructure to burden the taxable immovables of all or any part of the territory of the city.

189. The transition committee shall prepare the city's budget for the first fiscal year and determine a formula enabling it to fix the allotments of each of the boroughs, by establishing, among other things, elements of equalization among the boroughs and taking into account the services provided in 2001 by each of the local municipalities referred to in section 5.



190. The transition committee shall examine any other matter or carry out any other mandate the Government may entrust to the committee in the pursuit of its mission.

191. The transition committee shall report to the Minister on its activities at the end of its mandate or at any time at the request of the Minister.

In addition to the recommendations made pursuant to this chapter, the committee's report may include any additional recommendation the committee considers necessary to bring to the attention of the Government and pertaining in particular to

(1) the boundaries of the city boroughs;

(2) the difficulties encountered in applying this Act and any proposed amendments; and

(3) any special provisions the committee considers expedient to incorporate into the legal framework applicable to the municipality or to the boroughs.

192. The transition committee shall also furnish to the Minister any information the Minister may require on its activities.

## **CHAPTER VII**

### **TRANSITIONAL AND FINAL PROVISIONS**

193. The polling for the first general election in Ville de Montréal shall take place on 4 November 2001 in accordance with the Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2).

194. For the purpose of determining whether a person is qualified as an elector, a candidate or a person qualified to vote at an election or in a referendum poll in the territory of the city, any period, prior to the date of coming into force of section 1, during which the person was resident, continuously or not, in the territory of a municipality referred to in section 5 or was the owner of an immovable or the occupant of a business establishment situated in that territory shall be counted as if the person had been a resident, owner or occupant from the beginning of that period in the territory in which he or she must qualify.

195. At the first general election, a member of the council of a municipality referred to in section 5 may be nominated and be, or be appointed as, a member of the council of Ville de Montréal, and hold both offices simultaneously. As long as both offices are held by the same person, he or she is not entitled to remuneration as a member of the council of Ville de Montréal.

196. The Minister of Municipal Affairs and Greater Montréal shall determine the place, date and time of the first meeting of the council held for the sole purposes of section 197. If that meeting is not held, the Minister shall fix another meeting.

197. At the first meeting, the council shall adopt, with or without amendment, the budget of the city for the fiscal year 2002 prepared by the transition committee.

The budget of the city shall be transmitted to the Minister of Municipal Affairs and Greater Montréal within 30 days of its adoption by the council.

If, on 1 January 2002, the budget has not been adopted, one-twelfth of each appropriation provided for in the budget prepared by the transition committee is deemed to be adopted. The same rule applies at the beginning of each subsequent month if the budget has not been adopted at that time.

198. Sections 149 to 151 have effect until 31 December 2011.

199. The city council shall, at the latest on 1 June 2002, appoint the first chair of the Office de consultation publique established under section 75 and adopt the by-laws referred to in section 79, the second paragraph of section 82 and the second paragraph of section 83.

200. Subject to any provision of an order of the Government made under section 9, the Charter of the city of Montréal (1959-60, chapter 102) and all special provisions governing a municipality referred to in section 5 are repealed from the date of constitution of Ville de Montréal under section 1 of this Act.

201. The Conseil des arts de la Ville de Montréal established by this schedule succeeds the arts council established by the Act respecting the Communauté urbaine de Montréal (R.S.Q., chapter C-37.2). For that purpose, the succeeding council assumes the powers and obligations of its predecessor.

The members and employees of the Conseil des arts established by the Act respecting the Communauté urbaine de Montréal become, without other formality, the members and employees of the Conseil des arts established by this schedule, in the same positions and with the same rights and privileges.

202. The police department of Ville de Montréal established by this schedule succeeds the police department established by the Act respecting the Communauté urbaine de Montréal (R.S.Q., chapter C-37.2). For that purpose, the succeeding department assumes the powers and obligations of its predecessor.

The police chief, police officers and other officers and employees of the police department established by the Act respecting the Communauté urbaine

de Montréal become, without other formality, the police chief, police officers and other officers and employees of the police department established by this schedule, in the same positions and with the same rights and privileges.

## SCHEDULE I-A

*(Section 3)*DESCRIPTION OF THE BOUNDARIES OF THE TERRITORY OF  
VILLE DE MONTRÉAL

The territory of the former cities or towns of Côte-Saint-Luc and Dorval, the former Village de Senneville and the former cities of Anjou, Baie-d'Urfé, Beaconsfield, Dollard-des-Ormeaux, Hampstead, Kirkland, Lachine, LaSalle, L'Île-Bizard, L'Île-Dorval, Montréal, Montréal-Est, Montréal-Nord, Montréal-Ouest, Mont-Royal, Outremont, Pierrefonds, Pointe-Claire, Roxboro, Sainte-Anne-de-Bellevue, Sainte-Geneviève, Saint-Laurent, Saint-Léonard, Verdun and Westmount including the islands bearing numbers 504 and 506 of the cadastre of the parish of Sault-au-Récollet (Île Perry), 1 434 301, 1 745 454 (Haut fond Sergent) and 1 745 455 of the cadastre of Québec and, with reference to the cadastres of the city of Montréal (Sainte-Marie, Saint-Jacques, Saint-Louis, Saint-Laurent, Saint-Antoine and Sainte-Anne wards), the parish municipality of Montréal, the parishes of Pointe-aux-Trembles, Rivière-des-Prairies, Longue-Pointe, Sault-au-Récollet, Lachine, Saint-Laurent, Pointe-Claire, Sainte-Anne, Sainte-Geneviève and L'Île-Bizard, the villages of Hochelaga, Côte-de-la-Visitation, Côte-Saint-Louis, Saint-Jean-Baptiste, Côte-des-Neiges, Pointe-Claire and Sainte-Geneviève and the city of Lachine, the lots or parts of lots, blocks or parts of blocks and their present and future subdivisions, then, with reference to the cadastre of Québec, the lots and their successor lots, and the roads, highways, streets, railway rights of way, islands, islets, lakes, watercourses or parts thereof, the whole comprised within the following limits, to wit: starting from the meeting point of the extension southerly of the east line of lot 786 of the cadastre of the city of Lachine with the centre line of the St. Lawrence River (Saint-Louis lake); thence, successively, the following lines and demarcations: generally westerly, successively, the centre line of the said river to an irregular line in Saint-Louis lake running midway between the island of Montréal and Île Dowker and Île Perrot and skirting Île Perrot to the east, the said irregular line, another irregular line in the said lake running midway between the said islands to its meeting point with the extension southerly of the line separating lots 304 and 305 of the cadastre of the parish of Sainte-Anne then an irregular line in Saint-Louis lake running midway between the island of Montréal and Île Perrot and continuing into Deux-Montagnes lake, running southwest of lots 332 and 333 of the cadastre of the parish of Sainte-Anne and northeast of Île Bellevue and of the island bearing number 1 577 470 of the cadastre of Québec, to its meeting point with a line parallel to the line separating lots 21-1-1-5 and 22-2 of the cadastre of the parish of Sainte-Anne and passing through a point situated on the southwest line of the said lot 22-2 (shore of Deux-Montagnes lake) 3.048 metres (10 feet) southeast of the line separating the said lots, such a distance being measured along the southwest line of the said lot 22-2; successively northwesterly and northeasterly, the centre line of Deux-Montagnes lake, skirting northeasterly in its first section the islands identified by lots 1 577 470 and 1 577 474 of the cadastre of Québec and lots 2065, 2064 and 1778 of the cadastre of the parish of Saint-Michel-de-Vaudreuil, to its meeting point with the extension northwesterly of the line running midway

between Île Bizard and Île Roussin and Île Jésus; generally southeasterly, the said extension, the said line running midway between the said islands then another line running midway between Île Bizard on one side and Île Bigras, the island bearing number 1 082 681 of the cadastre of Québec, Île Verte and Île Ronde (lot 1 082 680 of the cadastre of Québec) on the other side, the last segment of that line extended to the centre line of Des Prairies river; in general southeasterly and northeasterly directions, the centre line of the said river downstream and running southeast of Île Ronde (lot 1 082 680 of the cadastre of Québec), of Île Verte and of Île Pariseau, northwest of Île aux Chats (lots 2632, 2633 and 2634 of the cadastre of the parish of Saint-Laurent) and southeast of Île Paton to its meeting point with the extension northwesterly of the northeast line of lot 1 of the cadastre of the parish of Saint-Laurent; southeasterly, the said extension to the southeast bank of Des Prairies river; generally northeasterly, the southeast bank of the said river to the southwest line of lot 2 125 873 of the cadastre of Québec; northwesterly, the southwest line of the said lot connecting the island of Montréal to Île de la Visitation; the Île de la Visitation shore following the contours of the said island clockwise to the broken line bounding lot 2 125 873 of the cadastre of Québec to the northeast; southeasterly, the said broken line to the southeast bank of Des Prairies river; generally northeasterly, the southeast bank of the said river to the northeast line of lot 1 742 241 of the cadastre of Québec; in Des Prairies river, northwesterly, the extension of the northeast line of the said lot to the centre line of the said river skirting southwesterly Île du Cheval de Terre (lot 1 745 456 of the cadastre of Québec); generally northeasterly, the centre line of the said river downstream and running northwest of the islands identified by numbers 1 055 834, 1 055 899, 1 276 347, 1 276 348, 1 276 349, 1 279 562 and 1 276 369 of the cadastre of Québec and southeast of the islands bearing numbers 1 613 846 of the said cadastre and 194 to 200 of the cadastre of the parish of Saint-François-de-Sales to an irregular line running midway between Île Bonfoin (lot 177 of the cadastre of the parish of Rivière-des-Prairies) and Île Bourdon (lot 190 of the cadastre of the parish of Notre-Dame-de-L'Assomption-de-Repentigny); easterly, the said line running midway to an irregular line running midway between Île Bonfoin and Île Serre (lot 191 of the cadastre of the parish of Notre-Dame-de-L'Assomption-de-Repentigny); southerly, the said line running midway to an irregular line running midway between the island of Montréal and Île Bourdon and Île Bonfoin; easterly, the said line running midway to another irregular line in the St. Lawrence River running midway between the island of Montréal on one side and Île à l'Aigle (lot 197 of the cadastre of the parish of Notre-Dame-de-L'Assomption-de-Repentigny), Île aux Asperges (lot 543 of the cadastre of the parish of Varennes), Île Sainte-Thérèse, Île au Veau and Île Saint-Patrice on the other side; southerly, the said line running midway to its meeting point with the extension easterly of the north line of lot 1 262 110 of the cadastre of Québec; westerly, the said extension to the west shore of the St. Lawrence River; generally southerly, the west shore of the said river to the south line of lot 1 093 333 of the cadastre of Québec; easterly, the extension of the south line of the said lot in the St. Lawrence River and lots 1 093 649 and 1 093 269 of the said cadastre to an irregular line in the said river running midway between the island of Montréal on one side and Île Dufault and the Tailhandier flats on the other side; southerly, the said line running midway to its meeting

point with the extension easterly of the south line of lots 1 250 987, 1 250 985 and 1 250 986 of the cadastre of Québec; westerly, the said extension and the south line of the said lots; southwesterly, the northwest shore of the St. Lawrence River to the southwest line of lot 1 362 951 of the cadastre of Québec; southeasterly, the southwest line of lots 1 362 951 and 1 560 050 of the said cadastre, then its extension to the centre line of the St. Lawrence River; southwesterly, the centre line of the said river upstream to its meeting point with a line parallel to the southwest limit of the lands belonging to the St. Lawrence Seaway Authority and situated 45.72 metres (150 feet) northeast of that limit; southeasterly, the said parallel line to its meeting point with a perpendicular line above the southwest limit of the lands belonging to the St. Lawrence Seaway Authority 457.20 metres (1,500 feet) northwest of the northwest line of lot 312 of the cadastre of the parish of Saint-Antoine-de-Longueuil, such distance being measured along the southwest limit of the said lands; southwesterly, the said perpendicular line to the southwest limit of the said lands; southeasterly, the said limit to its meeting point with a line parallel to the northwest line of lot 312 of the said cadastre and situated 9.114 metres (30 feet) northwest thereof; southwesterly, the said parallel line to the centre line of the St. Lawrence River; finally, generally southwesterly, the centre line of the said river upstream and running east of Île des Sœurs, south of Île aux Hérons and north of Île au Diable to the starting point.

SCHEDULE I-B  
(*section 10*)

I - BOUNDARIES OF THE BOROUGHS OF VILLE DE MONTRÉAL

**Anjou Borough**

Corresponds to the territory of the former Ville d'Anjou.

**Kirkland Borough**

Corresponds to the territory of the former Ville de Kirkland excluding three parts of the Anse-à-l'Orme Nature Park described below in paragraphs 1, 2 and 3.

1. Part of the Anse-à-l'Orme Nature Park : part of lot 179 of the cadastre of the parish of Pointe-Claire situated in the territory of the former Ville de Kirkland between Chemin de l'Anse-à-l'Orme (part of lot 179) and Chemin Sainte-Marie (part of lot 179); bounded successively on the northeast and on the southeast by Chemin de l'Anse-à-l'Orme (part of lot 179), on the south for a distance of 42.36 metres by Chemin Sainte-Marie (part of lot 179), on the southwest for a distance of 80.95 metres then for another distance of 73.64 metres by another part of lot 179, then on the west by part of lot 180 described below.

2. Part of the Anse-à-l'Orme Nature Park : part of lot 179 of the cadastre of the parish of Pointe-Claire situated in the territory of the former Ville de Kirkland between Chemin de l'Anse-à-l'Orme (part of lot 179), lot 180 and lot 62 of the cadastre of the parish of Sainte-Anne.

3. Part of the Anse-à-l'Orme Nature Park : part of lot 180 of the cadastre of the parish of Pointe-Claire situated in the territory of the former Ville de Kirkland between Chemin de l'Anse-à-l'Orme (part of lots 179 and 180) and Chemin Sainte-Marie (part of lot 180) bounded successively on the east by part of lot 179 described above in paragraph 1, on the south by another part of lot 180 formerly occupied by the water treatment plant of Ville de Kirkland for a distance of 84.72 metres westerly from a point situated 44.47 metres south of the northeast corner of lot 180, on the east by a line measuring 25.22 metres along an arc of a circle with a 70.10-metre radius then 69.20 metres then 34.88 metres, on the south by Chemin Sainte-Marie, on the west by part of lot 62 of the cadastre of the parish of Sainte-Anne, on the north by Chemin de l'Anse-à-l'Orme (parts of lots 179 and 180).

**Montréal-Nord Borough**

Corresponds to the territory of the former Ville de Montréal-Nord.

**Mont-Royal Borough**

Corresponds to the territory of the former Ville de Mont-Royal with the addition of part of the territory of the former Ville de Montréal, the said part being delimited on the south by Jean-Talon street and the Canadian Pacific railway line and on the west, north and east by the boundaries of the former Ville de Mont-Royal.

**Outremont Borough**

Corresponds to the territory of the former Ville d'Outremont.

**Pointe-Claire Borough**

Corresponds to the territory of the former Ville de Pointe-Claire.

**Saint-Laurent Borough**

Corresponds to the territory of the former Ville de Saint-Laurent.

**Saint-Léonard Borough**

Corresponds to the territory of the former Ville de Saint-Léonard.

**Verdun Borough**

Corresponds to the territory of the former Ville de Verdun.

**Westmount Borough**

Corresponds to the territory of the former Ville de Westmount.

**Beaconsfield/Baie-d'Urfé Borough**

Corresponds to the territory of the former Ville de Baie-d'Urfé and the former Ville de Beaconsfield.

**Côte-Saint-Luc/Hampstead/Montréal-Ouest Borough**

Corresponds to the territory of the former Ville de Hampstead, the former Ville de Montréal-Ouest and the former Cité de Côte-Saint-Luc.

**Dollard-des-Ormeaux/Roxboro Borough**

Corresponds to the territory of the former Ville de Roxboro and the former Ville de Dollard-des-Ormeaux.



**Dorval/L'Île-Dorval Borough**

Corresponds to the territory of the former Ville de L'Île-Dorval and the former Cité de Dorval.

**LaSalle Borough**

Corresponds to the territory of the former Ville de LaSalle.

**Lachine Borough**

Corresponds to the territory of the former Ville de Lachine.

**L'Île-Bizard/Sainte-Geneviève/Sainte-Anne-de-Bellevue Borough**

Corresponds to the territory of the former Ville de L'Île-Bizard, the former Ville de Sainte-Anne-de-Bellevue and the former Ville de Sainte-Geneviève, with the addition of the Bois-de-la-Roche Farm Park described below in paragraph 1, six parts of the Anse-à-l'Orme Nature Park described below in paragraphs 2, 3, 4, 5, 6 and 7, the islands situated west of Cap Saint-Jacques corresponding to lots 323 and 324 of the cadastre of the parish of Sainte-Geneviève and comprised in the Cap-Saint-Jacques Nature Park and another part of the Cap-Saint-Jacques Nature Park described below in paragraph 8.

1. Bois-de-la-Roche Farm Park: a territory situated in the territory of the former Village de Senneville and constituted of lots 1, 2, 4, 5 and 6A and of part of lots 3, 6 and 7 of the cadastre of the parish of Sainte-Anne, the whole as described in Plan PR-11-20-1 prepared on 20 December 1988 by Jean-Paul Arsenault, land surveyor.

2. Part of the Anse-à-l'Orme Nature Park: a territory situated in the territory of the former Village de Senneville comprising, with reference to the cadastre of the parish of Sainte-Anne, parts of lots 1 and 2 identified in Plan PR-8/80-10-3 dated 31 October 1980 and prepared by J.-André Laferrière, land surveyor.

3. Part of the Anse-à-l'Orme Nature Park: a territory situated in the territory of the former Ville de Pierrefonds comprising, with reference to the cadastre of the parish of Sainte-Geneviève, part of lots 224, 225, 226, 227, 228 and 229 situated on each side of the Anse-à-l'Orme brook and of the road designated by the same name as identified in Plan PR-8/80-10-2A dated 31 October 1980, revised on 27 July 1983 and prepared by J.-André Laferrière, land surveyor.

4. Part of the Anse-à-l'Orme Nature Park: a territory situated in the territory of the former Ville de Pierrefonds comprising, with reference to the cadastre of the parish of Sainte-Geneviève, the lots or parts of lots situated northwest of Gouin boulevard identified in Plan PR-8/80-10-2A.

5. Part of the Anse-à-l'Orme Nature Park: part of lot 179 of the cadastre of the parish of Pointe-Claire situated in the territory of the former Ville de Kirkland between Chemin de l'Anse-à-l'Orme (part of lot 179) and Chemin

Sainte-Marie (part of lot 179); bounded successively on the northeast then on the southeast by Chemin de l'Anse-à-l'Orme (part of lot 179), on the south for a distance of 42.36 metres by Chemin Sainte-Marie (part of lot 179), on the southwest for a distance of 80.95 metres then for another distance of 73.64 metres by another part of lot 179, then on the west by part of lot 180 described below.

6. Part of the Anse-à-l'Orme Nature Park: part of lot 179 of the cadastre of the parish of Pointe-Claire situated in the territory of the former Ville de Kirkland between Chemin de l'Anse-à-l'Orme (part of lot 179), lot 180 and lot 62 of the cadastre of the parish of Sainte-Anne.

7. Part of the Anse-à-l'Orme Nature Park: part of lot 180 of the cadastre of the parish of Pointe-Claire situated in the territory of the former Ville de Kirkland between Chemin de l'Anse-à-l'Orme (part of lots 179 and 180) and Chemin Sainte-Marie (part 180) bounded successively on the east by part of lot 179 described above in paragraph 1, on the south by another part of lot 180 formerly occupied by the water treatment plant of Ville de Kirkland for a distance of 84.72 metres westerly from a point situated for a distance of 44.47 metres on the south of the northeast corner of lot 180, on the east by a line measuring 25.22 metres along an arc of a circle with a 70.10-metre radius then 69.20 metres then 34.88 metres, on the south by Chemin Sainte-Marie, on the west by part of lot 62 of the cadastre of the parish of Sainte-Anne, on the north by Chemin de l'Anse-à-l'Orme (parts of lots 179 and 180).

8. Part of the Cap-Saint-Jacques Nature Park: a territory situated in the territory of the former Ville de Pierrefonds comprising, with reference to the cadastre of the parish of Sainte-Geneviève, the aggregate of the lots and parts of lots situated northwest of Gouin boulevard, that is lots 230-1, 230-2, 231-1, 232-1, 232-2, 233, 234-1, 235A, 236, 236A, 236B, 236C, 237-1, 237-2-1, 237-4-1, 237-4-2, 237-4-3, 237-4-4, 237-4-5, 237-4-6, 237-4-7, 237-4-8, 237-4-9, 237-5-17, 237-5-33, 237-7, 237-8 and part of lots 230, 231, 232, 234, 235, 237, 237-2, 237-3, 237-4, 237-5 and 237-6; those lots or parts of lots include the convent of the Sœurs de Sainte-Croix et des Sept-Douleurs.

### **Pierrefonds/Senneville Borough**

Corresponds to the territory of the former Village de Senneville and of the former Ville de Pierrefonds, excluding the Bois-de-la-Roche Farm Park described below in paragraph 1, of three parts of the Anse-à-l'Orme Nature Park described below in paragraphs 2, 3 and 4, of the islands situated west of Cap Saint-Jacques, corresponding to lots 323 and 324 of the cadastre of the parish of Sainte-Geneviève and comprised in the Cap-Saint-Jacques Nature Park and of another part of Cap-Saint-Jacques Nature Park described below in paragraph 5.

1. Bois-de-la-Roche Farm Park: a territory situated in the territory of the former Village de Senneville and constituted of lots 1, 2, 4, 5 and 6A and of part of lots 3, 6 and 7 of the cadastre of the parish of Sainte-Anne, the whole as described in Plan PR-11-20-1 prepared on 20 December 1988 by Jean-Paul Arsenault, land surveyor.

2. Part of the Anse-à-l'Orme Nature Park: a territory situated in the territory of the former Village de Senneville comprising, with reference to the cadastre of the parish of Sainte-Anne, parts of lots 1 and 2 identified in Plan PR-8/80-10-3 dated 31 October 1980 and prepared by J.-André Laferrière, land surveyor.

3. Part of the Anse-à-l'Orme Nature Park: a territory situated in the territory of the former Ville de Pierrefonds comprising, with reference to the cadastre of the parish of Sainte-Geneviève, the part of lots 224, 225, 226, 227, 228 and 229 situated on both sides of the Anse-à-l'Orme brook and of Chemin de l'Anse-à-l'Orme as identified in Plan PR-8/80-10-2A dated 31 October 1980, revised on 27 July 1983 and prepared by J.-André Laferrière, land surveyor.

4. Part of the Anse-à-l'Orme Nature Park: a territory situated in the territory of the former Ville de Pierrefonds comprising, with reference to the cadastre of the parish of Sainte-Geneviève, the lots and parts of lots situated on the northwest of Gouin boulevard as shown in Plan PR-8/80-10-2A.

5. Part of the Cap-Saint-Jacques Nature Park: a territory situated in the territory of the former Ville de Pierrefonds comprising, with reference to the cadastre of the parish of Sainte-Geneviève, the whole of the lots and parts of lots situated on the northwest of Gouin boulevard, that is lots 230-1, 230-2, 231-1, 232-1, 232-2, 233, 234-1, 235A, 236, 236A, 236B, 236C, 237-1, 237-2-1, 237-4-1, 237-4-2, 237-4-3, 237-4-4, 237-4-5, 237-4-6, 237-4-7, 237-4-8, 237-4-9, 237-5-17, 237-5-33, 237-7, 237-8 and part of lots 230, 231, 232, 234, 235, 237, 237-2, 237-3, 237-4, 237-5 and 237-6; those lots or parts of lots include the convent of the Sœurs de Sainte-Croix et des Sept-Douleurs.

### **Ahuntsic/Cartierville Borough**

The part of the territory of the former Ville de Montréal delimited on the north by the boundary of Ville de Laval situated at the centre of the Des Prairies river, on the east by the boundary of the former Ville de Montréal-Nord up to the CN railway line, along the railway line westerly to Papineau avenue, by Papineau avenue to Métropolitain boulevard, by Métropolitain boulevard westerly to the boundary of the former Ville de Saint-Laurent, by that boundary to the boundary of the former Ville de Pierrefonds, by that boundary to the boundary of Ville de Laval, at the centre of the Des Prairies river.

### **Côte-des-Neiges/Notre-Dame-de-Grâce Borough**

The part of the territory of the former Ville de Montréal delimited on the north by the boundary of the former Ville de Mont-Royal from the boundary of the former Cité de Côte-Saint-Luc to Jean-Talon street, Jean-Talon street

easterly to the boundary of the former Ville d'Outremont, by that boundary and its extension to Chemin Remembrance, by Chemin Remembrance to the boundary of the former Ville de Westmount, by that north, west and south boundary to Autoroute 20, by Autoroute 20 westerly to Pullman street, by Pullman street to the ridge of the Falaise Saint-Jacques, along that ridge to the meeting point of Sainte-Anne-de-Bellevue boulevard and the boundary of the former Ville de Montréal-Ouest, by that boundary to the boundary of the former Cité de Côte-Saint-Luc, by that boundary to the boundary of the former Ville de Hampstead, by that south, east and north boundary to the boundary of the former Cité de Côte-Saint-Luc, by that boundary to the boundary of the former Ville de Mont-Royal.

### **Mercier/Hochelaga-Maisonneuve Borough**

The part of the territory of the former Ville de Montréal delimited on the north by the boundary of the former Ville de Saint-Léonard, from Lacordaire street to the boundary of the former Ville d'Anjou, by that boundary to the boundary of the former Ville de Montréal-Est, by that boundary to the St. Lawrence River, by the St. Lawrence River westerly to a line perpendicular to the meeting point of Notre-Dame street and the CP railway line, along that line to the CP railway line, by the CP railway line to Sherbrooke street, by Sherbrooke street easterly to Dickson street, by Dickson street to Lacordaire street, by Lacordaire street to the boundary of the former Ville de Saint-Léonard.

### **Plateau Mont-Royal/Centre-Sud Borough**

The part of the territory of the former Ville de Montréal delimited on the north by the CP railway line, from the boundary of the former Ville d'Outremont to the meeting point with Notre-Dame street, from that point by a line perpendicular to the St. Lawrence River, by the St. Lawrence River westerly to a line that is the extension of the west boundary of the right of way of Panet street, by that line northerly to the meeting point with the boundary of the property of "Les Compagnies Molson Ltée", that property boundary to Notre-Dame street, by Notre-Dame street easterly to Saint-Antoine street, by Saint-Antoine street westerly to Amherst street, by Amherst street to Sherbrooke street, by Sherbrooke street to Saint-Laurent boulevard, by Saint-Laurent boulevard to Des Pins avenue, by Des Pins avenue to Du Parc avenue, by Du Parc avenue to Mont-Royal avenue, by Mont-Royal avenue to the boundary of the former Ville d'Outremont, by that boundary to the CP railway line.

### **Rosemont/Petite-Patrie Borough**

The part of the territory of the former Ville de Montréal delimited on the north by the boundary of the former Ville de Saint-Léonard, from 24<sup>th</sup> Avenue to Lacordaire street, by Lacordaire street to Dickson street, by Dickson street to Sherbrooke street, by Sherbrooke street westerly to the CP railway line, along that railway line to the boundary of the former Ville d'Outremont, by that boundary to the CP railway line on the north, along that railway line to

Jean-Talon street, by Jean-Talon street easterly to Papineau avenue, by Papineau avenue to Bélanger street, by Bélanger street to 24<sup>th</sup> Avenue, by 24<sup>th</sup> Avenue to the boundary of the former Ville de Saint-Léonard.

### **Sud-Ouest Borough**

The part of the territory of the former Ville de Montréal delimited on the north by the ridge of the Falaise Saint-Jacques from the meeting point of Sainte-Anne-de-Bellevue boulevard with the boundary of the former Ville de Montréal-Ouest to Pullman street, by Pullman street to Autoroute 20, by Autoroute 20 to the boundary of the former Ville de Westmount, by that boundary easterly to its intersection with the Canadian Pacific railway line, along that railway line to Guy street, by Guy street southerly to Saint-Antoine street, by Saint-Antoine street to Autoroute Bonaventure, southerly, by Autoroute Bonaventure to the Victoria bridge, from that point towards the St. Lawrence River to the boundary of the former Ville de Verdun, by that boundary to the boundary of the former Ville de LaSalle, by that boundary to the boundary of the former Ville de Lachine, by that boundary to the boundary of the former Ville de Montréal-Ouest, by that boundary to the meeting point with Sainte-Anne-de-Bellevue boulevard.

### **Ville-Marie Borough**

The part of the territory of the former Ville de Montréal delimited on the north by Chemin Remembrance, from the boundary of the former Ville d'Outremont to a line that is an extension of the west boundary of the former Ville d'Outremont, by that line to the boundary of the former Ville d'Outremont, along that boundary to Mont-Royal avenue, by Mont-Royal avenue to Du Parc avenue, by Du Parc avenue to Des Pins avenue, by Des Pins avenue to Saint-Laurent boulevard, by Saint-Laurent boulevard to Sherbrooke street, by Sherbrooke street to Amherst street, by Amherst street to Saint-Antoine street, by Saint-Antoine street to Notre-Dame street, by Notre-Dame street westerly to the meeting point with the boundary of the property of "Les Compagnies Molson Ltée", that property line to the meeting point with the west boundary of the right of way of Panet street, that boundary and its extension to the St. Lawrence River, by the St. Lawrence River easterly so as to include Île Notre-Dame and Île Sainte-Hélène to the boundary of the former Ville de Longueuil and the former Ville de Saint-Lambert, along that boundary to the Victoria bridge, by the Victoria bridge to Autoroute Bonaventure, by Autoroute Bonaventure to Saint-Antoine street, by Saint-Antoine street westerly to Guy street, by Guy street northerly to the Canadian Pacific railway line, along that railway line to the boundary of the former Ville de Westmount, by that boundary to Chemin Remembrance.

### **Villeray/Saint-Michel/Parc-Extension Borough**

The part of the territory of the former Ville de Montréal delimited on the north by the CN railway line, from Papineau avenue to the boundary of the former Ville de Montréal-Nord, along that boundary to the boundary of the

former Ville de Saint-Léonard, by that boundary southerly to 24<sup>th</sup> Avenue, by 24<sup>th</sup> Avenue to Bélanger street, by Bélanger street westerly to Papineau avenue, by Papineau avenue to Jean-Talon street, by Jean-Talon street westerly to the CP railway line, along that railway line to the boundary of the former Ville d'Outremont, by that boundary to the boundary of the former Ville de Mont-Royal, by that boundary northerly to Métropolitain boulevard, by Métropolitain boulevard easterly to Papineau avenue, by Papineau avenue to the CN railway line.

### **Rivière des Prairies/Pointe-aux-Trembles Borough**

Corresponds to the territory of the former Ville de Montréal-Est and of the part of the territory of the former Ville de Montréal delimited on the north by the boundary of Ville de Laval and situated at the centre of the Des Prairies river, by that boundary to the St. Lawrence River, by the St. Lawrence River to the boundary of the former Ville de Montréal-Est, by that boundary to the boundary of the former Ville d'Anjou, by that boundary to the boundary of the former Ville de Montréal-Nord, by that boundary to the boundary of Ville de Laval.

### **II - NUMBER OF COUNCILLORS FOR EACH BOROUGH**

Dorval/L'Île-Dorval	1
Mont-Royal	1
Kirkland	1
Westmount	1
Outremont	1
L'Île-Bizard/Sainte-Geneviève/Sainte-Anne-de-Bellevue	1
Beaconsfield/Baie-d'Urfé	1
Pointe-Claire	1
Anjou	2
Côte-Saint-Luc/Hampstead/Montréal-Ouest	2
Dollard-des-Ormeaux/Roxboro	2
Verdun	3
Pierrefonds/Senneville	2
Saint-Léonard	3

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Saint-Laurent	3
Montréal-Nord	3
LaSalle	3
Lachine	2
Rivière-des-Prairies/Pointe-aux-Trembles/Montréal-Est	4
Ville-Marie	2
Sud-Ouest	3
Plateau Mont-Royal/Centre-Sud	4
Mercier/Hochelaga-Maisonneuve	5
Ahuntsic/Cartierville	5
Rosemont/Petite-Patrie	5
Villeray/Saint-Michel/Parc-Extension	5
Côte-des-Neiges/Notre-Dame-de-Grâce	6

**SCHEDULE II***(section 2)***CHARTER OF VILLE DE QUÉBEC****CHAPTER I****CONSTITUTION OF THE MUNICIPALITY**

1. A city is hereby constituted under the name “Ville de Québec”.
2. The city is a legal person.
3. The territory of the city is the territory described in Schedule II-A.
4. Subject to any other provision of this Act or of any order of the Government made under section 9, the city is a municipality governed by the Cities and Towns Act (R.S.Q., chapter C-19).
5. The city succeeds to the rights, obligations and charges of the Communauté urbaine de Québec and to those of the following municipalities: Ville de Beauport, Ville de Cap-Rouge, Ville de Charlesbourg, Ville de Lac-Saint-Charles, Ville de L’Ancienne-Lorette, Ville de Loretteville, Ville de Québec, Municipalité de Saint-Augustin-de-Desmaures, Ville de Sainte-Foy, Ville de Saint-Émile, Ville de Sillery, Ville de Val-Bélair and Ville de Vanier, as the urban community and municipalities existed on 31 December 2001.

The city becomes, without continuance of suit, a party to every suit, in the place of the urban community or, as the case may be, of every municipality to which the city succeeds.

6. The by-laws, resolutions, minutes, assessment roll, collection roll and other acts of each of the municipalities that are consistent with the provisions of this Act and of any order of the Government made under section 9 shall remain in force in the territory for which they were made until their objects are attained or until they are amended, replaced or repealed in accordance with this Act. They are deemed to be acts of the city or, according to the field of jurisdiction to which they relate, of the borough within which that territory is situated.
7. The officers and employees of the Communauté urbaine de Québec and of the municipalities referred to in section 5 shall become, without reduction in salary, officers and employees of the city, and shall retain their seniority and employee benefits and, in particular, continue to be members of the pension plan of which they were members prior to the constitution of the city.

The officers and employees of the Communauté urbaine de Québec who, on 31 December 2001, exercise their functions within the scope of the jurisdiction of the Community as regards land use planning, may be reassigned to the



Communauté métropolitaine de Québec by any order of the Government made under section 9.

No officer or employee to whom this section applies, other than an officer or employee having entered into employment with the urban community or any of the municipalities after 15 November 2000, may be laid off or dismissed solely by reason of the constitution of the city.

8. The debts and any category of surplus of each of the municipalities referred to in section 5 shall continue to burden or be credited to the immovables that were taxable in their respect on 31 December 2001. In particular, any unfunded liability of a pension plan established in respect of officers and employees or elected municipal officers of such a municipality or the surplus of such a plan shall continue to burden or be credited to the immovables that were taxable in its respect on 31 December 2001.

The revenues or costs in relation to legal proceedings or a dispute to which such a municipality or, as the case may be, the city is a party in respect of an event prior to 1 January 2002 that concerns the municipality shall continue to be credited to or to burden the taxable immovables of the sector formed by the territory of that municipality.

9. The Government may, by order, from among the special legislative provisions that governed the urban community or any municipality referred to in section 5 on 31 December 2001, determine the provisions, if any, that are to apply to all or any part of the territory of the city determined in the order.

An order under the first paragraph may also, in relation to all or any part of the territory of the city, contain any rule

(1) prescribing the conditions under which a special legislative provision referred to in the first paragraph is to apply;

(2) providing a remedy for any omission for the purpose of ensuring the application of this Act;

(3) derogating from any provision of an Act for which the Minister of Municipal Affairs and Greater Montréal is responsible, of this Act, of a special Act governing a municipality referred to in section 5, or of an instrument made under any of those Acts.

An order referred to in the first paragraph may, however, derogate from section 8 only to allow for the sharing, to the extent fixed in the order, of the debts incurred by a municipality after 20 December 2000 in connection with the carrying out of an economic development project.

Any order of the Government made pursuant to this section must be made before 4 November 2001 and comes into force on the date of its publication in the *Gazette officielle du Québec* or on any later date indicated therein.

**CHAPTER II****ORGANIZATION OF THE MUNICIPALITY****DIVISION I****DIVISION OF TERRITORY**

10. The territory of the city is, for the exercise of certain of its fields of jurisdiction, divided into 8 boroughs described in Schedule II-B.

The city council may, by by-law, number the boroughs.

**DIVISION II****CITY COUNCIL AND BOROUGH COUNCILS**

11. The affairs of the city shall be administered, in accordance with the apportionment of the powers and jurisdiction provided by this Act, by the city council or, as the case may be, by each borough council.

12. Subject to any other provision of this Act or any order of the Government made under section 9, the borough council is, as regards the exercise of its jurisdiction, subject to the rules provided for by the Cities and Towns Act (R.S.Q., chapter C-19) in respect of the council of a municipality, in particular the rules relating to the requirement that council meetings be open to the public.

§1. — *City council*

13. The city council is composed of the mayor and 39 councillors.

14. The mayor is elected by the electors of all the boroughs.

15. The councillors are elected by the electors of the borough they represent. Each borough is represented on the city council by the number of city councillors prescribed by Schedule II-B in its regard.

§2. — *Borough council*

16. A borough council is made up of the councillors who represent the borough on the city council.

17. The borough council shall designate a borough chair from among its members.

18. If the members of the borough council are unable to designate the chair at the latest at the first regular meeting of the borough council following a general election, the city council may make that designation. As long as the

city council has not designated the borough chair, the members of the borough council may do so.

The person designated to act as borough chair shall hold office until the end of the person's term of office as councillor in effect at the time of the designation.

19. The council may, by by-law, grant additional remuneration to the borough chair. The additional remuneration may be fixed according to the population of the borough, by classes established by the council or proportionally.

The Act respecting the remuneration of elected municipal officers (R.S.Q., chapter T-11.001) applies to the additional remuneration.

### **DIVISION III**

#### **EXECUTIVE COMMITTEE**

20. The executive committee of the city is composed of the mayor and the council members designated by the mayor. The number of members so designated shall not be fewer than five nor more than nine.

The mayor may replace a member of the executive committee at any time.

21. The mayor of the city is chair of the executive committee. The mayor shall designate a vice-chair from among the members of the executive committee.

22. Any designated member of the executive committee may resign from the executive committee by sending a written notice to that effect, signed by the member, to the clerk. The resignation takes effect on the date the clerk receives the notice, or on any later date specified in the notice.

23. The regular meetings of the executive committee are held at the place and on the days and at the times fixed in the internal management by-laws adopted by the council.

The special meetings of the executive committee are held at the place, on the days and at the times fixed by the chair.

24. The chair of the executive committee shall convene and preside at meetings of the executive committee and ensure that they are properly conducted.

25. The vice-chair replaces the chair where the latter is unable to act or where the office of chair is vacant. The vice-chair may also preside at a meeting of the executive committee at the request of the chair.

26. Any member of the executive committee who is not present at the place where a meeting is held may take part in the meeting by means of electronic communications equipment.

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

Every member participating in such manner in a meeting is deemed to be present at the meeting.

27. The meetings of the executive committee are closed to the public.

However, the executive committee sits in public

(1) in the cases provided for in the internal management by-laws of the city; and

(2) for all or part of a meeting if the executive committee so decides.

28. A majority of members constitutes a quorum at meetings of the executive committee.

29. Each member of the executive committee present at a meeting has one vote.

30. Each decision is made by a simple majority vote.

31. The executive committee exercises the responsibilities as provided in section 70.8 of the Cities and Towns Act (R.S.Q., chapter C-19) and acts for the city in all cases in which a provision of the internal management by-laws assigns the power to perform the act to the executive committee. The executive committee may grant any contract involving an expenditure that does not exceed \$100,000.

The executive committee shall give the council its opinion on any matter, where required to do so under a provision of the by-laws, at the request of the council or on its own initiative.

The opinion of the executive committee does not bind the council. Failure to submit an opinion required under the internal management by-laws or requested by the council does not limit the council's power to consider and vote on the matter.

32. The council may, in the internal management by-laws, determine any act within its jurisdiction which it has the power or the duty to perform, that it delegates to the executive committee, and prescribe the terms and conditions of the delegation.

However, the following powers may not be delegated :

(1) the power to adopt a budget, a three-year program of capital expenditures or a document required under the Act respecting land use planning and development (R.S.Q., chapter A-19.1), Chapter IV of the Cultural Property Act (R.S.Q., chapter B-4), the Act respecting municipal courts (R.S.Q., chapter C-72.01), the Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2) or the Act respecting municipal territorial organization (R.S.Q., chapter O-9) ;

(2) the power to designate a person to a position that may only be held by a member of the council ;

(3) the power to appoint the director general, the clerk, the treasurer and their assistants ;

(4) the power to create the various departments within the city, determine the scope of their activities and appoint the department heads and assistant heads ; and

(5) the power to dismiss, suspend without pay or reduce the salary of an officer or employee who is not an employee within the meaning of the Labour Code (R.S.Q., chapter C-27) and who has held a position for at least six months or has held, within the city, a position the holder of which is not an employee within the meaning of that Code.

The council may also, in the internal management by-laws, determine any matter on which the executive committee must give its opinion to the council, and prescribe the terms and conditions of consultation. The internal management by-laws may also prescribe the manner in which a member of the council may request the executive committee to report to the council on any matter within the jurisdiction of the executive committee.

33. The executive committee may adopt an internal management by-law concerning its meetings and the conduct of its affairs. The by-law may also, if permitted by the internal management by-laws of the city, enable the executive committee to delegate to any employee of the city the power to authorize expenditure on the conditions determined by the executive committee and in accordance with the rules and restrictions applicable to the city and enter into contracts on behalf of the city.

34. A decision by the council to delegate a power to or withdraw a power from the executive committee must be supported by a majority of two-thirds of the votes of the members of the council.

**DIVISION IV****WARD COUNCILS**

35. The city council shall, by by-law, divide the territory of the city into wards within which a ward council may be established. The city council may not modify the boundaries of a ward without first consulting the ward councils concerned.

The by-law shall determine the rules relating to the formation of a ward council, its composition and operation.

36. The function of the ward council is to study any matter submitted to it by the city council that is within the jurisdiction of the city council or a borough council.

**DIVISION V****PROVISIONS CONCERNING ELECTIONS**

37. Subject to this Act and to any order of the Government made under section 9, the Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2) applies in respect of the election of the mayor of the city and councillors.

38. Every borough shall be divided into districts. There must be one district per councillor.

39. For the purposes of section 47 of the Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2), 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 situated within the territory of the borough where the person exercises the right to vote.

40. For the purposes of section 57 of the Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2), the list formed by the lists of electors of all the boroughs constitutes the list of electors of the municipality.

41. A person is eligible for office as mayor or as a member of the city council if the person is entitled to have his or her name entered on the list of electors of any borough and has resided continuously or not in the territory of the city for at least 12 months on 1 September of the calendar year in which a regular election is to be held.

**DIVISION VI****OFFICERS AND EMPLOYEES**

42. The city 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 city or in connection with responsibilities under the authority of a borough council, and decisions relating to their hiring and dismissal, and negotiation of their conditions of employment are within the authority of the city council.

43. The borough council shall, however, determine the assignment of the work and the responsibilities of the officers and employees the city assigns to the borough. Disciplinary measures other than dismissal are also within the authority of the borough council.

44. The city council shall determine the staff required for the management of each borough.

Subject to the third paragraph, it shall define the staffing methods used to fill positions and the procedures for the identification, placing on reserve and assignment of public servants having permanent tenure who are surplus to the requirements of a borough.

Borough staffing and recall to work must be effected giving priority to the employees in the borough among those who meet the reassignment requirements or, as the case may be, the selection criteria negotiated and agreed by the parties to a collective agreement.

45. Notwithstanding section 42, the borough council may negotiate and agree on the clauses of a collective agreement that relate to the following matters:

- (1) overtime work, except remuneration;
- (2) work schedules, except duration of work;
- (3) annual vacation, except quantum and remuneration; and
- (4) statutory and floating holidays, except quantum and remuneration.

46. The borough council must send, within 30 days after a notice of negotiation has been received by the addressee or is deemed to have been received in accordance with section 52.2 of the Labour Code (R.S.Q., chapter C-27), a notice to the city and the certified association concerned identifying which of the matters referred to in section 45 it intends to negotiate.

The negotiating stage in respect of matters referred to in section 45 begins once the notice has been received by the certified association.

47. Strikes and lock-outs are prohibited in respect of any matter referred to in section 45.

48. Clauses negotiated and agreed by a certified association and a borough council also bind the city.

49. An agreement on a matter referred to in section 45 shall be filed at the office of the labour commissioner general in accordance with the first paragraph of section 72 of the Labour Code (R.S.Q., chapter C-27). The agreement shall take effect in accordance with the provisions of the second paragraph of that section.

50. If no agreement is reached on a matter referred to in section 45, one party may request the Minister of Labour to appoint a mediator-arbitrator with a view to settling their disagreement.

51. The mediator-arbitrator shall endeavour to bring the parties to settle their disagreement. For that purpose, the mediator-arbitrator shall meet with the parties and, in case of refusal to attend a meeting, give them an opportunity to present their observations.

52. If a disagreement subsists 60 days after the appointment of the mediator-arbitrator, one party may request the mediator-arbitrator to rule on the subject of the disagreement. If the mediator-arbitrator is of the opinion that a settlement is not likely to be reached by the parties, the mediator-arbitrator shall rule on the question and inform the parties of the decision.

The decision of the mediator-arbitrator is deemed to be an agreement within the meaning of section 49.

53. Except on a question of jurisdiction, no action pursuant to article 33 of the Code of Civil Procedure (R.S.Q., chapter C-25) may be taken nor any extraordinary recourse within the meaning of that Code be exercised, and no provisional remedy may be ordered against the mediator-arbitrator appointed under section 50.

54. Notwithstanding the provisions of section 46, a borough council and a certified association may, at any time, negotiate and agree on the replacement, amendment, addition or repeal of a clause of the collective agreement relating to a matter referred to in section 45.

In no case, however, may any negotiation under the first paragraph give rise to a dispute.



**DIVISION VII****CONSEIL DES ARTS**

55. An arts council is hereby established under the name “Conseil des arts de la Ville de Québec”.

56. The arts council has the following functions :

(1) to draw up and keep a permanent list of the associations, societies, organizations, groups or persons engaged in artistic and cultural activities in the territory of the city ;

(2) to combine, co-ordinate and promote artistic or cultural initiatives in the territory of the city ;

(3) within the limits of the funds available for that purpose, to designate the associations, societies, organizations, groups or persons and the artistic or cultural events worthy of receiving grants, fix the amount of any grant and recommend the payment of it by the city.

The city council may, by by-law, confer any other power on the arts council or impose on it any other duty it considers advisable to better enable it to attain its objects.

57. The city council shall determine, by by-law, the number of members composing the arts council, the qualifications they must have, the duration of their terms and the time and method of their appointment and replacement, as well as the rules of internal management and operation of the arts council, and the rules of procedure for its meetings.

58. The members of the arts council must be Canadian citizens and be domiciled in the territory of the city.

The members are appointed by the city council which shall designate a chair and two vice-chairs from among the members.

59. The members of the arts council are not remunerated. However, they are entitled to reimbursement by the arts council for all expenses authorized by the arts council and incurred by the members in the exercise of their functions.

60. The members of the arts council may retain the services of the personnel they require, including a secretary, and fix their remuneration.

The employees of the arts council are not by that sole fact officers or employees of the city.

The treasurer of the city or such assistant as the treasurer may designate is by virtue of office the treasurer of the arts council.

61. The fiscal year of the arts council coincides with that of the city, and the city's auditor shall audit the financial statements of the arts council and, within 120 days following the expiry of the fiscal year, make a report of that audit to the city.

62. A special fund hereinafter called "the fund" is hereby established under the name "Fonds du Conseil des arts de la Ville de Québec". The treasurer of the arts council has custody of the fund.

63. The fund is constituted of

- (1) the gifts, legacies and grants made to the arts council;
- (2) the sums voted annually for that purpose out of the city's budget; and
- (3) the sums put at the disposal of the arts council every year that have not been used before the end of the fiscal year.

The city council may, by by-law, prescribe the minimum amount that must be allocated every year for the purposes of subparagraph 2 of the first paragraph. As long as the by-law remains in force, the treasurer of the city must include the amount so prescribed in the certificate the treasurer prepares in accordance with section 474 of the Cities and Towns Act (R.S.Q., chapter C-19).

64. The fund shall be used exclusively to pay grants, on the recommendation of the arts council, and to defray the administrative costs of the arts council.

At the end of each fiscal year, the treasurer of the arts council shall render account to it of the sums paid under the first paragraph.

65. The jurisdiction of the arts council extends to every municipality whose territory is situated in whole or in part within a 50-kilometre radius of the territory of the city and which has expressed such a desire by a resolution of its council transmitted to the clerk of the city.

The council of such a municipality is empowered to pass the resolution provided for in the first paragraph.

The resolution remains in force for a period of three years; it is thereafter tacitly renewed every three years for a new three-year period unless the municipality has given the clerk of the city a notice to the opposite effect at least six months before the date of expiry of the three-year period then in effect.

The arts council has jurisdiction in respect of the municipality as long as the resolution remains in force.

66. The city shall fix the annual contribution that must be paid into the fund by a municipality in respect of which the arts council has jurisdiction pursuant to section 65; it shall also fix the terms and conditions and the time of payment of the contribution.

A municipality may require the city to fix in its respect, for a period of three years, the contribution, the terms and conditions and the time referred to in the first paragraph before it transmits its resolution to the clerk of the city in accordance with the first paragraph of section 65, or, where applicable, at least one month before the expiry of the time allowed it to give a notice in accordance with the third paragraph of that section.

67. A municipality in respect of which the arts council has jurisdiction pursuant to section 65 is authorized and required to pay into the fund the annual contribution fixed in its regard in accordance with section 66.

68. For the purposes of this division, “territory of the city” includes the territory of a municipality in respect of which the arts council has jurisdiction pursuant to section 65.

### **CHAPTER III**

#### **JURISDICTION**

##### **DIVISION I**

###### **GENERAL PROVISIONS**

69. The city has jurisdiction in all matters within the jurisdiction of a local municipality, and shall exercise its powers and fulfil its obligations in respect thereof, subject to any provision of this Act or of any order made by the Government under section 9.

The city shall act through its council if the apportionment of jurisdiction provided by this Act does not implicitly or explicitly enable a determination to be made as to whether the power to act lies with the city council or with the borough council.

70. The city council may, subject to the conditions it determines, provide a borough council with a service related to a jurisdiction of the borough council; the resolution of the city council shall take effect on passage by the borough council of a resolution accepting the provision of services.

A borough council may, subject to the conditions it determines, provide the city council with a service related to a jurisdiction of the city council; the resolution of the borough council shall take effect on passage by the city council of a resolution accepting the provision of services.

Every decision under the first or second paragraph shall be made by a two-thirds majority of the votes cast.

71. In the event of incompatibility between a provision of a by-law of the city council and a provision of a by-law of the borough council, the former shall prevail.

## **DIVISION II**

### **SPECIAL FIELDS OF JURISDICTION OF THE CITY**

#### *§1. — General provisions*

72. In addition to what is provided in section 69, the city has, to the extent provided by this Act or by the order of the Government made under section 9, special jurisdiction, obligations and powers in the following fields :

- (1) land use planning and development ;
- (2) community, economic and social development ;
- (3) disposal and upgrading of residual materials ;
- (4) culture, recreation and parks ;
- (5) social housing ;
- (6) the arterial system ;
- (7) air purification ;
- (8) water purification and drinking water supply ;
- (9) tourist promotion and hospitality ;
- (10) the municipal court.

#### *§2. — Land use planning and development*

73. For the purposes of sections 123 to 137 of the Act respecting land use planning and development (R.S.Q., chapter A-19.1), and notwithstanding the third paragraph of section 123 of that Act, a provision likely to lead to the adoption of a separate by-law which, by reason of section 136.1 of that Act, must be submitted for approval to the qualified voters of the whole territory of the city is not a provision making the by-law a by-law subject to approval by way of referendum.

74. For the purposes of paragraph 7 of section 119 of the Act respecting land use planning and development (R.S.Q., chapter A-19.1), the city shall assign to each borough an officer responsible for the issuing of permits and certificates.

§3. — *Community, economic and social development*

75. The city shall prepare a plan relating to the development of its territory.

The plan shall include the objectives pursued by the city as regards community, economic and social development and the rules relating to the financial support a borough council may grant to a body carrying on its activities in the borough and whose mission is local economic, community or social development.

§4. — *Disposal and upgrading of residual materials*

76. The city may establish, possess and operate residual materials disposal sites in or outside its territory, regulate the use thereof and sell the energy resulting from the operation of the sites.

77. The city may, in or outside its territory,

(1) establish, own and operate

(a) an establishment for the upgrading of residual materials, in particular by recovery, reuse, recycling, composting and reclamation;

(b) premises for the disposal of residue from the operation of that establishment and residual materials in possession of the city for such operation that cannot be used for such purposes;

(c) premises for the disposal of residue from the operation of any waste water purification establishment of the city; and

(d) a site for burying sludge from septic installations; and

(2) regulate the use of an establishment or premises referred to in paragraph 1.

78. The city may enter into a contract under which it entrusts a person operating a residual materials disposal site with the disposal of residual materials originating in its territory.

79. The city may, by by-law, prescribe rules relating to the transport of residual materials between the site where they are collected and the disposal site or the upgrading establishment.

It may also, by by-law,

(1) require a person who carries on transport referred to in the first paragraph to hold a permit for that purpose;

(2) prescribe the conditions and procedures for the issue and renewal of the permit, and the conditions and procedures for the suspension or revocation of a permit;

(3) in such cases it may determine, require the person whose residual materials are transported to furnish the person who carries them with a bill of lading, and require the latter to keep the bill of lading in his or her possession when effecting the transport; require each of those persons to keep a register of the bills of lading furnished or received, as the case may be;

(4) establish classes of residual materials;

(5) determine, among the residual materials, those which may be upgraded or disposed of;

(6) prescribe procedures for the separation and conditioning of residual materials for the purposes of removal, selective collection or upgrading; and

(7) determine the management method for residue from residual materials upgrading activities.

The city may prescribe the form and the minimum content of the bill of lading or register.

80. Any work relating to disposal sites, residual materials upgrading establishments or sites for disposing of residue may, notwithstanding the fourth paragraph of subsection 1 of section 573 of the Cities and Towns Act (R.S.Q., chapter C-19), be carried out by contract awarded at unit price, for a fixed price, on a cost plus basis or on any other basis authorized by the Minister.

81. The city may, by means of a contract, grant a franchise to operate one or more of such disposal sites, residual materials upgrading establishments or sites for disposing of residue.

The contract shall be awarded in conformity with section 573 or 573.1 of the Cities and Towns Act (R.S.Q., chapter C-19); however, public tenders may be called for and the contract awarded otherwise than on the basis of a fixed price or a unit price, in which case the contract must receive the prior authorization of the Minister.

82. In the exercise of their functions, the officers or employees of the city charged with the application of the by-laws passed under section 79 may, at any reasonable time, enter sites where residual materials are removed, sites for disposing of residual materials or residue, or a residual materials upgrading establishment for the purpose of examining any substance, apparatus, machine, works or installation thereon or therein.

Such officers or employees may also require the production of the books, registers and documents relating to the matters to which such by-laws apply and any other information they consider necessary or useful.

83. No person may hinder officers or employees referred to in section 82 in the exercise of their functions, particularly by misleading them or attempting to mislead them by concealment or by misrepresentation.

Such officers or employees shall, if required, identify themselves and produce a certificate, signed by the head of the department concerned, attesting their authority.

84. The city may, by by-law, prescribe that an offence under section 83 or a by-law passed under the first paragraph or under any of subparagraphs 1, 3, 6 and 7 of the second paragraph of section 79 shall entail as a penalty a fine, and prescribe the minimum and maximum amounts of the fine, which may vary according to whether the offence is a first or subsequent offence.

The prescribed minimum and maximum amounts shall not exceed

(1) in the case of an offence under section 83, \$300 and \$500 respectively for a first offence and double those amounts for a subsequent offence ;

(2) in the case of an offence under subparagraph 6 of the second paragraph of section 79, \$100 and \$1,000 respectively for a first offence and double those amounts for a subsequent offence ;

(3) in all other cases, \$1,000 and \$2,000 respectively for a first offence and double those amounts for a subsequent offence.

§5. — *Culture, recreation and parks*

85. The city shall, by by-law, identify the parks and cultural or recreational equipment to be managed by the city council.

86. The city may, by by-law, determine the location of a park to be under the management of the city council, whether or not the city is the owner of the land.

Such a by-law is without effect as regards third persons as long as the city is not the owner of the land or has not made an agreement allowing it to operate the park with the owner of the land or, in the case of land in the domain of the State, with the person having authority over the land.

87. From the coming into force of the by-law provided for in section 86, the city may make an agreement with any person holding the right of ownership or any other right in respect of an immovable situated in the park concerned.

Such an agreement may provide

- (1) that the person retains the right for a certain period or with certain restrictions;
- (2) that the person grants the city a right of preemption;
- (3) that the person agrees not to make improvements or changes to the immovable except with the consent of the city; and
- (4) that the person agrees, in case of total or partial expropriation of the right, not to claim any indemnity by reason of an increase in value of the immovable or right that could result from the establishment of the park or from improvements or changes made to the immovable.

The agreement may also contain any other condition relating to the use of the immovable or right.

88. The city may, by by-law, in respect of a park under the management of the city council,

- (1) establish rules governing the protection and preservation of the natural environment and its elements;
- (2) determine the extent to which and the purposes for which the public is to be admitted;
- (3) prescribe the conditions on which a person may stay, travel or engage in an activity in the park;
- (4) prohibit or regulate the carrying and transport of firearms;
- (5) prohibit or regulate the use or parking of vehicles;
- (6) prohibit the transport and possession of animals or prescribe the conditions with which a person having custody of an animal must comply;
- (7) prohibit or regulate posting;
- (8) establish rules for maintaining order and for ensuring the cleanliness of the premises and the well-being and tranquillity of users;
- (9) prohibit certain recreational activities or prescribe conditions governing participation in such activities;
- (10) prohibit or regulate the operation of businesses;
- (11) determine cases where a person may be kept out or expelled; and



(12) determine powers and obligations of employees.

89. The city may operate accommodation, restaurant or commercial establishments, or parking lots, in a park to be managed by the city council, for the benefit of users, or cause such establishments to be operated.

90. The city, a regional county municipality or a local municipality may make an agreement with respect to parks in accordance with the provisions of Section XXV of Chapter II of Title XIV of the Municipal Code of Québec (R.S.Q., chapter C-27.1).

91. The city may, by by-law, establish bicycle paths and lanes reserved for bicycle riding, and regulate the use thereof.

For such purposes, it may order that the roadway of the streets identified in the by-law be reserved, in whole or in part, for bicycle riding. In such a case, the by-law must be approved by the Minister of Transport.

The by-law respecting the use of a bicycle path may allow, in addition to bicycles, roller skates, roller blades, skateboards, ski-boards or any other similar mode of locomotion to be used thereon. The by-law may reserve the path for one or more of those modes of locomotion, exclusive of the others, or establish different rules for traffic on the path according to the mode of locomotion.

For the purposes of this section, the word “bicycle” does not include a motorized bicycle.

92. For the purposes of sections 85 to 91, a natural area or a corridor for recreational and sports activities is considered to be a park. However, a corridor to be used exclusively for the purposes referred to in section 91 is governed by that section rather than by the other sections.

#### §6. — *Social housing*

93. The city shall establish a social housing development fund.

The city shall pay into the fund annually an amount at least equal to the basic contribution required to build the housing allocated to its territory by the Société d’habitation du Québec.

The Société shall provide the city with the information necessary to determine the amount to be paid into the fund.

#### §7. — *Arterial system*

94. The city shall identify, from among the streets and roads under the management of the city pursuant to section 467.16 of the Cities and Towns Act (R.S.Q., chapter C-19), those which form its arterial system and those which form the system under the management of the boroughs.

It shall also establish minimum standards for the management of those systems.

The city council shall, in respect of the city's arterial system, exercise the jurisdiction of the city as regards traffic signs and signals and the control of traffic; the city council may prescribe standards for the harmonization of the rules governing traffic signs and signals and the control of traffic in respect of all the systems referred to in the first paragraph.

§8. — *Air purification*

95. The city may, for the purpose of improving the air quality in its territory or conserving or protecting its resources, adopt by-laws promoting the eradication of ragweed, the reduction of the gull population or the treatment of Dutch elm disease or implementing any other environmental protection or resource conservation program.

For such purposes, the city may found and maintain bodies in its territory whose objects are environmental protection and resource conservation, assist in the creation and maintenance of such bodies and entrust to them the organization and management of activities relating to those objects.

§9. — *Water purification and drinking water supply*

96. Subject to the Environment Quality Act (R.S.Q., chapter Q-2), the city, by by-law, may order the carrying out, even outside its territory, of all work for the construction of water treatment plants or works and of water mains and purification works intended to serve its territory.

97. The city may pass by-laws to:

- (a) supply drinking water in its territory;
- (b) maintain, manage and operate its drinking water treatment plants or works and its water mains;
- (c) determine the conditions for any connection to its waterworks;
- (d) rent meters, if necessary.

The by-laws adopted under the first paragraph require the approval of the Minister of the Environment.

98. The city may, by by-law,

- (1) define and classify waste water and the other substances discharged into a purification works;

(2) determine standards for the construction, maintenance or operation of purification works, including standards relating to the materials used, and standards relating to the methods to be used for the carrying out of purification work ;

(3) regulate or prohibit the discharge of waste water or of any substance it determines into a purification works or watercourse ; for such purpose, establish categories of contaminants or sources of contamination and determine, as regards contaminants, the quantity or maximum concentration authorized in waste water or in substances discharged into a purification works or a watercourse ;

(4) determine the method for computing the quantity of waste water or substances discharged into a purification works ; prescribe the use of meters and establish conditions for connection to the purification works of the city ;

(5) require any person or class of persons that discharges waste water or other substances of a category it determines into a purification works to hold a permit issued by the city ; exempt from such obligation any person or class of persons it determines ; and

(6) determine the qualifications required of a person applying for a permit, the conditions of issue and renewal of the permit, the information and documents the person must provide and the cases of suspension or revocation of the permit.

A by-law passed under the first paragraph requires the approval of the Minister of the Environment.

99. The city may require a person who discharges waste water or other substances into a purification works or watercourse in contravention of a by-law passed under section 98 to carry out, at the person's expense, the work required to clean or repair, as the case may be, the purification works or to eliminate the harmful or hazardous substances the person has unlawfully discharged into the watercourse, or to reimburse the city for the costs incurred by it for such work.

100. The city may

(1) require that any person discharging waste water or substances into a purification works comply with all or any of the following conditions :

(a) the construction of a man-hole in conformity with the requirements prescribed by the city, to allow the inspection, sampling, measuring and registration of the quality and flow of the discharged waste water and substances ;

(b) the installation and maintenance in good repair of appropriate equipment for the sampling, analysis, measuring and registration of the quality and flow

of the discharged water or substances, in accordance with the methods prescribed by the city;

(c) the installation and maintenance in good repair of equipment for the treatment or pre-treatment of waste water or substances to be discharged in order to regularize the flow of the discharged waste water or substances or to bring it into conformity with the prescriptions of a by-law passed under section 98;

(d) the presentation, for approval, of the plans relating to the installation of the equipment referred to in subparagraph *a*, *b* or *c*, and the procedures for the use of such equipment;

(e) the maintenance of the discharged waste water and substances within an average or maximum concentration or mass of discharged pollutants according to the class of pollutants;

(f) the presentation of periodic discharge reports indicating the volume and the qualitative and quantitative characteristics of the discharged waste water and substances;

(2) determine the schedule of execution of the work required

(a) for the issue, renewal or maintenance of a permit;

(b) for the prevention or cessation of an offence or a nuisance.

101. The city may prescribe the apparatus and methods whose use is recognized for the purposes of an analysis, sampling or computation of concentration.

The city may also fix the duration of a sampling program and of a program for measuring the waste water flow, determine the analysis parameters and require the permit holder to carry out the measuring, sampling or analyses and to provide it with the results thereof. The city may carry out such measuring, sampling or analyses at the person's expense if the latter fails to provide the city with results it considers satisfactory.

102. The city may require a person to take the necessary measures to prevent the discharge into a purification works or watercourse of a substance harmful to humans or to the works or watercourse, and to submit the plans of the required work as well as the operation procedures to the city for approval.

The city may also require a person to notify it in the event of an accidental discharge.

103. The city may, by by-law, delegate all or part of the powers conferred on it by sections 99 to 102 to a department head.

104. Any decision of the city or, in the case of a delegation, any decision of the executive committee or of a department head made under sections 99 to 102 may be contested before the Administrative Tribunal of Québec. Division XI of Chapter I of the Environment Quality Act (R.S.Q., chapter Q-2), with the necessary modifications, applies to the proceeding.

105. In the exercise of their functions, the officers and employees of the city charged with the application of the by-laws passed under section 98 may enter, at any reasonable time,

(1) any premises where there is or may be any substance, apparatus, machine, works or installation subject to such by-laws;

(2) any premises where an activity that is subject to such by-laws is or may be carried on.

Such officers or employees may examine the substances, apparatus, machines, works or installations; they may require the production of the books, registers and documents relating to the matters to which such by-laws apply; they may also require any other information they consider necessary or useful.

106. No person may hinder officers or employees referred to in section 105 in the exercise of their functions particularly by misleading them or attempting to mislead them by concealment or by misrepresentation.

Such officers or employees shall, if so required, identify themselves and produce a certificate, signed by the head of the department concerned, attesting their authority.

107. The city may, by by-law, prescribe that an offence under a by-law passed in accordance with section 98 or under section 105 or 106, or failure to comply with a prohibition, condition or requirement established in accordance with section 99, 100, 101 or 102 shall entail as a penalty,

(1) for a first offence, a minimum fine of not more than \$25,000 and a maximum fine of not more than \$500,000, imprisonment for not more than 18 months notwithstanding article 231 of the Code of Penal Procedure (R.S.Q., chapter C-25.1), or both penalties together;

(2) for a subsequent offence, a minimum fine of not more than \$50,000 and a maximum fine of not more than \$1,000,000, imprisonment for not more than 18 months notwithstanding article 231 of the Code of Penal Procedure, or both penalties together.

108. The city is exempt from the obligation to give security when requesting an interlocutory injunction for the cessation of an offence under a by-law passed under section 98 or under section 105 or 106.

109. The city may receive for treatment purposes, from a person other than a municipality, waste water or sludge from septic tanks that originates in its territory or elsewhere.

Before making any contract for such purpose, the city shall obtain the consent of the local municipality in whose territory the waste water or sludge originates.

110. The city may sell the energy resulting from the operation of water purification works.

111. For the purposes of sections 96 to 110, “purification works” means a sewer, a sewer system, a pumping station, a water purification station or any other works used to collect, receive, carry, treat or drain waste water or substances compatible with the purification processes of the city.

§10. — *Tourist promotion and hospitality*

112. The city has jurisdiction to promote tourism and provide for tourist hospitality in its territory.

The city may enter into an agreement with any person or body pursuant to which it entrusts to or shares with such person or body the exercise of the jurisdiction provided for in the first paragraph or of any aspect thereof. Where the person or body has jurisdiction in a territory other than that of the city, the latter may, in carrying out the agreement, also promote tourism and tourist hospitality in that other territory.

### **DIVISION III**

#### **JURISDICTION OF THE BOROUGH COUNCIL**

§1. — *General provisions*

113. The borough council may submit opinions and make recommendations to the city 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 city council.

114. The borough council has, for the borough and to the extent provided by this Act or by the order of the Government made under section 9, jurisdiction, powers and obligations in the following fields :

- (1) urban planning ;
- (2) the prevention aspect of fire safety ;
- (3) removal of residual materials ;

- (4) local economic, community and social development;
- (5) culture, recreation and borough parks; and
- (6) local roads.

Subject to the provisions of this Act or of the order of the Government made under section 9, the borough council has, in the exercise of such jurisdiction, and with the necessary modifications, all the powers and is subject to all the obligations assigned to or imposed on a local municipality by the Cities and Towns Act (R.S.Q., chapter C-19) or any other Act, other than the power to borrow and the power to levy taxes.

The borough council shall maintain a borough office, for the purposes of issuing permits and affording the population access to information on any matter within the authority of the city council or of the borough council.

## §2. — *Urban planning*

115. For the purposes of sections 123 to 137 of the Act respecting land use planning and development (R.S.Q., chapter A-19.1),

- (1) a public consultation meeting shall be held in each borough concerned by the draft by-law;
- (2) the date, time and place of any meeting shall be fixed by the council of any borough in which a meeting is to be held under subparagraph 1;
- (3) every public consultation meeting shall be presided by the chair of the borough council;
- (4) the notice required by section 126 of that Act shall be posted at the office of the city and at the office of each borough concerned by the draft by-law, and shall state that a copy of the draft by-law is available for consultation both at the office of the city and at the office of each such borough;
- (5) the summary referred to in section 129 of that Act may be obtained at the office of the borough; and
- (6) a notice under section 132 of that Act shall be issued separately for each borough and shall deal only with the provisions of the second draft by-law that are to affect the borough concerned by the notice.

For the purposes of the first paragraph and of the Act respecting land use planning and development, every provision amending a by-law adopted under the Charter of the city of Québec (1929, chapter 95) and repealed by section 177, concerning a matter referred to in section 123 of that Act or in another section of that Act to which that section refers is deemed to be adopted under the corresponding provision of the Act respecting land use planning and development.

116. The borough council may, in accordance with Chapter V of Title I of the Act respecting land use planning and development (R.S.Q., chapter A-19.1), with the necessary modifications, establish an advisory planning committee.

117. A borough council having an advisory planning committee may adopt a by-law concerning minor exemptions from the planning by-laws of the city.

Division VI of Chapter IV of Title I of the Act respecting land use planning and development (R.S.Q., chapter A-19.1) applies, with the necessary modifications. In particular, the notice referred to in section 145.6 of that Act shall be published in accordance with the Cities and Towns Act (R.S.Q., chapter C-19) and be posted at the office of the borough.

§3. — *Prevention aspect of fire safety*

118. The borough council shall participate, by its recommendations, in the preparation of the city's fire safety cover plan and its amendments and revisions, and promote the implementation in the borough of the measures contained in it.

§4. — *Removal of residual materials*

119. The borough council shall exercise the jurisdiction of the city as regards the removal of residual materials.

§5. — *Local economic, community and social development*

120. Notwithstanding the Municipal Aid Prohibition Act (R.S.Q., chapter I-15), the borough council may, in accordance with the rules established in the development plan prepared by the city pursuant to section 75, provide financial support to a body carrying on its activities in the borough and whose mission is local economic, community or social development.

§6. — *Culture, recreation and borough parks*

121. The borough council is responsible for the management of the parks and the cultural and recreational equipment situated in the borough and not identified in the city by-law adopted under section 85.

The borough council is also responsible for the organization of recreational sports and sociocultural activities. It may for that purpose provide financial support to bodies whose goal is to organize and foster physical or cultural activity.



§7. — *Local roads*

122. The borough council is responsible for the management of the streets and roads identified by the city council in accordance with section 94. It shall exercise, in respect of those streets and roads, the jurisdiction of the city as regards traffic signs and signals and the control of traffic in a manner consistent with the rules established by the city council under that section 94.

## **CHAPTER IV**

### **SPECIAL FINANCIAL AND FISCAL PROVISIONS**

#### **DIVISION I**

##### **FINANCIAL PROVISIONS**

123. The city shall determine the annual allotment to be made to each borough council according to a formula it determines that establishes, among other things, elements of equalization among the boroughs.

124. The borough council is responsible for the management of its budget.

It must, however, administer its allotment in conformity with the minimum standards fixed by by-law of the city council regarding the level of services to be offered by each borough council.

125. The only mode of tariffing which may be used by the borough council to finance all or part of its property, services or activities is a tariff involving a fixed amount charged on an *ad hoc* basis, in the form of a subscription or under terms similar to those of a subscription, for the use of a property or service or in respect of a benefit derived from an activity.

No borough council may require the inhabitants and ratepayers of the other city boroughs to pay an amount greater than the amount required from the inhabitants and ratepayers of the borough.

Revenues generated by the application by the borough council of a mode of tariffing referred to in the first paragraph are for the exclusive use of the borough council.

126. The borough council may request the city to grant it an additional amount with a view to increasing the level of its services.

Where the city grants the borough council's request, the city shall, to finance such additional amount, require compensation from the owners or occupants of immovables situated in the borough, or levy a tax on the taxable immovables situated in the borough.

127. Every agreement entailing commitment of the city's funds by a borough council for a period extending beyond the fiscal year in which the agreement is made must be authorized by the city council.

The city council may, by by-law, provide for exceptions to the rule set out in the first paragraph.

128. A loan by-law need not be submitted for approval to the qualified voters

(1) if repayment of the loan ordered therein is charged entirely to the owners of immovables in the whole territory of the city; or

(2) if the subject of the by-law is the execution of permanent work on waste water purification works, drinking water supply systems, underground conduits, road surfacing, curbs, sidewalks, lighting and traffic signs and signals, and the acquisition by agreement or expropriation of land or servitudes required for the execution of that permanent work.

In addition, where repayment of the loan is, in accordance with section 487 of the Cities and Towns Act (R.S.Q., chapter C-19), charged partly to the owners of immovables in the whole territory of the city and partly to the owners of immovables in part of the territory,

(1) the by-law need not be submitted for approval to the qualified voters where the portion charged to the owners in part of the territory is less than 25%; and

(2) where that portion is 25% or more, the by-law must be submitted to the approval of the qualified voters in the part of the territory concerned.

Where subparagraph 2 of the second paragraph applies, section 561.3 of the Cities and Towns Act applies, with the percentage of 75% read as 25%.

## **DIVISION II**

### **FISCAL PROVISIONS**

129. The city may, by by-law, establish the rules enabling it to grant an abatement in order to limit to 5% the increase in the amount of the general property tax or of the tax or surtax on non-residential immovables payable for a fiscal year in respect of a unit of assessment, in relation to the amount of the same tax payable for the preceding fiscal year in respect of the same unit.

The by-law adopted under the first paragraph must, in particular, establish

(1) rules enabling the abatement to be applied in respect of a unit resulting from the combination of whole units;

(2) rules allowing for the increase in the value of a unit resulting from the realization of a condition provided for in section 32 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1) or from work performed on a building already forming part of the unit, where such work is substantially completed or where two years have elapsed since the beginning of the work, whichever event occurs first, to be disregarded.

The first and second paragraphs apply, with the necessary modifications, in respect of the business tax payable in respect of one and the same business establishment.

130. The city may, by by-law, establish the rules enabling it to provide for a surcharge on the amount of the general property tax or of the tax or surtax on non-residential immovables payable for a fiscal year in respect of a unit of assessment in order to limit the percentage of reduction, in relation to the amount of the tax payable in respect of the unit for the preceding fiscal year.

The first paragraph applies, with the necessary modifications, as regards the business tax payable in respect of the same business establishment.

131. For the purposes of sections 129 and 130, where the tax on non-residential immovables is levied for a fiscal year, and the surtax on non-residential immovables is levied for the following fiscal year, or vice versa, the same tax shall be considered to be levied for both fiscal years.

## **CHAPTER V**

### **EFFECTS OF AN AMALGAMATION ON LABOUR RELATIONS**

132. Subject to this section, sections 176.1 to 176.22 of the Act respecting municipal territorial organization (R.S.Q., chapter O-9), the third paragraph of section 176.23, and sections 176.24 to 176.26 apply, with the necessary modifications, to the amalgamations and transfers provided for in paragraph 1 in accordance with the rules set out in paragraphs 2 to 12

(1) to the amalgamation provided for in this Act and to the transfer of employees and officers from any municipal or supramunicipal body to the city or to a metropolitan community ;

(2) for the purposes of sections 176.1, 176.2, 176.10, 176.25 and 176.26, the expression “a municipality that ceased to exist on amalgamation” means “a municipality that will cease to exist on the constitution of the city”;

(3) the agreement provided for in section 176.2 and the decision rendered by a labour commissioner under sections 176.5 and 176.9 shall not operate to define the bargaining units with reference to one or more boroughs ;

(4) the labour commissioner’s decision must, in the cases provided for in sections 176.5 and 176.9, be rendered no later than 27 October 2001 ;

(5) the period for making an agreement under section 176.2 begins on 1 May 2001 and ends on 14 June 2001 ;

(6) 1 May 2001 is the reference date for the purposes of the second paragraph of section 176.5 ;

(7) the period for making an application under sections 176.6 and 176.7 begins on 15 June 2001 ;

(8) the provisions of the first paragraph of section 176.10 become effective on 1 May 2001, except the provisions of subparagraph *b* of subparagraph 1 of the first paragraph concerning dispute arbitration in the case of arbitration of a dispute involving the city and an association certified to represent police officers or firefighters to the extent that the dispute was referred to arbitration before 15 November 2000 and the arbitration award is rendered not later than 31 December 2001 for a period not exceeding 31 December 2000 ;

(9) the suspension of the application of paragraph *a* of section 22 of the Labour Code, provided for in subparagraph 3 of the first paragraph of section 176.10, terminates on 15 July 2001 ; as regards the suspension of the other provisions of section 22, the suspension terminates on 31 January 2003 ;

(10) the exercise of the right to strike of the employees of the municipalities referred to in section 5 is suspended from 1 May 2001 to 30 July 2002 ;

(11) every collective agreement binding a municipality referred to in section 5 expires on the date provided for its expiry or on 1 May 2002, whichever is earlier ; and

(12) the notice of negotiation referred to in section 176.14 may not be given before 1 May 2002.

## **CHAPTER VI**

### **TRANSITION COMMITTEE**

#### **DIVISION I**

##### **COMPOSITION AND ORGANIZATION OF THE TRANSITION COMMITTEE**

133. A transition committee composed of the members designated by the Minister of Municipal Affairs and Greater Montréal is hereby constituted, effective 20 December 2000. The number of members of the committee shall not be fewer than five nor more than nine.

The Minister shall designate a chair from among the committee members.

134. No person who is a member of the council of a municipality amalgamated under this schedule may sit as a member of the transition

committee. In addition, a person who has acted as a member of the committee is ineligible for office as a member of the city council in the city's first general election; no such person may be employed by the city to hold a position referred to in the second paragraph of section 71 of the Cities and Towns Act (R.S.Q., chapter C-19) until the expiry of a period of two years from the end of the person's term as member of the committee.

135. The transition committee is a legal person.

The transition committee has its head office at the place determined by the Minister. Notice of the location and of any change of location of the head office must be published in the *Gazette officielle du Québec* and in a newspaper circulated in the territory described in section 3.

136. Every member of the transition committee shall be paid the remuneration and expense allowance determined by the Minister. The remuneration and allowance fixed in respect of the chair may be greater. The Minister may determine any other condition of employment of a member.

In addition, every member shall, in conformity with the internal management by-laws of the committee, be reimbursed for the expenses incurred on behalf of the committee in the exercise of his or her functions. The internal management by-laws concerning the reimbursement of expenses of each member of the transition committee must be approved by the Minister.

137. No deed, document or writing binds the transition committee unless it is signed by the chair or, to the extent determined in the internal by-laws of the transition committee, by a member of the committee's personnel.

The committee may allow, subject to the conditions and on the documents it determines in its internal management by-laws, that a signature be affixed by means of an automatic device or that a facsimile of a signature be engraved, lithographed or printed. However, the facsimile has the same force as the signature itself only if the document is countersigned by a person authorized by the chair.

138. The minutes of a meeting of the transition committee, approved by the committee and certified by the chair or any other member of the personnel so authorized by the internal management by-laws, are authentic, as are documents and copies emanating from the committee or forming part of its records if signed or certified by any such person.

139. The Minister shall appoint the secretary of the transition committee and determine the secretary's remuneration and other conditions of employment.

The secretary shall attend the meetings of the committee. The secretary shall keep the registers and have custody of the records and documents of the committee. The secretary shall exercise any other responsibility that the committee determines.

The secretary is responsible for access to the committee's documents.

If the secretary is unable to act, the committee may replace the secretary temporarily by appointing another person to that function. One of the members of the committee may also act in the place of the secretary if the secretary is unable to act.

140. The transition committee may hire the employees required for the exercise of its responsibilities, and determine their conditions of employment. The transition committee may also obtain the expert services it considers necessary.

141. No judicial proceedings may be brought against the members of the transition committee or the committee's employees and representatives by reason of an official act done in good faith in the exercise of their functions. Sections 604.6 to 604.10 of the Cities and Towns Act (R.S.Q., chapter C-19) apply, with the necessary modifications, in respect of the committee members and employees.

Any liability that may be connected with the protection of the members and employees of the committee under the first paragraph is assumed by the Government.

142. The Government may, under the conditions and on the terms it determines, grant the transition committee any sum it considers necessary for its operation.

143. The transition committee is a municipal body for the purposes of the Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., chapter A-2.1).

144. Unless otherwise provided in an order of the Government made under section 9, the mandate of the transition committee ends on the date of constitution of the city. The committee shall then be dissolved and its assets and liabilities transferred to the city.

## **DIVISION II**

### **MISSION OF THE TRANSITION COMMITTEE**

145. The mission of the transition committee is to participate, together with the administrators and employees of the municipalities referred to in section 5, of the urban community and of any body thereof, in the establishment of the conditions most conducive to facilitating the transition, for the citizens of the new city, from the existing administrations to the new city.

**DIVISION III****OPERATION, POWERS AND RESPONSIBILITIES OF THE  
TRANSITION COMMITTEE***§1. — Operation and powers of the committee*

146. The decisions of the transition committee shall be made at meetings of the committee.

The quorum at meetings of the committee is the majority of its members.

147. Subject to the second paragraph of section 153, the transition committee shall, during its term, provide the citizens of the municipalities referred to in section 5 with any information it considers relevant to keep them informed on the carrying out of its mission.

The Minister may issue directives to the committee in that respect.

148. The transition committee may adopt internal management by-laws establishing its rules of operation.

149. The transition committee may form any sub-committee for the examination of particular matters, determine its mode of operation and designate the members, including the person who is to chair the sub-committee.

A person who is not a member of the committee may also be designated as a member of a sub-committee.

150. The chair of the transition committee may entrust to one or more members of the committee or, where applicable, of a sub-committee the exercise of certain functions or the examination of any matter the chair indicates.

151. The transition committee may require any municipality referred to in section 5, the urban community or a body thereof to furnish information, records or documents belonging to the municipality, the community or the body and which the transition committee considers necessary to consult.

152. The transition committee may require any municipality referred to in section 5, the urban community or a body thereof to submit a report on a decision or matter relating to the municipality, the community or the body and that is within and relevant to the committee's functions, concerning the financial situation of the municipality, community or body or the staff or any person in its employment.

153. Sections 151 and 152 apply notwithstanding the Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., chapter A-2.1).

The members of the transition committee or of any sub-committee and the committee employees are required to ensure the confidentiality of the information obtained under sections 151 and 152.

154. The transition committee may, where it considers it necessary for the exercise of its responsibilities, use the services of an officer or employee of a municipality referred to in section 5, the urban community or a body thereof. The committee and the employer of the officer or employee shall agree on the amount to be paid by the committee for the use of the services.

Failing an agreement, the Minister may designate a conciliator at the request of the committee or the employer to assist the parties in reaching an agreement. The conciliator shall act as if he or she were designated under section 468.53 of the Cities and Towns Act (R.S.Q., chapter C-19), and section 469 of that Act applies in that case, with the necessary modifications.

The officers and employees seconded to the committee remain in the employment of the municipality, the urban community or the body, as the case may be, are remunerated by their employer, and are governed by the same conditions of employment during the secondment.

155. Every member of the council and every officer or employee of a municipality referred to in section 5, the urban community or a body thereof must cooperate with the transition committee members, employees and representatives acting in the exercise of their functions.

## §2. — *Responsibilities of the committee*

156. The transition committee shall, as soon as it is able to do so after the designation of all of its members, establish an advisory committee formed of the mayors it determines from the municipalities referred to in section 5. The transition committee may submit to the advisory committee any matter on which it seeks the opinion of the mayors of the municipalities referred to in section 5. The advisory committee may give the transition committee its opinion regarding any matter related to the mandate of the transition committee.

The transition committee shall hold at least one meeting every month with the advisory committee. A member of the advisory committee who is unable to act may be replaced by a member of the council of the municipality it designates.

The rules of operation of the advisory committee may be prescribed by the internal management by-laws of the transition committee.

157. Every decision by which an urban community, a municipality referred to in section 5 or a body thereof makes a financial commitment for a period extending beyond 31 December 2001 must be authorized by the transition committee if the decision is made on or after 15 November 2000.



Every collective agreement or contract of employment entered into or amended as of 15 November 2000 by the urban community or a municipality referred to in section 5 must be authorized by the transition committee if the effect of the agreement or contract is to increase the remuneration and employee benefits of the officers and employees.

Until the transition committee is formed, an application must be made to the Minister for every authorization required under this section.

158. The transition committee shall hire and remunerate the election officers prescribed by the Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2) for the purposes of the city's first general election. The committee shall designate the person who is to act as the returning officer for the purposes of the election.

Subject to any other provision of this Act or of any order of the Government made under section 9, the transition committee shall in respect of the election exercise the powers and assume the responsibilities assigned to the council of a municipality by the Act respecting elections and referendums in municipalities.

159. The transition committee shall, for the purposes of the city's first general election and of any by-election held before the second general election, prepare a division of a borough into districts.

The transition committee shall, with the assistance of the chief electoral officer and using the information on the permanent list of electors, prepare a division of the territory of each borough into districts and a determination of their boundaries. The division of a borough into districts must result in there being only one councillor per district, and the determination must, as far as possible, respect the criteria set out in sections 11 and 12 of the Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2).

The division prepared by the transition committee in collaboration with the chief electoral officer must be submitted to the Minister by the transition committee, and has effect only if adopted by an order of the Government made under section 9.

160. The transition committee may examine the circumstances of the hiring of officers and employees after 15 November 2000 and make any recommendations to the Minister in their regard as concerns the protection provided for in section 7.

161. The transition committee shall, within the time prescribed by the Minister of Municipal Affairs and Greater Montréal, agree with all the certified associations within the meaning of the Labour Code (R.S.Q., chapter C-27) representing the employees in the employment of the municipalities referred to in section 5 and of the urban community on the procedure for the reassignment of those employees as members of the personnel of the city, and on the rights

of and remedies available to an employee who believes he or she has been wronged as a consequence of the application of that procedure.

The parties may in addition agree on conditions of employment incidental to the reassignment of employees.

An agreement entered into under this section may not provide conditions of employment that entail higher costs than those entailed by the application of the conditions of employment applicable on 20 December 2000, or increase the staff.

The Minister may grant additional time at the request of the committee or of a certified association.

The provisions concerning the application of the reassignment process provided for in the applicable conditions of employment, or, where there is no such process, the provisions that allow employees to be assigned a position or a place of employment, constitute the employee reassignment procedure.

162. If an agreement has not been reached on all the matters referred to in the first and second paragraphs of section 161 within the time prescribed by the Minister, the Minister of Municipal Affairs and Greater Montréal shall so inform the Minister of Labour, and sections 125.16 to 125.23 of the Act respecting municipal territorial organization (R.S.Q., chapter O-9) apply, with the necessary modifications.

163. Subject to section 132, the transition committee shall, for the purposes of sections 176.2 to 176.9 of the Act respecting municipal territorial organization (R.S.Q., chapter O-9), negotiate any agreement on the determination of the future bargaining units with any association referred to in section 176.2 of that Act.

Any such agreement or any decision of the labour commissioner under sections 176.5 and 176.9 of that Act also binds the city.

164. The transition committee shall also prepare any plan for the reassignment of the officers and employees of the municipalities referred to in section 5 and of the urban community who are not represented by a certified association, as well as the procedure relating to the rights of and remedies available to an employee who believes he or she has been wronged as a consequence of the application of the reassignment plan.

A plan prepared under the first paragraph applies to the city as of 31 December 2001.

165. The transition committee shall appoint the director general, the clerk and the treasurer of the city for a term not to exceed five years.

It may create the various departments within the city, and determine the scope of their activities. The transition committee may appoint the department heads and assistant heads, and define their functions.

166. The transition committee shall consider the assets and liabilities of the urban community and of the municipalities referred to in section 5. It may make any recommendation to the council of the new city in that regard.

Notwithstanding section 8, only the city council may declare the debts related to any equipment or infrastructure to burden the taxable immovables of all or any part of the territory of the city.

167. The transition committee shall prepare the city's budget for the first fiscal year and determine a formula enabling it to fix the allotments of each of the boroughs, by establishing, among other things, elements of equalization among the boroughs and taking into account the services provided in 2001 by each of the local municipalities referred to in section 5.

168. The transition committee shall examine any other matter or carry out any other mandate the Government may entrust to the committee in the pursuit of its mission.

169. The transition committee shall report to the Minister on its activities at the end of its mandate or at any time at the request of the Minister.

In addition to the recommendations made pursuant to this chapter, the committee's report may include any additional recommendation the committee considers necessary to bring to the attention of the Government and pertaining in particular to

(1) the boundaries of the city boroughs;

(2) the difficulties encountered in applying this Act and any proposed amendments;

(3) the names of boroughs; and

(4) any special provisions the committee considers expedient to incorporate into the legal framework applicable to the municipality or to the boroughs.

170. The transition committee shall also furnish to the Minister any information the Minister may require on its activities.

## CHAPTER VII

### TRANSITIONAL AND FINAL PROVISIONS

171. The polling for the first general election in Ville de Québec shall take place on 4 November 2001 in accordance with the Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2).

172. For the purpose of determining whether a person is qualified as an elector, a candidate or a person qualified to vote at an election or in a referendum poll in the territory of the city, any period, prior to the date of coming into force of section 1, during which the person was resident, continuously or not, in the territory of a municipality referred to in section 5 or was the owner of an immovable or the occupant of a business establishment situated in that territory shall be counted as if the person had been a resident, owner or occupant from the beginning of that period in the territory in which he or she must qualify.

173. At the first general election, a member of the council of a municipality referred to in section 5 may be nominated and be, or be appointed as, a member of the council of Ville de Québec, and hold both offices simultaneously. As long as both offices are held by the same person, he or she is not entitled to remuneration as a member of the council of Ville de Québec.

174. The Minister of Municipal Affairs and Greater Montréal shall determine the place, date and time of the first meeting of the council that must be held for the sole purposes of section 175. If that meeting is not held, the Minister shall fix another meeting.

175. At the first meeting, the council shall adopt, with or without amendment, the budget of the city for the fiscal year 2002 prepared by the transition committee.

The budget of the city shall be transmitted to the Minister of Municipal Affairs and Greater Montréal within 30 days of its adoption by the council.

If, on 1 January 2002, the budget has not been adopted, one-twelfth of each appropriation provided for in the budget prepared by the transition committee is deemed to be adopted. The same rule applies at the beginning of each subsequent month if the budget has not been adopted at that time.

176. Sections 129 to 131 have effect until 31 December 2011.

177. Subject to any provision of an order of the Government made under section 9, the Charter of the city of Québec (1929, chapter 95) and all special provisions governing a municipality referred to in section 5 are repealed from the date of constitution of Ville de Québec under section 2 of this Act.

## SCHEDULE II-A

*(section 3)*DESCRIPTION OF THE BOUNDARIES OF THE TERRITORY OF  
VILLE DE QUÉBEC

The territory of the former Municipalité de Saint-Augustin-de-Desmaures and of the former cities or towns of Beauport, Cap-Rouge, Charlesbourg, L'Ancienne-Lorette, Lac-Saint-Charles, Loretteville, Québec, Sainte-Foy, Saint-Émile, Sillery, Val-Bélair and Vanier including part of the bed of the St. Lawrence River and, with reference to the cadastres of the parishes of L'Ancienne-Lorette, Beauport, Charlesbourg, Notre-Dame-de-Québec, Saint-Ambroise-de-la-Jeune-Lorette, Saint-Augustin, Saint-Colomb-de-Sillery, Sainte-Foy, Saint-Roch-Nord and Saint-Sauveur, the lots or parts of lots and their present and future subdivisions and, with reference to the cadastre of Québec, the lots and their successor lots and the roads, highways, streets, railway rights of way, islands, lakes, watercourses or parts thereof, the whole comprised within the limits hereinafter described, to wit: starting from the meeting point of the centre line of the St. Lawrence River with the extension southeasterly of the line separating the cadastres of the parishes of Saint-Augustin and Pointe-aux-Trembles; thence, successively, the following lines and demarcations: northwesterly, successively, the said extension and the line separating the said cadastres, that line crossing highway 138, the railway right of way (lot 536 of the cadastre of the parish of Saint-Augustin), Félix-Leclerc autoroute and another railway right of way (lot 535 of the said cadastre), then the line separating the cadastres of the parishes of Saint-Augustin and Sainte-Jeanne-de-Neuville; easterly, the broken line separating the cadastre of the parish of Saint-Augustin, the cadastres of the parishes of Sainte-Jeanne-de-Neuville and Sainte-Catherine; generally northwesterly, the broken line separating the cadastres of the parishes of L'Ancienne-Lorette and Saint-Ambroise-de-la-Jeune-Lorette from the cadastre of the parish of Sainte-Catherine to the apex of the west angle of lot 1 of the cadastre of the parish of Saint-Ambroise-de-la-Jeune-Lorette; with reference to that cadastre, generally northeasterly, part of the northwest line of the said cadastre to the apex of the north angle of lot 115; southeasterly, part of the northeast line of lot 115 to the northwest line of lot 328; northeasterly, the northwest line of lot 328, that line extended across the railway right of way (lot 1524) and crossing highways 369 and 573 which it meets; northwesterly, part of the southwest line of lot 342, the southwest line of lots 341 retrograding to 332 and the southwest line of lot 329; northeasterly, the northwest line of lots 329 and 330; northwesterly, part of the northeast line of lot 95 of the cadastre of the parish of Saint-Gabriel-de-Valcartier to the southeast line of lot 96 of the said cadastre; with reference to that cadastre, northeasterly, the southeast line of lot 96 extended to the northeast side of highway 371 (Valcartier boulevard) coinciding with the southwest line of lot 296; southeasterly, part of the southwest line of lot 296 then the southwest line of lots 304C, 304, 297, 298, 299, 300, 301 and 302; northeasterly, the southeast line of lot 302; northwesterly, the northeast line of the said cadastre to the apex of the west angle of lot 1 025 778 of the cadastre of Québec, that line crossing Sud-Ouest lake and the Nelson river which it meets; with reference to that cadastre,

northeasterly, the northwest line of lots 1 025 778, 1 025 795 and 1 025 792; southeasterly, the northeast line of lot 1 025 792 to the southeast side of a private road (du Curé road); southwesterly, the southeast side of the said private road to the southwest line of lot 1 026 246; southeasterly, part of the southwest line of the said lot to the northwest line of lot 1 025 880; northeasterly, the northwest line of lots 1 025 880 and 1 025 864; southeasterly, the northeast line of lots 1 025 864, 1 025 865, 1 025 870 and 1 026 232 to the shore of Saint-Charles lake; generally southeasterly, the northeast shore of the said lake to the apex of the west angle of lot 1 280 030; southeasterly, the southwest line of lots 1 280 030, 1 241 229 then the northeast line of lots 1 026 083, 1 026 089, 1 025 729, 1 025 728, 1 025 723 and 1 025 697 and part of the northeast line of lot 1 025 429 to the northwest line of lot 1 542 367; northeasterly, the northwest line of lots 1 542 367, 1 336 775, 1 336 919, 1 336 975, 1 336 973, 1 336 976, 1 336 980, 1 336 983, 1 336 984, 1 336 794 and 1 336 988; northwesterly, part of the southwest line of lot 1 542 284 then the southwest line of lots 1 542 283 retrograding to 1 542 280; northeasterly, the northwest line of lots 1 542 280, 1 336 796, 1 336 799, 1 336 801, 1 336 806, 1 336 826, 1 336 805, 1 336 816 to 1 336 820, 1 336 836, 1 338 390, 1 336 851, 1 338 403 (Talbot boulevard), 1 338 878, 1 338 381 and 1 337 047, those last two lots constituting the right of way of Laurentienne autoroute; northwesterly, part of the southwest line of lot 1 338 641 then the southwest line of lots 1 337 075 and 1 337 076; northeasterly, the northwest line of lot 1 337 076; northwesterly, part of the southwest line of lot 1 542 211 to the northwest line of the said lot; northeasterly, the northwest line of lots 1 542 211, 1 542 210, 1 542 209, 1 542 212, 1 337 534, 1 338 600 and 1 337 533; southeasterly, the northeast line of lots 1 337 533, 1 337 535 and part of the northeast line of lot 1 337 532 to the northwest line of lot 1 542 216; northeasterly, the northwest line of lot 1 542 216; southeasterly, the northeast line of lots 1 542 216, 1 338 540, 1 337 659, 1 337 660, 1 337 661, 1 337 651, 1 337 701, 1 337 703, 1 337 705, 1 337 708, 1 337 709, 1 337 699, 1 337 700, 1 337 710 and 1 542 314, that is to the centre line of the Jaune river; generally southwesterly, the centre line of the said river, along the southeast line of lots 1 542 314 and 1 542 320; southeasterly, successively, the southwest line of lots 1 542 323, 1 542 324, 1 336 746, 1 336 747, 1 336 750 and 1 336 751, the northeast line of lots 2 059 049, 2 059 052, 2 059 055 then the southwest line of lot 1 542 339; northeasterly, the northwest line of lot 1 338 398; southeasterly, the northeast line of lots 1 338 398 and 1 338 353 and part of the northeast line of lot 1 338 354 to the northwest line of lot 1 338 360; northeasterly, the northwest line of lots 1 338 360 and 1 338 361; southeasterly, part of the northeast line of lot 1 338 361 to the apex of the south angle of lot 1 821 307; northeasterly, the northwest line of lots 1 338 361, 1 040 196, 1 040 198, 1 041 297, 1 041 298, 1 041 299, 1 041 233, 1 040 207, 1 041 301, 1 041 569, 1 041 302, 1 041 303, 1 040 427 and 1 040 428; northwesterly, part of the southwest line of lot 1 415 293 to the northwest line of the said lot; northeasterly, the northwest line of lots 1 415 293, 1 415 289, 1 416 419 to 1 416 435, 1 416 156, 1 414 966, 1 414 962, 1 414 964, 1 414 965, 1 414 968, 1 414 967, 1 415 194, 1 415 193, 1 415 192, 1 839 365, 1 415 191, 1 415 190, 1 415 189, 1 415 188, 1 415 180, 1 415 187 retrograding to 1 415 181, 1 416 336, 1 416 335, 1 416 334, 1 416 182 retrograding to 1 416 175, 1 416 157, 1 416 158, 1 416 209, 1 415 299, 1 415 298, 1 415 892, 1 415 886,

1 415 894, 1 416 192, 1 416 191, 1 415 884, 1 415 883, 1 415 896, 1 415 239, 1 415 240, 1 415 237, 1 416 226, 1 415 553, 1 415 303, 1 415 304, 1 415 305, 1 416 150, 1 415 306, 1 415 307, 1 415 308, 1 415 733, 1 415 555, 1 415 556, 1 416 402, 1 415 554, 1 416 306, 1 416 307, 1 416 308, 1 416 309, 1 415 561, 1 416 310 to 1 416 328, 1 415 560, 1 416 098, 1 416 099, 1 416 331 and 1 416 100, the northeast side of that last lot corresponding to the southwest boundary of the cadastre of the parish of Sainte-Brigitte-de-Laval; southeasterly, successively, the southwest line of the cadastre of the parish of Sainte-Brigitte-de-Laval to the centre line of the Montmorency river, that line extended across Raymond boulevard which it meets, the southwest line of the cadastre of the parish of L'Ange-Gardien in the Montmorency river, the southwest line of lots 271, 272, 273, 274, 275, 276, 277 and 278 of the said cadastre, that last line extended across the Montmorency river, then the southwest line of lots 290 and 291 of the said cadastre, that last line extended to the centre line of the Montmorency river, that centre line separating the cadastres of the parishes of L'Ange-Gardien and Beauport; generally southeasterly, the centre line of the said river to its intersection with the southwest line of lot 334B of the cadastre of the parish of L'Ange-Gardien near the Montmorency falls; southeasterly, the southwest line of lot 334B of the said cadastre and its extension to a line running midway between the northwest shore of L'Île d'Orléans and the northwest shore of the St. Lawrence River; generally southwesterly, the said line running midway to a straight line northeasterly originating from the point of intersection of a straight line running astronomically N 58° 00' E starting from a point situated on the extension southeasterly of the southwest line of lot 1 501 713 of the cadastre of Québec at a distance of 1,859.28 metres from the Legrade geodetic point (No. 67K1111) with a line parallel to the southwest line of lot 1 501 713 of the said cadastre from the intersection of the low-water mark of the St. Lawrence River and the left bank of the Beauport river; southwesterly, the said straight line to the intersection of the line running astronomically N 58° 00' E with the line parallel to the southwest line of lot 1 501 713, of the said cadastre, such parallel line originating from the intersection of the low-water line of the St. Lawrence River with the left bank of the Beauport river; southwesterly, the said straight line running astronomically N 58° 00' E to its point of origin; southeasterly, the extension of the southwest line of lot 1 501 713 of the said cadastre to its intersection with an irregular line running midway between the outer facing of the Louise basin wharves and the right shore of the St. Lawrence River; southwesterly, the said irregular line to the centre line of the said river; lastly, generally southwesterly, the centre line of the said river upstream to the starting point.

The territory of the Hôpital Général shall be excluded from the territory of Ville de Québec.

Also excluded from the territory of Ville de Québec is the territory of the Wendake Reserve.

**SCHEDULE II-B***(section 10)***I- BOUNDARIES OF THE BOROUGHS OF VILLE DE QUÉBEC****Borough 1**

To the south, the south boundaries of the former Ville de Québec from the mouth of the Saint-Charles river to the east boundary of the former Ville de Sillery.

To the west, successively the east and north boundaries of the former Ville de Sillery to the dividing line between the former cities of Sainte-Foy and Québec. Northerly, the dividing line between the former cities of Sainte-Foy and Québec to Charest-Ouest boulevard. Westerly, Charest-Ouest boulevard to the du Vallon autoroute. The du Vallon autoroute northerly to the dividing line between the former cities of Sainte-Foy and Québec; generally easterly, the broken line separating the former cities of Sainte-Foy and Québec to Charest-Ouest boulevard. Easterly, the said Charest-Ouest boulevard to Saint-Sacrement avenue; Saint-Sacrement avenue northerly to Wilfrid-Hamel boulevard; Wilfrid-Hamel boulevard easterly to its intersection with the Saint-Charles river, then along the said river to its mouth.

**Borough 2**

To the south, the Saint-Charles river from the Laurentienne autoroute to its intersection with Wilfrid-Hamel boulevard; Wilfrid-Hamel boulevard westerly to Saint-Sacrement avenue; southerly, Saint-Sacrement avenue to Charest-Ouest boulevard; westerly, the said boulevard to the dividing line between the former cities of Québec and Sainte-Foy; generally westerly, the broken line separating the former cities of Québec and Sainte-Foy to the du Vallon autoroute; the du Vallon autoroute southerly to Charest-Ouest boulevard; westerly, the said boulevard to the Henri IV autoroute.

To the west, the Henri IV autoroute northerly to the dividing line between the former cities of Québec and Sainte-Foy. Successively westerly, northerly and easterly, the dividing line between the former cities of Québec and Sainte-Foy to the south boundary of the former Ville de L'Ancienne-Lorette. Successively northerly and easterly, the east and south boundaries of the former Ville de L'Ancienne-Lorette to the Henri IV autoroute. The Henri IV autoroute northerly to Chauveau boulevard.

To the north, Chauveau boulevard easterly to the Saint-Charles river, the Saint-Charles river northerly to the south boundary of the former Ville de Loretteville; easterly, the south boundary of the former Ville de Loretteville; northerly, the dividing line between the former cities of Québec and Loretteville; successively easterly, southerly, easterly and northerly, the dividing lines between the former cities of Québec and Saint-Émile to the dividing line between the former cities of Québec and Charlesbourg; easterly, the dividing line between the said former cities of Québec and Charlesbourg.



To the east successively, the east boundary of the former Ville de Québec southerly, then in the former Ville de Québec, the Laurentienne autoroute to the Saint-Charles river.

### **Borough 3**

To the south, the south boundary of the former cities of Sillery and Sainte-Foy.

To the west, the east boundary of the former Ville de Cap-Rouge to the Canadian National railway line.

To the north, northerly and easterly, the Canadian National railway line crossing the Duplessis autoroute to the Henri IV autoroute. Northerly, the Henri IV autoroute to Charest-Ouest boulevard. Easterly, Charest-Ouest boulevard to the dividing line between the former cities of Sainte-Foy and Québec.

To the east, the dividing line between the former cities of Sainte-Foy and Québec, then successively easterly and southerly the north and east boundaries of the former Ville de Sillery to the river.

### **Borough 4**

The boundaries of the territory of the former Ville de Charlesbourg.

### **Borough 5**

The boundaries of the territory of the former Ville de Beauport.

### **Borough 6**

To the south, the St. Lawrence River and the Saint-Charles river, from its mouth to the Laurentienne autoroute.

To the west, the Laurentienne autoroute to the dividing line between the former cities of Québec and Charlesbourg.

To the north, the dividing line between the former cities of Québec and Charlesbourg.

To the east, the dividing line between the former cities of Québec and Beauport to the St. Lawrence River.

### **Borough 7**

To the south, successively westerly, northerly and westerly, the dividing line between the former cities of Saint-Émile and Québec to the dividing line between the former cities of Québec and Loretteville; southerly, the dividing

line between the said former cities; westerly, the south boundary of the former Ville de Loretteville to its intersection with the Saint-Charles river then the Saint-Charles river to Chauveau boulevard; westerly, Chauveau boulevard to the east boundary of the former Ville de Sainte-Foy.

To the west, successively the east and north boundaries of the former Ville de Sainte-Foy to the Henri IV autoroute; northerly, along the Henri IV autoroute to the south boundary of the former Ville de Val-Bélair; easterly and northerly, the south and east boundaries of the former Ville de Val-Bélair then easterly and northerly, the south and east boundaries of the former Ville de Val-Bélair.

To the north, the north boundary of the former Ville de Québec to its intersection with the north boundary of the former Ville de Lac-Saint-Charles; the north boundary of the former Ville de Lac-Saint-Charles.

To the east, the east boundaries of the former cities of Lac-Saint-Charles and Saint-Émile.

### **Borough 8**

To the south, the south boundaries of the former Ville de Cap-Rouge and the former Municipalité de Saint-Augustin-de-Desmaures.

To the west, the west boundary of the former Municipalité de Saint-Augustin-de-Desmaures.

To the north, the north boundaries of the former Municipalité de Saint-Augustin-de-Desmaures, then northerly, the west boundary of the former Ville de Val-Bélair; thence, the north boundary of the former Ville de Val-Bélair.

To the east, successively southerly, westerly and southerly, the boundaries of the former Ville de Val-Bélair to its south boundary; thence, westerly, the south boundary of the former Ville de Val-Bélair to the Henri IV autoroute; southerly along the Henri IV autoroute, to the south boundary of the former Ville de Val-Bélair then in the former Ville de Québec to the north boundary of the former Ville de Sainte-Foy. Successively easterly and southerly, the north and east boundaries of the former Ville de Sainte-Foy to Chauveau boulevard; easterly, Chauveau boulevard to the Henri IV autoroute; southerly, the Henri IV autoroute to the dividing line between the former cities of L'Ancienne-Lorette and Québec; successively westerly and southerly, the dividing lines between the former cities of Québec and L'Ancienne-Lorette to the north boundary of the former Ville de Sainte-Foy; successively southerly and easterly, the east and north boundaries of the former Ville de Sainte-Foy, to the Henri IV autoroute; southerly, the Henri IV autoroute in the former Ville de Sainte-Foy, to the Canadian National railway line, then along the railway line westerly and southerly, crossing the Duplessis autoroute, to the east boundary of the former Ville de Cap-Rouge; southerly, the east boundary of the former Ville de Cap-Rouge to the St. Lawrence River.

## II - NUMBER OF COUNCILLORS FOR EACH BOROUGH

Borough 1	5
Borough 2	5
Borough 3	5
Borough 4	5
Borough 5	5
Borough 6	4
Borough 7	4
Borough 8	6

**SCHEDULE III***(section 3)***CHARTER OF VILLE DE LONGUEUIL****CHAPTER I****CONSTITUTION OF THE MUNICIPALITY**

1. A city is hereby constituted under the name “Ville de Longueuil”.
2. The city is a legal person.
3. The territory of the city is the territory described in Schedule III-A.
4. Subject to any other provision of this Act or of any order of the Government made under section 9, the city is a municipality governed by the Cities and Towns Act (R.S.Q., chapter C-19).
5. The city succeeds to the rights, obligations and charges of the following municipalities as they existed on 31 December 2001 : Ville de Boucherville, Ville de Brossard, Ville de Greenfield Park, Ville de LeMoine, Ville de Longueuil, Ville de Saint-Bruno-de-Montarville, Ville de Saint-Hubert, Ville de Saint-Lambert and Municipalité régionale de comté de Champlain.

The city becomes, without continuance of suit, a party to every suit, in the place of every municipality to which the city succeeds.

6. The by-laws, resolutions, minutes, assessment roll, collection roll and other acts of each of the municipalities that are consistent with the provisions of this Act and of any order of the Government made under section 9 shall remain in force in the territory for which they were made until their objects are attained or until they are amended, replaced or repealed in accordance with this Act. They are deemed to be acts of the city or, according to the field of jurisdiction to which they relate, of the borough within which that territory is situated.
7. The officers and employees of the municipalities referred to in section 5 shall become, without reduction in salary, officers and employees of the city, and shall retain their seniority and employee benefits and, in particular, continue to be members of the pension plan of which they were members prior to the constitution of the city.

The officers and employees of Municipalité régionale de comté de Champlain who, on 31 December 2001, exercise their functions within the scope of the jurisdiction of the regional county municipality as regards land use planning, may be reassigned to the Communauté métropolitaine de Montréal by any order of the Government made under section 9.

No officer or employee to whom this section applies, other than an officer or employee having entered into employment with any of the municipalities after 15 November 2000 may be laid off or dismissed solely by reason of the constitution of the city.

8. The debts and any category of surplus of each of the municipalities referred to in section 5 shall continue to burden or be credited to the immovables that were taxable in their respect on 31 December 2001. In particular, any unfunded liability of a pension plan established in respect of officers and employees or elected municipal officers of such a municipality or the surplus of such a plan shall continue to burden or be credited to the immovables that were taxable in its respect on 31 December 2001.

The revenues or costs in relation to legal proceedings or a dispute to which such a municipality or, as the case may be, the city is a party in respect of an event prior to 1 January 2002 that concerns the municipality shall continue to be credited to or to burden the taxable immovables of the sector formed by the territory of that municipality.

9. The Government may, by order, from among the special legislative provisions that govern any municipality referred to in section 5 on 31 December 2001, determine the provisions, if any, that are to apply to all or any part of the territory of the city determined in the order.

An order under the first paragraph may also, in relation to all or any part of the territory of the city, contain any rule

(1) prescribing the conditions under which a special legislative provision referred to in the first paragraph is to apply;

(2) providing for any omission for the purpose of ensuring the application of this Act; and

(3) derogating from any provision of an Act for which the Minister of Municipal Affairs and Greater Montréal is responsible, of this Act, of a special Act governing a municipality referred to in section 5, or of an instrument made under any of those Acts.

An order under the first paragraph may, however, derogate from section 8 only to allow for the sharing, to the extent fixed in the order, of the debts incurred by a municipality after 20 December 2000 in connection with the carrying out of an economic development project.

Any order of the Government made pursuant to this section must be made before 4 November 2001 and comes into force on the date of its publication in the *Gazette officielle du Québec* or on any later date indicated therein.

10. The Government may, by order, change the name of the municipality referred to in section 1. It may, before changing the name, make an order on the rules applicable to the holding of a consultation on such a change.

Any order provided for in this section comes into force on the date of its publication in the *Gazette officielle du Québec* or on any other subsequent date indicated therein.

## **CHAPTER II**

### **ORGANIZATION OF THE MUNICIPALITY**

#### **DIVISION I**

##### **DIVISION OF TERRITORY**

11. The territory of the city is, for the exercise of certain of its fields of jurisdiction, divided into seven boroughs described in Schedule III-B.

The city council may, by by-law, number the boroughs.

12. The borough of Greenfield Park is deemed to be recognized in accordance with section 29.1 of the Charter of the French language (R.S.Q., chapter 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 that Charter.

Officers or employees of the city who exercise their functions or perform work in connection with the powers of the borough referred to in the first paragraph or recognized under section 29.1 of the Charter of the French language are, for the purposes of sections 20 and 26 of that Charter, deemed to be officers or employees of that borough.

#### **DIVISION II**

##### **CITY COUNCIL AND BOROUGH COUNCILS**

13. The affairs of the city shall be administered, in accordance with the apportionment of the powers and jurisdiction provided by this Act, by the city council or, as the case may be, by each borough council.

14. Subject to any other provision of this Act or any order of the Government made under section 9, the borough council is, as regards the exercise of its jurisdiction, subject to the rules provided for by the Cities and Towns Act (R.S.Q., chapter C-19) in respect of the council of a municipality, in particular the rules relating to the requirement that council meetings be open to the public.

§1. — *City council*

15. The city council is composed of the mayor and 42 councillors.

16. The mayor is elected by the electors of all the boroughs.

17. The councillors are elected by the electors of the borough they represent. Each borough is represented on the city council by the number of councillors prescribed by Schedule III-B in its regard.

§2. — *Borough council*

18. A borough council is made up of the councillors who represent the borough on the city council.

19. The borough council shall designate a chair of the borough from among its members.

20. If the members of the borough council are unable to designate the chair at the latest at the first regular meeting of the borough council following a general election, the city council may make that designation. As long as the city council has not designated the chair of the borough, the members of the borough council may do so.

The person designated to act as the chair of the borough shall hold office until the end of the person's term of office as councillor in effect at the time of the designation.

21. The council may, by by-law, grant additional remuneration to the borough chair. The additional remuneration may be fixed according to the population of the borough, by classes established by the council or proportionally.

The Act respecting the remuneration of elected municipal officers (R.S.Q., chapter T-11.001) applies to the additional remuneration.

### **DIVISION III**

#### **EXECUTIVE COMMITTEE**

22. The executive committee of the city is composed of the mayor and six council members designated by the mayor.

The mayor may replace a member of the executive committee at any time.

23. The mayor of the city is the chair of the executive committee. The mayor shall designate the vice-chair from among the members of the committee.

24. Any designated member of the executive committee may resign from the executive committee by sending a written notice to that effect, signed by the member, to the clerk. The resignation takes effect on the date the clerk receives the notice, or on any later date specified in the notice.

25. The regular meetings of the executive committee are held at the place and on the days and at the times fixed in the internal management by-laws adopted by the council.

The special meetings of the executive committee are held at the place, on the days and at the times fixed by the chair.

26. The chair of the executive committee shall convene and preside at meetings of the executive committee and ensure that they are properly conducted.

27. The vice-chair replaces the chair where the latter is unable to act or where the office of chair is vacant. The vice-chair may also preside at a meeting of the executive committee at the request of the chair.

28. Any member of the executive committee who is not present at the place where a meeting is held may take part in the meeting by means of electronic communications equipment.

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

Every member participating in such manner in a meeting is deemed to be present at the meeting.

29. The meetings of the executive committee are closed to the public.

However, the executive committee sits in public

(1) in the cases provided for in the internal management by-laws of the city; and

(2) for all or part of a meeting if the executive committee so decides.

30. A majority of members constitutes a quorum at meetings of the executive committee.

31. Each member of the executive committee present at a meeting has one vote.

32. Each decision is made by a simple majority vote.

33. The executive committee exercises the responsibilities as provided in section 70.8 of the Cities and Towns Act (R.S.Q., chapter C-19) and acts for the city in all cases in which a provision of the internal management by-laws assigns the power to perform the act to the executive committee. The executive committee may enter into any contract that does not involve an expenditure exceeding \$100,000.



The executive committee shall give the council its opinion on any matter, where required to do so under a provision of the by-laws, at the request of the council or on its own initiative.

The opinion of the executive committee does not bind the council. Failure to submit an opinion required under the internal management by-laws or requested by the council does not limit the council's power to consider and vote on the matter.

34. The council may, in the internal management by-laws, determine any act within its jurisdiction which it has the power or the duty to perform, that it delegates to the executive committee, and prescribe the terms and conditions of the delegation.

However, the following powers may not be delegated :

(1) the power to adopt a budget, a three-year program of capital expenditures or a document required under the Act respecting land use planning and development (R.S.Q., chapter A-19.1), Chapter IV of the Cultural Property Act (R.S.Q., chapter B-4), the Act respecting municipal courts (R.S.Q., chapter C-72.01), the Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2) or the Act respecting municipal territorial organization (R.S.Q., chapter O-9) ;

(2) the power to designate a person to a position that may only be held by a member of the council ;

(3) the power to appoint the director general, the clerk, the treasurer and their assistants ;

(4) the power to create the various departments within the city, determine the scope of their activities and appoint the department heads and assistant heads ; and

(5) the power to dismiss, suspend without pay or reduce the salary of an officer or employee who is not an employee within the meaning of the Labour Code (R.S.Q., chapter C-27) and who has held a position for at least six months or has held, within the city, a position the holder of which is not an employee within the meaning of that Code.

The council may also, in the internal management by-laws, determine any matter on which the executive committee must give its opinion to the council, and prescribe the terms and conditions of consultation. The internal management by-laws may also prescribe the manner in which a member of the council may request the executive committee to report to the council on any matter within the jurisdiction of the executive committee.

35. The executive committee may adopt an internal management by-law concerning its meetings and the conduct of its affairs. The by-law may also, if permitted by the internal management by-laws of the city, enable the executive

committee to delegate to any employee of the city the power to authorize expenditure on the conditions determined by the executive committee and in accordance with the rules and restrictions applicable to the city, and enter into contracts on behalf of the city.

36. A decision by the council to delegate a power to or withdraw a power from the executive committee must be supported by a majority of two-thirds of the votes of the members of the council.

#### **DIVISION IV**

##### **PROVISIONS CONCERNING ELECTIONS**

37. Subject to this Act and to any order of the Government made under section 9, the Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2) applies in respect of the election of the mayor of the city and the councillors.

38. Every borough shall be divided into districts. There must be one district for each councillor.

39. For the purposes of section 47 of the Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2), 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 situated within the territory of the borough where the person exercises the right to vote.

40. For the purposes of section 57 of the Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2), the list formed by the lists of electors of all the boroughs constitutes the list of electors of the municipality.

41. A person is eligible for office as mayor or as a member of the city council if the person is entitled to have his or her name entered on the list of electors of the borough and has resided continuously or not in the territory of the city for at least 12 months on 1 September of the calendar year in which a regular election is to be held.

#### **DIVISION V**

##### **OFFICERS AND EMPLOYEES**

42. The city 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 city or in connection with responsibilities under the authority of a borough council, and decisions relating to their hiring and dismissal, and negotiation of their conditions of employment, are within the authority of the city council.

43. The borough council shall, however, determine the assignment of the work and the responsibilities of the officers and employees the city assigns to the borough. Disciplinary measures other than dismissal are also within the authority of the borough council.

44. The city council shall determine the staff required for the management of each borough.

Subject to the third paragraph, it shall define the staffing methods used to fill positions and the procedures for the identification, placing on reserve and assignment of public servants having permanent tenure who are surplus to the requirements of a borough.

Borough staffing and recall to work must be effected giving priority to the employees in the borough among those who meet the reassignment requirements or, as the case may be, the selection criteria negotiated and agreed by the parties to a collective agreement.

45. Notwithstanding section 42, the borough council may negotiate and agree on the clauses of a collective agreement that relate to the following matters:

- (1) overtime work, except remuneration;
- (2) work schedules, except duration of work;
- (3) annual vacation, except quantum and remuneration; and
- (4) statutory and floating holidays, except quantum and remuneration.

46. The borough council must send, within 30 days after a notice of negotiation has been received by the addressee or is deemed to have been received in accordance with section 52.2 of the Labour Code (R.S.Q., chapter C-27), a notice to the city and the certified association concerned identifying which of the matters referred to in section 45 it intends to negotiate.

The negotiating stage in respect of matters referred to in section 45 begins once the notice has been received by the certified association.

47. Strikes and lock-outs are prohibited in respect of any matter referred to in section 45.

48. Clauses negotiated and agreed by a certified association and a borough council also bind the city.

49. An agreement on a matter referred to in section 45 shall be filed at the office of the labour commissioner general in accordance with the first paragraph of section 72 of the Labour Code (R.S.Q., chapter C-27). The agreement shall take effect in accordance with the second paragraph of that section.

50. If no agreement is reached on a matter referred to in section 45, one party may request the Minister of Labour to appoint a mediator-arbitrator with a view to settling their disagreement.

51. The mediator-arbitrator shall endeavour to bring the parties to settle their disagreement. For that purpose, the mediator-arbitrator shall meet with the parties and, in case of refusal to attend a meeting, give them an opportunity to present their observations.

52. If a disagreement subsists 60 days after the appointment of the mediator-arbitrator, one party may request the mediator-arbitrator to rule on the subject of the disagreement. If the mediator-arbitrator is of the opinion that a settlement is not likely to be reached by the parties, the mediator-arbitrator shall rule on the question and inform the parties of the decision.

The decision of the mediator-arbitrator is deemed to be an agreement within the meaning of section 49.

53. Except on a question of jurisdiction, no action pursuant to article 33 of the Code of Civil Procedure (R.S.Q., chapter C-25) may be taken nor any extraordinary recourse within the meaning of that Code be exercised, and no provisional remedy may be ordered against the mediator-arbitrator appointed under section 50.

54. Notwithstanding section 46, a borough council and a certified association may, at any time, negotiate and agree on the replacement, amendment, addition or repeal of a clause of the collective agreement relating to a matter referred to in section 45.

In no case, however, may any negotiation under the first paragraph give rise to a dispute.

### **CHAPTER III**

#### **JURISDICTION**

##### **DIVISION I**

###### **GENERAL PROVISIONS**

55. The city has jurisdiction in all matters within the jurisdiction of a local municipality, and shall exercise its powers and fulfil its obligations in respect thereof, subject to any provision of this Act or of any order made by the Government under section 9.

The city shall act through its council if the apportionment of jurisdiction provided by this Act does not implicitly or explicitly enable a determination to be made as to whether the power to act lies with the city council or with the borough council.

56. The city council may, subject to the conditions it determines, provide a borough council with a service related to a jurisdiction of the borough council; the resolution of the city council shall take effect on passage by the borough council of a resolution accepting the provision of services.

A borough council may, subject to the conditions it determines, provide the city council with a service related to a jurisdiction of the city council; the resolution of the borough council shall take effect on passage by the city council of a resolution accepting the provision of services.

Every decision under the first or second paragraph shall be made by a two-thirds majority of the votes cast.

57. In the event of incompatibility between a provision of a by-law of the city council and a provision of a by-law of the borough council, the former shall prevail.

## **DIVISION II**

### **SPECIAL FIELDS OF JURISDICTION OF THE CITY**

#### *§1. — General provisions*

58. In addition to what is provided in section 55, the city has, to the extent provided by this Act or by the order of the Government made under section 9, special jurisdiction, obligations and powers in the following fields:

- (1) land use planning and development;
- (2) community, economic and social development;
- (3) culture, recreation and parks;
- (4) social housing;
- (5) the arterial system; and
- (6) the municipal court.

#### *§2. — Land use planning and development*

59. For the purposes of paragraph 7 of section 119 of the Act respecting land use planning and development (R.S.Q., chapter A-19.1), the city shall assign to each borough an officer responsible for the issuing of permits and certificates.

§3. — *Community, economic and social development*

60. The city shall prepare a plan relating to the development of its territory.

The plan shall include the objectives pursued by the city as regards community, economic and social development and the rules relating to the financial support a borough council may grant to a body carrying on its activities in the borough and whose mission is local economic, community or social development.

§4. — *Culture, recreation and parks*

61. The city shall, by by-law, identify the parks and cultural or recreational equipment to be managed by the city council.

62. The city may, by by-law, determine the location of a park to be under the management of the city council, whether or not the city is the owner of the land.

Such a by-law is without effect as regards third persons as long as the city is not the owner of the land or has not made an agreement allowing it to operate the park with the owner of the land or, in the case of land in the domain of the State, with the person having authority over the land.

63. From the coming into force of the by-law provided for in section 62, the city may make an agreement with any person holding the right of ownership or any other right in respect of an immovable situated in the park concerned.

Such an agreement may provide

(1) that the person retains the right for a certain period or with certain restrictions;

(2) that the person grants the city a right of preemption;

(3) that the person agrees not to make improvements or changes to the immovable except with the consent of the city; and

(4) that the person agrees, in case of total or partial expropriation of the right, not to claim any indemnity by reason of an increase in value of the immovable or right that could result from the establishment of the park or from improvements or changes made to the immovable.

The agreement may also contain any other condition relating to the use of the immovable or right.

64. The city may, by by-law, in respect of a park under the management of the city council,

- (1) establish rules governing the protection and preservation of the natural environment and its elements;
- (2) determine the extent to which and the purposes for which the public is to be admitted;
- (3) prescribe the conditions on which a person may stay, travel or engage in an activity in the park;
- (4) prohibit or regulate the carrying and transport of firearms;
- (5) prohibit or regulate the use or parking of vehicles;
- (6) prohibit the transport and possession of animals or prescribe the conditions with which a person having custody of an animal must comply;
- (7) prohibit or regulate posting;
- (8) establish rules for maintaining order and for ensuring the cleanliness of the premises and the well-being and tranquillity of users;
- (9) prohibit certain recreational activities or prescribe conditions governing participation in such activities;
- (10) prohibit or regulate the operation of businesses;
- (11) determine cases where a person may be kept out or expelled; and
- (12) determine powers and obligations of employees.

65. The city may operate accommodation, restaurant or commercial establishments, or parking lots, in a park to be managed by the city council, for the benefit of users, or cause such establishments to be operated.

66. The city, a regional county municipality or a local municipality may make an agreement with respect to parks in accordance with the provisions of Section XXV of Chapter II of Title XIV of the Municipal Code of Québec (R.S.Q., chapter C-27.1).

67. For the purposes of sections 61 to 66, a natural area or a corridor for recreational and sports activities is considered to be a park.

§5. — *Social housing*

68. The city shall establish a social housing development fund.

The city shall pay into the fund annually an amount at least equal to the basic contribution required to build the housing allocated to its territory by the Société d'habitation du Québec.

The Société shall provide the city with the information necessary to determine the amount to be paid into the fund.

§6. — *Arterial system*

69. The city shall identify, from among the streets and roads under the management of the city pursuant to section 467.16 of the Cities and Towns Act (R.S.Q., chapter C-19), those which form its arterial system and those which form the system under the management of the boroughs.

It shall also establish minimum standards for the management of those systems.

The city council shall, in respect of the city's arterial system, exercise the jurisdiction of the city as regards traffic signs and signals and the control of traffic; the city council may prescribe standards for the harmonization of the rules governing traffic signs and signals and the control of traffic in respect of all the systems referred to in the first paragraph.

### **DIVISION III**

#### **JURISDICTION OF THE BOROUGH COUNCIL**

§1. — *General provisions*

70. The borough council may submit opinions and make recommendations to the city 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 city council.

71. The borough council has, for the borough and to the extent provided by this Act or by the order of the Government made under section 9, jurisdiction, powers and obligations in the following fields:

- (1) urban planning;
- (2) the prevention aspect of fire protection;
- (3) removal of residual materials;
- (4) local economic, community and social development;
- (5) culture, recreation and borough parks; and
- (6) local roads.

Subject to the provisions of this Act or of the order of the Government made under section 9, the borough council has, in the exercise of such jurisdiction and with the necessary modifications, all the powers and is subject to all the



obligations assigned to or imposed on a local municipality by the Cities and Towns Act (R.S.Q., chapter C-19) or any other Act, other than the power to borrow and the power to levy taxes.

The borough council shall maintain a borough office, for the purposes of issuing permits and affording the population access to information on any matter within the authority of the city council or of the borough council.

§2. — *Urban planning*

72. For the purposes of sections 123 to 137 of the Act respecting land use planning and development (R.S.Q., chapter A-19.1),

(1) a public consultation meeting shall be held in each borough concerned by the draft by-law ;

(2) the date, time and place of any meeting shall be fixed by the council of any borough in which a meeting is to be held under subparagraph 1 ;

(3) every public consultation meeting shall be presided by the chair of the borough council ;

(4) the notice required by section 126 of that Act shall be posted at the office of the city and at the office of each borough concerned by the draft by-law, and shall state that a copy of the draft by-law is available for consultation both at the office of the city and at the office of each such borough ;

(5) the summary referred to in section 129 of that Act may be obtained at the office of the borough ; and

(6) a notice under section 132 of that Act shall be issued separately for each borough and shall deal only with the provisions of the second draft by-law that are to affect the borough concerned by the notice.

73. The borough council may, in accordance with Chapter V of Title I of the Act respecting land use planning and development (R.S.Q., chapter A-19.1), with the necessary modifications, establish an advisory planning committee.

74. A borough council having an advisory planning committee may adopt a by-law concerning minor exemptions from the planning by-laws of the city.

Division VI of Chapter IV of Title I of the Act respecting land use planning and development (R.S.Q., chapter A-19.1) applies, with the necessary modifications. In particular, the notice referred to in section 145.6 of that Act shall be published in accordance with the Cities and Towns Act (R.S.Q., chapter C-19) and be posted at the office of the borough.

§3. — *Prevention aspect of fire safety*

75. The borough council shall participate, by its recommendations, in the preparation of the city's fire safety cover plan and its amendments and revisions, and promote the implementation in the borough of the measures contained in it.

§4. — *Removal of residual materials*

76. The borough council shall exercise the jurisdiction of the city as regards the removal of residual materials.

§5. — *Local economic, community and social development*

77. Notwithstanding the Municipal Aid Prohibition Act (R.S.Q., chapter I-15), the borough council may, in accordance with the rules established in the development plan prepared by the city pursuant to section 60, provide financial support to a body carrying on its activities in the borough and whose mission is local economic, community or social development.

§6. — *Culture, recreation and borough parks*

78. The borough council is responsible for the management of the parks and the cultural and recreational equipment situated in the borough and not identified in the city by-law adopted under section 61.

The borough council is also responsible for the organization of recreational sports and sociocultural activities. It may for that purpose provide financial support to bodies whose goal is to organize and foster physical or cultural activity.

§7. — *Local roads*

79. The borough council is responsible for the management of the streets and roads identified by the city council in accordance with section 69. It shall exercise, in respect of those streets and roads, the jurisdiction of the city as regards traffic signs and signals and the control of traffic in a manner consistent with the rules established by the city council under section 69.

## **CHAPTER IV**

### **SPECIAL FINANCIAL AND FISCAL PROVISIONS**

#### **DIVISION I**

##### **FINANCIAL PROVISIONS**

80. The city shall determine the annual allotment to be made to each borough council according to a formula it determines that establishes, among other things, elements of equalization among the boroughs.

81. The borough council is responsible for the management of its budget.

It must, however, administer its allotment in conformity with the minimum standards fixed by by-law of the city council regarding the level of services to be offered by each borough council.

82. The only mode of tariffing which may be used by the borough council to finance all or part of its property, services or activities is a tariff involving a fixed amount charged on an *ad hoc* basis, in the form of a subscription or under terms similar to those of a subscription, for the use of a property or service or in respect of a benefit derived from an activity.

No borough council may require the inhabitants and ratepayers of the other city boroughs to pay an amount greater than the amount required from the inhabitants and ratepayers of the borough.

Revenue generated by the application by the borough council of a mode of tariffing referred to in the first paragraph are for the exclusive use of the borough council.

83. The borough council may request the city to grant it an additional amount with a view to increasing the level of its services.

Where the city grants the borough council's request, the city shall, to finance such additional amount, require compensation from the owners or occupants of immovables situated in the borough, or levy a tax on the taxable immovables situated in the borough.

84. Every agreement entailing commitment of the city's funds by a borough council for a period extending beyond the fiscal year in which the agreement is made must be authorized by the city council.

The city council may, by by-law, provide for exceptions to the rule set out in the first paragraph.

85. A loan by-law whose subject is the execution of permanent work on waste water purification works, drinking water supply systems, underground conduits, road surfacing, curbs, sidewalks, lighting and traffic signs and signals, and the acquisition by agreement or expropriation of land or servitudes required for the execution of that permanent work need not be submitted for approval to the qualified voters.

## **DIVISION II**

### **FISCAL PROVISIONS**

86. The city may, by by-law, establish the rules enabling it to grant an abatement in order to limit to 5% the increase in the amount of the general property tax or of the tax or surtax on non-residential immovables payable for

a fiscal year in respect of a unit of assessment, in relation to the amount of the same tax payable for the preceding fiscal year in respect of the same unit.

The by-law adopted under the first paragraph must, in particular, establish

(1) rules enabling the abatement to be applied in respect of a unit resulting from the combination of whole units;

(2) rules allowing for the increase in the value of a unit resulting from the realization of a condition provided for in section 32 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1) or from work performed on a building already forming part of the unit, where such work is substantially completed or where two years have elapsed since the beginning of the work, whichever event occurs first, to be disregarded.

The first and second paragraphs apply, with the necessary modifications, in respect of the business tax payable in respect of one and the same business establishment.

87. The city may, by by-law, establish the rules enabling it to provide for a surcharge on the amount of the general property tax or of the tax or surtax on non-residential immovables payable for a fiscal year in respect of a unit of assessment in order to limit the percentage of reduction, in relation to the amount of the tax payable in respect of the unit for the preceding fiscal year.

The first paragraph applies, with the necessary modifications, as regards the business tax payable in respect of the same business establishment.

88. For the purposes of sections 86 and 87, where the tax on non-residential immovables is levied for a fiscal year, and the surtax on non-residential immovables is levied for the following fiscal year, or vice versa, the same tax shall be considered to be levied for both fiscal years.

## **CHAPTER V**

### **EFFECTS OF AN AMALGAMATION ON LABOUR RELATIONS**

89. Subject to this section, sections 176.1 to 176.22 of the Act respecting municipal territorial organization (R.S.Q., chapter O-9), the third paragraph of section 176.23, and sections 176.24 to 176.26, apply, with the necessary modifications, to the amalgamations and transfers provided for in paragraph 1 in accordance with the rules set out in paragraphs 2 to 12

(1) to the amalgamation provided for in this Act and to the transfer of employees and officers from any municipal or supramunicipal body to the city or to a metropolitan community;

(2) for the purposes of sections 176.1, 176.2, 176.10, 176.25 and 176.26, the expression “a municipality that ceased to exist on amalgamation” means “a municipality that will cease to exist on the constitution of the city”;

(3) the agreement provided for in section 176.2 and the decision rendered by a labour commissioner under sections 176.5 and 176.9 shall not operate to define the bargaining units with reference to one or more boroughs;

(4) the labour commissioner's decision must, in the cases provided for in sections 176.5 and 176.9, be rendered no later than 27 October 2001;

(5) the period for making an agreement under section 176.2 begins on 1 May 2001 and ends on 14 June 2001;

(6) 1 May 2001 is the reference date for the purposes of the second paragraph of section 176.5;

(7) the period for making an application under sections 176.6 and 176.7 begins on 15 June 2001;

(8) the provisions of the first paragraph of section 176.10 become effective on 1 May 2001, except the provisions of subparagraph *b* of subparagraph 1 of the first paragraph concerning dispute arbitration in the case of arbitration of a dispute involving the city and an association certified to represent police officers or firefighters to the extent that the dispute was referred to arbitration before 15 November 2000 and the arbitration award is rendered not later than 31 December 2001 for a period not exceeding 31 December 2000;

(9) the suspension of the application of paragraph *a* of section 22 of the Labour Code (R.S.Q., chapter C-27), provided for in subparagraph 3 of the first paragraph of section 176.10, terminates on 15 July 2001; as regards the suspension of the other provisions of section 22, the suspension terminates on 31 January 2003;

(10) the exercise of the right to strike of the employees of the municipalities referred to in section 5 is suspended from 1 May 2001 to 30 July 2002;

(11) every collective agreement binding a municipality referred to in section 5 expires on the date provided for its expiry or on 1 May 2002, whichever is earlier; and

(12) the notice of negotiation referred to in section 176.14 may not be given before 1 May 2002.

## **CHAPTER VI**

### **TRANSITION COMMITTEE**

#### **DIVISION I**

##### **COMPOSITION AND ORGANIZATION OF THE TRANSITION COMMITTEE**

90. A transition committee composed of the members designated by the Minister of Municipal Affairs and Greater Montréal is hereby constituted,

effective 20 December 2000. The number of members of the committee shall not be fewer than five nor more than seven.

The Minister shall designate a chair from among the committee members.

91. No person who is a member of the council of a municipality amalgamated under this schedule may sit as a member of the transition committee. In addition, a person who has acted as a member of the committee is ineligible for office as a member of the city council in the city's first general election; no such person may be employed by the city to hold a position referred to in the second paragraph of section 71 of the Cities and Towns Act (R.S.Q., chapter C-19) until the expiry of a period of two years from the end of the person's term as member of the committee.

92. The transition committee is a legal person.

The transition committee has its head office at the place determined by the Minister. Notice of the location and of any change of location of the head office must be published in the *Gazette officielle du Québec* and in a newspaper circulated in the territory described in section 3.

93. Every member of the transition committee shall be paid the remuneration and expense allowance determined by the Minister. The remuneration and allowance fixed in respect of the chair may be greater. The Minister may determine any other condition of employment of a member.

In addition, every member shall, in conformity with the internal management by-laws of the committee, be reimbursed for the expenses incurred on behalf of the committee in the exercise of his or her functions. The internal management by-laws concerning the reimbursement of expenses of each member of the transition committee must be approved by the Minister.

94. No deed, document or writing binds the transition committee unless it is signed by the chair or, to the extent determined in the internal by-laws of the transition committee, by a member of the committee's personnel.

The committee may allow, subject to the conditions and on the documents it determines in its internal management by-laws, that a signature be affixed by means of an automatic device or that a facsimile of a signature be engraved, lithographed or printed. However, the facsimile has the same force as the signature itself only if the document is countersigned by a person authorized by the chair.

95. The minutes of a meeting of the transition committee, approved by the committee and certified by the chair or any other member of the personnel so authorized by the internal management by-laws, are authentic, as are documents and copies emanating from the committee or forming part of its records if signed or certified by any such person.

96. The Minister shall appoint the secretary of the transition committee and determine the secretary's remuneration and other conditions of employment.

The secretary shall attend the meetings of the committee. The secretary shall keep the registers and have custody of the records and documents of the committee. The secretary shall exercise any other responsibility that the committee determines.

The secretary is responsible for access to the committee's documents.

If the secretary is unable to act, the committee may replace the secretary temporarily by appointing another person to that function. One of the members of the committee may also act in the place of the secretary if the secretary is unable to act.

97. The transition committee may hire the employees required for the exercise of its responsibilities, and determine their conditions of employment. The transition committee may also obtain the expert services it considers necessary.

98. No judicial proceedings may be brought against the members of the transition committee or the committee's employees and representatives by reason of an official act done in good faith in the exercise of their functions. Sections 604.6 to 604.10 of the Cities and Towns Act (R.S.Q., chapter C-19) apply, with the necessary modifications, in respect of the committee members and employees.

Any liability that may be connected with the protection of the members and employees of the committee under the first paragraph is assumed by the Government.

99. The Government may, under the conditions and on the terms it determines, grant the transition committee any sum it considers necessary for its operation.

100. The transition committee is a municipal body for the purposes of the Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., chapter A-2.1).

101. Unless otherwise provided in an order of the Government made under section 9, the mandate of the transition committee ends on the date of constitution of the city. The committee shall then be dissolved and its assets and liabilities transferred to the city.

**DIVISION II****MISSION OF THE TRANSITION COMMITTEE**

102. The mission of the transition committee is to participate, together with the administrators and employees of the municipalities referred to in section 5 and of any body thereof, in the establishment of the conditions most conducive to facilitating the transition, for the citizens of the new city, from the existing administrations to the new city.

**DIVISION III****OPERATION, POWERS AND RESPONSIBILITIES OF THE TRANSITION COMMITTEE***§1. — Operation and powers of the committee*

103. The decisions of the transition committee shall be made at meetings of the committee.

The quorum at meetings of the committee is the majority of its members.

104. Subject to the second paragraph of section 110, the transition committee shall, during its term, provide the citizens of municipalities referred to in section 5 with any information it considers pertinent to keep them informed about the carrying out of its mission.

The Minister may issue directives to the committee in that respect.

105. The transition committee may adopt internal management by-laws establishing its rules of operation.

106. The transition committee may form any sub-committee for the examination of particular matters, determine its mode of operation and designate the members, including the person who is to chair the sub-committee.

A person who is not a member of the committee may also be designated as a member of a sub-committee.

107. The chair of the transition committee may entrust to one or more members of the committee or, where applicable, of a sub-committee the exercise of certain functions or the examination of any matter the chair indicates.

108. The transition committee may require any municipality referred to in section 5 or a body thereof to furnish information, records or documents belonging to the municipality or the body and which the transition committee considers necessary.



109. The transition committee may require any municipality referred to in section 5 or a body thereof to submit a report on a decision or matter relating to the municipality or the body and that is within and relevant to the committee's functions, concerning the financial situation of the municipality or body or the staff or any person in its employment.

110. Sections 108 and 109 apply notwithstanding the Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., chapter A-2.1).

The members of the transition committee or of any sub-committee and the committee employees are required to ensure the confidentiality of the information obtained under sections 108 and 109.

111. The transition committee may, where it considers it necessary for the exercise of its responsibilities, use the services of an officer or employee of a municipality referred to in section 5, or a body thereof. The committee and the employer of the officer or employee shall agree on the amount to be paid by the committee for the use of the services.

Failing an agreement, the Minister may designate a conciliator at the request of the committee or the employer to assist the parties in reaching an agreement. The conciliator shall act as if he or she were designated under section 468.53 of the Cities and Towns Act (R.S.Q., chapter C-19), and section 469 of that Act applies in that case, with the necessary modifications.

The officers and employees seconded to the committee remain in the employment of the municipality or the body, as the case may be, are remunerated by their employer, and are governed by the same conditions of employment during the secondment.

112. Every member of the council and every officer or employee of a municipality referred to in section 5 or a body thereof must cooperate with the transition committee members, employees and representatives acting in the exercise of their functions.

## §2. — *Responsibilities of the committee*

113. The transition committee shall, as soon as it is able to do so after the designation of all of its members, establish an advisory committee formed of the mayors from the municipalities referred to in section 5. The transition committee may submit to the advisory committee any matter on which it seeks the opinion of the mayors of the municipalities referred to in section 5. The advisory committee may give the transition committee its opinion regarding any matter related to the mandate of the transition committee.

The transition committee shall hold at least one meeting every month with the advisory committee. A member of the advisory committee who is unable to act may be replaced by a member of the council of the municipality it designates.

The rules of operation of the advisory committee may be prescribed by the internal management by-laws of the transition committee.

114. Every decision by which a municipality referred to in section 5 or a body thereof makes a financial commitment for a period extending beyond 31 December 2001 must be authorized by the transition committee if the decision is made on or after 15 November 2000.

Every collective agreement or contract of employment entered into or amended as of 15 November 2000 by a municipality referred to in section 5 must be authorized by the transition committee if the effect of the agreement or contract is to increase the remuneration and employee benefits of the officers and employees.

Until the transition committee is formed, an application must be made to the Minister for every authorization required under this section.

115. The transition committee shall hire and remunerate the election officers prescribed by the Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2) for the purposes of the city's first general election. The committee shall designate the person who is to act as the returning officer for the purposes of the election.

Subject to any other provision of this Act or of any order of the Government made under section 9, the transition committee shall in respect of the election exercise the powers and assume the responsibilities assigned to the council of a municipality by the Act respecting elections and referendums in municipalities.

116. The transition committee shall, for the purposes of the city's first general election and of any by-election held before the second general election, prepare the division of the borough into districts.

The transition committee shall, with the assistance of the chief electoral officer and using the information on the permanent list of electors, prepare a division of the territory of each borough into districts and a determination of their boundaries. The division of a borough into districts must result in there being only one councillor per district, and the determination must, as far as possible, respect the criteria set out in sections 11 and 12 of the Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2). However, the territory of the former Ville de LeMoyne must be situated entirely within the same electoral district.

The division prepared by the transition committee in collaboration with the chief electoral officer must be submitted to the Minister by the transition committee, and has effect only if adopted by an order of the Government made under section 9.

117. The transition committee may examine the circumstances of the hiring of officers and employees after 15 November 2000 and make any recommendations to the Minister in their regard as concerns the protection provided for in section 7.

118. The transition committee shall, within the time prescribed by the Minister of Municipal Affairs and Greater Montréal, agree with all the certified associations within the meaning of the Labour Code (R.S.Q., chapter C-27) representing the employees in the employment of the municipalities referred to in section 5 on the procedure for the reassignment of those employees as members of the personnel of the city and on the rights of and remedies available to an employee who believes he or she has been wronged as a consequence of the application of that procedure.

The parties may in addition agree on conditions of employment incidental to the reassignment of employees.

An agreement entered into under this section may not provide conditions of employment that entail higher costs than those entailed by the application of the conditions of employment applicable on 20 December 2000, or increase the staff.

The Minister may grant additional time at the request of the committee or of a certified association.

The provisions concerning the application of the reassignment process provided for in the applicable conditions of employment, or, where there is no such process, the provisions that allow employees to be assigned a position or a place of employment, constitute the employee reassignment procedure.

119. If an agreement has not been reached on all the matters referred to in the first and second paragraphs of section 118 within the time prescribed by the Minister, the Minister of Municipal Affairs and Greater Montréal shall so inform the Minister of Labour, and sections 125.16 to 125.23 of the Act respecting municipal territorial organization (R.S.Q., chapter O-9) apply, with the necessary modifications.

120. Subject to section 89, the transition committee shall, for the purposes of sections 176.2 to 176.9 of the Act respecting municipal territorial organization (R.S.Q., chapter O-9), negotiate any agreement on the determination of the future bargaining units with any association referred to in section 176.2 of that Act.

Any such agreement or any decision of the labour commissioner under sections 176.5 and 176.9 of that Act also binds the city.

121. The transition committee shall also prepare any plan for the reassignment of the officers and employees of the municipalities referred to in section 5 who are not represented by a certified association, as well as the procedure relating to the rights of and remedies available to an employee who

believes he or she has been wronged as a consequence of the application of the reassignment plan.

A plan prepared under the first paragraph applies to the city as of 31 December 2001.

122. The transition committee shall appoint the director general, the clerk and the treasurer of the city for a term not to exceed five years.

It may create the various departments within the city, and determine the scope of their activities. The transition committee may appoint the department heads and assistant heads, and define their functions.

123. The transition committee shall consider the assets and liabilities of the municipalities referred to in section 5. It may make any recommendation to the council of the new city in that regard.

Notwithstanding section 8, only the city council may declare the debts related to any equipment or infrastructure to burden the taxable immovables of all or any part of the territory of the city.

124. The transition committee shall prepare the city's budget for the first fiscal year and determine a formula enabling it to fix the allotments of each of the boroughs, by establishing, among other things, elements of equalization among the boroughs and taking into account the services provided in 2001 by each of the local municipalities referred to in section 5.

125. The committee may, of its own initiative or upon the request of the Minister, examine the advisability of changing the name of the city. It may make any recommendation in this respect to the Minister.

The committee may, among other things, propose to the Minister one or more new names and any consultation mechanism, in particular upon the election referred to in section 130.

126. The transition committee shall, within the scope of its mandate, identify the bodies engaged in economic development that have their head office or a business establishment in the territory referred to in section 3. The study of the committee shall, in particular, concern the mission or mandate of any such body. It may make any recommendation to the Minister in that regard.

127. The transition committee shall examine any other matter or carry out any other mandate the Government may entrust to the committee in the pursuit of its mission.

128. The transition committee shall report to the Minister on its activities at the end of its mandate or at any time at the request of the Minister.

In addition to the recommendations made pursuant to this chapter, the committee's report may include any additional recommendation the committee considers necessary to bring to the attention of the Government and pertaining in particular to

- (1) the boundaries of the city boroughs;
- (2) the difficulties encountered in applying this Act and any proposed amendments;
- (3) any special provisions the committee considers expedient to incorporate into the legal framework applicable to the municipality or to the boroughs; and
- (4) the name of the municipality.

129. The transition committee shall also furnish to the Minister any information the Minister may require on its activities.

## **CHAPTER VII**

### **TRANSITIONAL AND FINAL PROVISIONS**

130. The polling for the first general election in Ville de Longueuil shall take place on 4 November 2001 in accordance with the Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2).

131. For the purpose of determining whether a person is qualified as an elector, a candidate or a person qualified to vote at an election or in a referendum poll in the territory of the city, any period, prior to the date of coming into force of section 1, during which the person was resident, continuously or not, in the territory of a municipality referred to in section 5 or was the owner of an immovable or the occupant of a business establishment situated in that territory shall be counted as if the person had been a resident, owner or occupant from the beginning of that period in the territory in which he or she must qualify.

132. At the first general election, a member of the council of a municipality referred to in section 5 may be nominated and be, or be appointed as, a member of the council of Ville de Longueuil, and hold both offices simultaneously. As long as both offices are held by the same person, he or she is not entitled to remuneration as a member of the council of Ville de Longueuil.

133. The Minister of Municipal Affairs and Greater Montréal shall determine the place, date and time of the first meeting of the council held for the sole purposes of section 134. If that meeting is not held, the Minister shall fix another meeting.

134. At the first meeting, the council shall adopt, with or without amendment, the budget of the city for the fiscal year 2002 prepared by the transition committee.

The budget of the city shall be transmitted to the Minister of Municipal Affairs and Greater Montréal within 30 days of its adoption by the council.

If, on 1 January 2002, the budget has not been adopted, one-twelfth of each appropriation provided for in the budget prepared by the transition committee is deemed to be adopted. The same rule applies at the beginning of each subsequent month if the budget has not been adopted at that time.

135. Sections 86 to 88 have effect until 31 December 2011.

136. Subject to any provision of an order of the Government made under section 9, special provisions governing a municipality referred to in section 5 are repealed from the date of constitution of Ville de Longueuil under section 3 of this Act.

## SCHEDULE III-A

*(section 3)*

## DESCRIPTION OF THE TERRITORIAL LIMITS OF VILLE DE LONGUEUIL

The territory of the former cities of Boucherville, Saint-Bruno-de-Montarville, Brossard, Greenfield Park, LeMoyne, Longueuil, Saint-Lambert and Saint-Hubert comprising, with reference to the cadastres of the parishes of Laprairie de La Madeleine, Saint-Antoine-de-Longueuil, Saint-Bruno, Sainte-Famille-de-Boucherville and Saint-Hubert and the villages of Boucherville and Longueuil, the lots or parts of lots, the blocks and parts of blocks and their present and future subdivisions and the roads, highways, streets, railway rights of way, islands, lakes, watercourses or parts thereof, the whole within the limits hereinafter described, to wit: from the apex of the north angle of lot 1 of the cadastre of the parish of Sainte-Famille-de-Boucherville; thence, successively, the following lines and demarcations: southeasterly, part of the line separating the cadastre of the parish of Sainte-Famille-de-Boucherville from the cadastres of the parishes of Varennes and Sainte-Julie to the southeast line of lot 282 of that first cadastre, that line crossing Côte-d'en-Haut road, Marie-Victorin boulevard, Jean-Lesage autoroute, Touraine road and de l'Acier autoroute which it meets; southwesterly, part of the line separating the cadastres of the parishes of Sainte-Famille-de-Boucherville and Sainte-Julie to the apex of the north angle of lot 2 of the cadastre of the parish of Saint-Bruno; generally towards the southeast, the broken line delimiting to the northeast and northwest the lots 2 and 1 of the said cadastre then the extension of the last section of that line to the southeast limit of the right of way of Fer-à-Cheval road (shown on the original); northeasterly, the southeast limit of the right of way of the said road to the northeast line of lot 11 of the cadastre of the parish of Saint-Bruno; with reference to that cadastre, southeasterly, part of the northeast line of the said lot to its meeting point with a perpendicular line above the northeast line of lot 12 and whose point of origin is situated at a distance of 517.15 metres (1,696.7 feet) to the northwest of the apex of the east angle of the said lot, that distance measured along the northeast line of the said lot 12; in lot 11, southwesterly, the said perpendicular line; southeasterly, part of the northeast line of lot 12 to the apex of its east angle; northeasterly, part of the northwest line of lot 18 to the apex of its north angle; southeasterly, the northeast line of the said lot then part of the northeast line of lot 171 to the north line of lot 606 of the cadastre of the parish of Sainte-Julie; easterly, the north line of the said lot; successively, northerly then southeasterly, part of the line separating the cadastres of the parishes of Saint-Bruno and Sainte-Julie to the apex of the northeast angle of lot 268 of the cadastre of the parish of Saint-Bruno; with reference to that cadastre, southerly, the east line of lots 268, 267, 264, 263, 262, 261, 260, 259, 258, 257, 256 then part of the east line of lot 243 to the northwest limit of the right of way of Rang des Vingt road (shown on the original); southwesterly, the northwest limit of the said right of way to its meeting point with the extension to the northwest of the southwest line of lot 397-221 of the cadastre of the parish of Saint-Bruno; southeasterly, the said extension to the southeast limit of the right of way of Rang des Vingt

road; southwesterly, the southeast limit of the said right of way to the north limit of the right of way of Sir-Wilfrid-Laurier boulevard; westerly, the north limit of the right of way of the said boulevard to the centre line of the right of way of Rang des Vingt road; in the right of way of the said boulevard, southwesterly, the centre line of the former right of way of the said road to the south limit of the right of way of the said boulevard; easterly, the south limit of the right of way of the said boulevard to the southeast limit of the right of way of Rang des Vingt road; southwesterly, the southeast limit of the right of way of the said road to the north line of lot 387 of the cadastre of the parish of Saint-Bruno; with reference to that cadastre, easterly, part of the north line of the said lot to the west line of lot 387-178; southerly, successively, the west line of the said lot, a curved line in lot 386-1 along the extension of the west line of lot 386-153, that is an arc of a circle with 446.65 metres (1,465.4 feet) radius, then the west line of lots 386-153, 386-154, 385-2 and 385-3; southwesterly, the southeast limit of the right of way of Rang des Vingt road to the apex of the north angle of lot 69A of the cadastre of the parish of Saint-Joseph-de-Chambly; with reference to that cadastre, southwesterly, part of the northwest line of the said lot to the east line of lot 69A-3; southerly, the east line of the said lot; westerly, the south line of lots 69A-3 and 69A-4; northwesterly, the southwest line of lot 69A-4; generally towards the southwest, part of the broken line separating the cadastres of the parishes of Saint-Bruno and Saint-Joseph-de-Chambly to the apex of the south angle of lot 381 of that first cadastre; northwesterly, part of the southwest line of the said lot to the southeast line of lot 81 of the cadastre of the parish of Saint-Hubert; with reference to that cadastre, southwesterly, the southeast line of the said lot then its extension to the southwest limit of the right of way of Chambly road; northwesterly, the southwest limit of the right of way of the said road to the apex of the east angle of lot 89; southwesterly, the southeast line of the said lot, crossing Cousineau boulevard and the right of way of a railway which it meets; generally towards the southwest, part of the broken line separating the cadastres of the parishes of Saint-Hubert and Laprairie de La Madeleine from the cadastre of the parish of Saint-Joseph-de-Chambly then the extension of the southeast line of lot 184 of the cadastre of the parish of Laprairie de La Madeleine to the southwest limit of the right of way of the public road delimiting the said lot to the southwest; with reference to that cadastre, northwesterly, the southwest limit of the right of way of the said road to the south line of lot 185; westerly, the south line of lots 185 to 201, 203 to 205 and 207 to 214; northerly, part of the west line of lot 214 to the south line of lot 295; westerly, successively, part of the south line of the said lot, the south line of lots 294 retrograding to 286 crossing the right of way of a railway (lot 670) then part of the south line of lot 285 to the apex of the southeast angle of lot 1139; generally to the southwest, part of the broken line delimiting the said lot to the south and southeast to the centre line of Saint-Jacques river; northwesterly, successively, the centre line of the said river downstream to its mouth then a straight line northwesterly to the centre line of the St. Lawrence River; northerly, the centre line of the said river downstream to its meeting point with a line parallel to the northwest of lot 312 of the cadastre of the parish of Saint-Antoine-de-Longueuil and situated at a distance of 9.144 metres (30 feet) to the northwest of that line; northeasterly, the said parallel line to



the southwest limit of the land owned by the St. Lawrence Seaway Authority ; northwesterly, the southwest limit of the said land to a point situated at a distance of 457.20 metres (1,500 feet) to the northwest of the northwest line of the said lot 312, that distance measured along the southwest limit of the said land ; northeasterly, a line perpendicular to the southwest limit of the land owned by the St. Lawrence Seaway Authority to its meeting point with a line parallel to the said limit and situated at a distance of 45.72 metres (150 feet) to the northeast of that line ; northwesterly, the said parallel line to the centre line of the St. Lawrence River ; generally to the northeast, successively, the centre line of the said river downstream to its meeting point with an irregular line running midway between the island of Montréal on one side and Île Verte, Île Charron, Île Dufault and the Tailhandier flats on the other side, then the said irregular line to its meeting point with a line perpendicular to the northeast line of lot 1 of the cadastre of the parish of Sainte-Famille-de-Boucherville and whose point of origin is the apex of the north angle of the said lot ; lastly, northeasterly, the said perpendicular line to the starting point.

## SCHEDULE III-B

*(section 11)*

## I- BOUNDARIES OF THE BOROUGHS OF VILLE DE LONGUEUIL

**Boucherville Borough**

Corresponds to the territory of the former Ville de Boucherville.

**Brossard Borough**

Corresponds to the territory of the former Ville de Brossard.

**Greenfield Park Borough**

Corresponds to the territory of the former Ville de Greenfield Park.

**Longueuil Borough**

Corresponds to the territory of the former Ville de Longueuil

**Saint-Bruno-de-Montarville Borough**

Corresponds to the territory of the former Ville de Saint-Bruno-de-Montarville.

**Saint-Hubert Borough**

Corresponds to the territory of the former Ville de Saint-Hubert.

**Saint-Lambert/LeMoyne Borough**

Corresponds to the territory of former Ville de Lemoyne and former Ville de Saint-Lambert.

## II- NUMBER OF COUNCILLORS FOR EACH BOROUGH

Greenfield Park	3
Saint-Bruno-de-Montarville	3
Saint-Lambert/LeMoyne	3
Boucherville	4
Brossard	7
Saint-Hubert	8
Longueuil	14

**SCHEDULE IV***(section 4)***CHARTER OF VILLE DE HULL-GATINEAU****CHAPTER I****CONSTITUTION OF THE MUNICIPALITY**

1. A city is hereby constituted under the name “Ville de Hull-Gatineau”.
2. The city is a legal person.
3. The territory of the city is the territory described in Schedule IV-A.
4. Subject to any other provision of this Act or of any order of the Government made under section 9, the city is a municipality governed by the Cities and Towns Act (R.S.Q., chapter C-19).
5. The city, to the extent provided for in this Act or in any order of the Government made under section 9, succeeds to the rights, obligations and charges of the Communauté urbaine de l’Outaouais and to those of the following municipalities as they existed on 31 December 2001: Ville d’Aylmer, Ville de Buckingham, Ville de Gatineau, Ville de Hull et Ville de Masson-Angers.

The city becomes, without continuance of suit, a party to every suit, in the place of the urban community or, as the case may be, of every municipality to which the city succeeds.

6. The by-laws, resolutions, minutes, assessment roll, collection roll and other acts of each of the municipalities that are consistent with the provisions of this Act and of any order of the Government made under section 9 shall remain in force in the territory for which they were made until their objects are attained or until they are amended, replaced or repealed in accordance with this Act. They are deemed to be acts of the city.

7. The officers and employees of the Communauté urbaine de l’Outaouais and of the municipalities referred to in section 5 shall become, without reduction in salary, officers and employees of the city, and shall retain their seniority and employee benefits and, in particular, continue to be members of the pension plan of which they were members prior to the constitution of the city.

No officer or employee to whom this section applies, other than an officer or employee having entered into employment with the urban community or any of the municipalities after 15 November 2000, may be laid off or dismissed solely by reason of the constitution of the city.

8. The debts and any category of surplus of each of the municipalities referred to in section 5 shall continue to burden or be credited to the immovables that were taxable in their respect on 31 December 2001. In particular, any unfunded liability of a pension plan established in respect of officers and employees or elected municipal officers of such a municipality or the surplus of such a plan shall continue to burden or be credited to the immovables that were taxable in its respect on 31 December 2001.

The revenues or costs in relation to legal proceedings or a dispute to which such a municipality or, as the case may be, the city is a party in respect of an event prior to 1 January 2002 that concerns the municipality shall continue to be credited to or to burden the taxable immovables of the sector formed by the territory of that municipality.

9. The Government may, by order, from among the special legislative provisions that govern the urban community or any municipality referred to in section 5 on 31 December 2001, determine the provisions, if any, that are to apply to all or any part of the territory of the city determined in the order.

An order under the first paragraph may also, in relation to all or any part of the territory of the city, contain any rule

(1) prescribing the conditions under which a special legislative provision referred to in the first paragraph is to apply ;

(2) providing for any omission for the purpose of ensuring the application of this Act ; and

(3) derogating from any provision of an Act for which the Minister of Municipal Affairs and Greater Montréal is responsible, of this Act, of a special Act governing a municipality referred to in section 5, or of an instrument made under any of those Acts.

An order under the first paragraph may, however, derogate from section 8 only to allow for the sharing, to the extent fixed in the order, of the debts incurred by a municipality after 20 December 2000 in connection with the carrying out of an economic development project.

Any order of the Government made pursuant to this section must be made before 4 November 2001 and comes into force on the date of its publication in the *Gazette officielle du Québec* or on any later date indicated therein.

10. The Government may, by order, change the name of the municipality referred to in section 1. It may, before changing the name, make an order on the rules applicable to the holding of a consultation on such a change.

Any order made under this section comes into force on the date of its publication in the *Gazette officielle du Québec* or on any other subsequent date indicated therein.

## CHAPTER II

### EXECUTIVE COMMITTEE

11. The executive committee of the city is composed of the mayor and four council members designated by the mayor.

The mayor may replace a member of the executive committee at any time.

12. The mayor is the chair of the executive committee. The mayor shall designate a vice-chair from among the members of the committee.

13. Any designated member of the executive committee may resign from the executive committee by sending a written notice to that effect, signed by the member, to the clerk. The resignation takes effect on the date the clerk receives the notice, or on any later date specified in the notice.

14. The regular meetings of the executive committee are held at the place and on the days and at the times fixed in the internal management by-laws adopted by the council.

The special meetings of the executive committee are held at the place, on the days and at the times fixed by the chair.

15. The chair of the executive committee shall convene and preside at meetings of the executive committee and ensure that they are properly conducted.

16. The vice-chair replaces the chair where the latter is unable to act or where the office of chair is vacant. The vice-chair may also preside at a meeting of the executive committee at the request of the chair.

17. Any member of the executive committee who is not present at the place where a meeting is held may take part in the meeting by means of electronic communications equipment.

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

Every member participating in such manner in a meeting is deemed to be present at the meeting.

18. The meetings of the executive committee are closed to the public.

However, the executive committee sits in public

(1) in the cases provided for in the internal management by-laws of the city; and

(2) for all or part of a meeting if the executive committee so decides.

19. A majority of members constitutes a quorum at meetings of the executive committee.

20. Each member of the executive committee present at a meeting has one vote.

21. Each decision is made by a simple majority vote.

22. The executive committee exercises the responsibilities under section 70.8 of the Cities and Towns Act (R.S.Q., chapter C-19) and acts for the city in all cases in which a provision of the internal management by-laws assigns the power to perform the act to the executive committee. The executive committee may enter into any contract that does not involve an expenditure exceeding \$100,000.

The executive committee shall give the council its opinion on any matter, where required to do so under a provision of the by-laws, at the request of the council or on its own initiative.

The opinion of the executive committee does not bind the council. Failure to submit an opinion required under the internal management by-laws or requested by the council does not limit the council's power to consider and vote on the matter.

23. The council may, in the internal management by-laws, determine any act within its jurisdiction which it has the power or the duty to perform, that it delegates to the executive committee, and prescribe the terms and conditions of the delegation.

However, the following powers may not be delegated:

(1) the power to adopt a budget, a three-year program of capital expenditures or a document required under the Act respecting land use planning and development (R.S.Q., chapter A-19.1), Chapter IV of the Cultural Property Act (R.S.Q., chapter B-4), the Act respecting municipal courts (R.S.Q., chapter C-72.01), the Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2) or the Act respecting municipal territorial organization (R.S.Q., chapter O-9);

(2) the power to designate a person to a position that may only be held by a member of the council;

(3) the power to appoint the director general, the clerk, the treasurer and their assistants;

(4) the power to create the various departments within the city, determine the scope of their activities and appoint the department heads and assistant heads; and

(5) the power to dismiss, suspend without pay or reduce the salary of an officer or employee who is not an employee within the meaning of the Labour Code (R.S.Q., chapter C-27) and who has held a position for at least six months or has held, within the city, a position the holder of which is not an employee within the meaning of that Code.

The council may also, in the internal management by-laws, determine any matter on which the executive committee must give its opinion to the council, and prescribe the terms and conditions of consultation. The internal management by-laws may also prescribe the manner in which a member of the council may request the executive committee to report to the council on any matter within the jurisdiction of the executive committee.

24. The executive committee may adopt an internal management by-law concerning its meetings and the conduct of its affairs. The by-law may also, if permitted by the internal management by-laws of the city, enable the executive committee to delegate to any employee of the city the power to authorize expenditure on the conditions determined by the executive committee and in accordance with the rules and restrictions applicable to the city, and enter into contracts on behalf of the city.

25. A decision by the council to delegate a power to or withdraw a power from the executive committee must be supported by a majority of two-thirds of the votes of the members of the council.

### **CHAPTER III**

#### **CONSEIL DES ARTS**

26. The council may, by by-law, establish an arts council.

27. The arts council has the following functions :

(1) to draw up and keep a permanent list of the associations, societies, organizations, groups or persons engaged in artistic and cultural activities in the territory of the city ;

(2) to combine, co-ordinate and promote artistic or cultural initiatives in the territory of the city ; and

(3) within the limits of the funds available for that purpose, to designate the associations, societies, organizations, groups or persons and the artistic or cultural events worthy of receiving grants, fix the amount of any grant and recommend the payment of it by the city.

The city council may, by by-law, confer any other power on the arts council or impose on it any other duty it considers advisable to better enable it to attain its objects.

28. The council shall determine, by the by-law referred to in section 26, the number of members composing the arts council, the qualifications they must have, the duration of their terms and the time and method of their appointment and replacement, as well as the rules of internal management and operation of the arts council, and the rules of procedure for its meetings.

29. The members of the arts council must be Canadian citizens and be domiciled in the territory of the city.

The members are appointed by the city council which shall designate a chair and two vice-chairs from among the members.

30. The members of the arts council are not remunerated. However, they are entitled to reimbursement by the arts council for all expenses authorized by the arts council and incurred by the members in the exercise of their functions.

31. The members of the arts council may retain the services of the personnel they require, including a secretary, and fix their remuneration.

The employees of the arts council are not by that sole fact officers or employees of the city.

The treasurer of the city or such assistant as the treasurer may designate is by virtue of office the treasurer of the arts council.

32. The fiscal year of the arts council coincides with that of the city, and the city's auditor shall audit the financial statements of the arts council and, within 120 days following the expiry of the fiscal year, make a report of that audit to the city.

33. The arts council is provided with a special fund of which the treasurer of the arts council has custody.

34. The fund is constituted of

- (1) the gifts, legacies and grants made to the arts council;
- (2) the sums voted annually for that purpose out of the city's budget; and
- (3) the sums put at the disposal of the arts council every year that have not been used before the end of the fiscal year.

The city council may, by by-law, prescribe the minimum amount that must be allocated every year for the purposes of subparagraph 2 of the first paragraph. As long as the by-law remains in force, the treasurer of the city must include the amount so prescribed in the certificate the treasurer prepares in accordance with section 474 of the Cities and Towns Act (R.S.Q., chapter C-19).



35. The fund shall be used exclusively to pay grants, on the recommendation of the arts council, and to defray the administrative costs of the arts council.

At the end of each fiscal year, the treasurer of the arts council shall render account to it of the sums paid under the first paragraph.

36. The jurisdiction of the arts council extends to every municipality whose territory is situated in whole or in part within a 50-kilometre radius of the territory of the city and which has expressed such a desire by a resolution of its council transmitted to the clerk of the city.

The council of such a municipality is empowered to pass the resolution provided for in the first paragraph.

The resolution remains in force for a period of three years; it is thereafter tacitly renewed every three years for a new three-year period unless the municipality has given the clerk of the city a notice to the opposite effect at least six months before the date of expiry of the three-year period then in effect.

The arts council has jurisdiction in respect of the municipality as long as the resolution remains in force.

37. The city shall fix the annual contribution that must be paid into the fund by a municipality in respect of which the arts council has jurisdiction pursuant to section 36; it shall also fix the terms and conditions and the time of payment of the contribution.

A municipality may require the city to fix in its respect, for a period of three years, the contribution, the terms and conditions and the time referred to in the first paragraph before it transmits its resolution to the clerk of the city in accordance with the first paragraph of section 36, or, where applicable, at least one month before the expiry of the time allowed it to give a notice in accordance with the third paragraph of that section.

38. A municipality in respect of which the arts council has jurisdiction pursuant to section 36 is authorized and required to pay into the fund the annual contribution fixed in its regard in accordance with section 37.

39. For the purposes of this chapter, “territory of the city” includes the territory of a municipality in respect of which the arts council has jurisdiction pursuant to section 36.

**CHAPTER IV****FIELDS OF JURISDICTION**

40. The city has jurisdiction in all matters within the jurisdiction of a local municipality, and shall exercise its powers and fulfil its obligations in respect thereof, subject to a provision of this Act or any order of the Government made under section 9.

41. In addition, the city has, to the extent provided by this Act or by the order of the Government made under section 9, special jurisdiction, obligations and powers in the following fields :

- (1) land use planning and development ;
- (2) economic development ;
- (3) residual materials recovery and recycling ;
- (4) recreation and parks ;
- (5) water purification and drinking water supply ;
- (6) social housing ;
- (7) tourist promotion and hospitality ; and
- (8) the municipal court.

42. The city shall maintain a service and information centre in each sector formed by the territory of the municipalities referred to in section 5 as it existed on 31 December 2001, for the purpose of issuing permits and affording the population access to information on any matter within the authority of the city.

Notwithstanding the first paragraph, the city is not required to maintain such a centre in the sector in which it has its office.

**DIVISION I****ECONOMIC DEVELOPMENT**

43. The city shall prepare an economic development plan for its territory.

44. The city has exclusive jurisdiction to undertake, outside its territory, any promotion of its territory to stimulate economic growth and diversification.

The city may, for that purpose,

(1) support the establishment of businesses in and the inflow of capital to its territory and promote the implementation of projects having significant economic impact;

(2) promote the goods and services produced within its territory on markets outside its territory;

(3) establish connections with organizations engaged in the economic development of its territory;

(4) establish sectoral joint action groups to define intervention priorities.

45. The city may, on the conditions it determines, delegate to an existing body or to a body it establishes for that purpose the exercise of all or part of the jurisdiction assigned to it by section 44. The city shall, on the conditions it determines, grant the body the sums required to exercise that jurisdiction.

## **DIVISION II**

### **WASTE DISPOSAL, RECOVERY AND RECYCLING**

46. The city may establish, own and operate a residual materials disposal facility within or outside its territory, regulate the use thereof and sell the energy resulting from the operation of the facility.

47. The city may enter into a contract under which it entrusts a person with the operation of a residual materials disposal facility or entrusts the disposal of residual materials to a person who owns and operates such a facility.

48. The city may enter into a convention with the Minister under which it is authorized by the Minister to negotiate a contract of the kind known as a “turn-key contract”, in exercising its jurisdiction over a residual materials disposal facility.

The city and the Minister may agree upon conditions in respect of the contract, the contracting partner or the manner of selecting the contracting partner.

49. The turn-key contract must state the objectives contemplated by the city and, as the case may be, the cost limits and other general conditions with which the facility must conform.

The contract confers on the contracting partner the responsibility of designing a facility that meets the objectives and conforms with the limits and conditions, of building the facility and operating it for a period fixed in the contract, which may in no case be less than five years.

The contract may also confer on the contracting partner the responsibility of ensuring long-term financing of the facility.

50. Following a convention made with the Minister, the city may negotiate a turn-key contract without being required to make a call for tenders, notwithstanding sections 573 and 573.1 of the Cities and Towns Act (R.S.Q., chapter C-19).

51. The city shall submit to the Minister the draft turn-key contract it has negotiated following the convention.

If the Minister gives his or her approval, the city may make the contract, which requires no other approval.

52. The city may, in or outside its territory,

(1) establish, own and operate

(a) a waste recovery and recycling establishment ;

(b) premises for the disposal of residue from the operation of that establishment and residual materials in the possession of the city for the purposes of recovery and recycling that cannot be used for such purposes ;

(c) premises for the disposal of residue from the operation of the waste water purification plant of the city ;

(d) a site for burying sludge from septic installations ; and

(2) regulate the use of an establishment, premises or site referred to in paragraph 1.

### **DIVISION III**

#### **RECREATION AND PARKS**

53. The city may, by by-law, determine the location of a park, whether or not it is the owner of the land.

Such a by-law is without effect as regards third persons as long as the city is not the owner of the land or has not made an agreement allowing it to operate the park with the owner of the land or, in the case of land in the domain of the State, with the person having authority over the land.

For the purposes of this division, a natural area or a corridor for recreational and sports activities is considered to be a park.

54. From the coming into force of the by-law, the city may make an agreement with any person holding the right of ownership or any other right in respect of an immovable situated in the park concerned.

Such an agreement may provide

(1) that the person retains the right for a certain period or with certain restrictions ;

(2) that the person grants the city a right of preemption ;

(3) that the person agrees not to make improvements or changes to the immovable except with the consent of the city ; and

(4) that the person agrees, in case of total or partial expropriation of the right, not to claim any indemnity by reason of an increase in value of the immovable or right that could result from the establishment of the park or from improvements or changes made to the immovable.

The agreement may also contain any other condition relating to the use of the immovable or right.

55. The city may, by by-law, in respect of the park concerned,

(1) establish rules governing the protection and preservation of the natural environment and its elements ;

(2) determine the extent to which and the purposes for which the public is to be admitted ;

(3) prescribe the conditions on which a person may stay, travel or engage in an activity in the park ;

(4) prohibit or regulate the carrying and transport of firearms ;

(5) prohibit or regulate the use or parking of vehicles ;

(6) prohibit the transport and possession of animals or prescribe the conditions with which a person having custody of an animal must comply ;

(7) prohibit or regulate posting ;

(8) establish rules for maintaining order and for ensuring the cleanliness of the premises and the well-being and tranquility of users ;

(9) prohibit certain recreational activities or prescribe conditions governing participation in such activities ;

(10) prohibit or regulate the operation of businesses ;

(11) determine cases where a person may be kept out or expelled ; and

(12) determine powers and obligations of employees.

56. The city may operate accommodation, restaurant or commercial establishments, or parking lots, in the park concerned for the benefit of users, or cause such establishments to be operated.

57. The city, a regional county municipality or a local municipality may make an agreement with respect to parks in accordance with the provisions of Section XXV of Chapter II of Title XIV of the Municipal Code of Québec (R.S.Q., chapter C-27.1).

#### **DIVISION IV**

##### **WATER PURIFICATION AND DRINKING WATER SUPPLY**

58. Subject to the Environment Quality Act (R.S.Q., chapter Q-2), the city may, by by-law, order the carrying out, even outside its territory, of work relating to water treatment plants or works or water mains or main sewers included in its territory.

59. The city may receive for treatment purposes, from a person other than a municipality, waste water or sludge from septic tanks from its territory or elsewhere.

Before making any contract for such purpose, the city shall obtain the consent of the local municipality in whose territory the waste water or sludge originates.

60. The city may make by-laws to

(1) supply drinking water in its territory, receive waste water from its territory and dispose of sludge from septic installations ;

(2) maintain, manage and operate its water treatment plants or works, water mains or main sewers ;

(3) maintain the municipal waterworks or sewer systems in its territory ;

(4) build, alter, maintain, supervise and protect individual or community septic installations ;

(5) rent meters, if necessary ;

(6) determine the conditions for any connection to its waterworks or sewer system ;

(7) define and classify waste water and the other substances discharged into a purification works ;

(8) determine standards for the construction, maintenance or operation of purification works, including standards relating to the materials used, and standards relating to the methods to be used for the carrying out of purification work ;

(9) regulate or prohibit the discharge of waste water or of any substance it determines into a purification works or watercourse ; for such purpose, establish categories of contaminants or sources of contamination and determine, as regards contaminants, the quantity or maximum concentration authorized in waste water or in substances discharged into a purification works or a watercourse ;

(10) determine the method for computing the quantity of waste water or substances discharged into a purification works ; prescribe the use of meters and establish conditions for connection to the purification works of the city ;

(11) require any person or class of persons that discharges waste water or other substances of a category it determines into a purification works to hold a permit issued by the city ; exempt from such obligation any person or class of persons it determines ; and

(12) determine the qualifications required of a person applying for a permit, the conditions of issue and renewal of the permit, the information and documents the person must provide and the cases of suspension or revocation of the permit.

Any by-law made under this section requires the approval of the Minister of the Environment.

61. The city may require a person who discharges waste water or other substances into a purification works or watercourse in contravention of a by-law passed under subparagraphs 7 to 12 of the first paragraph of section 60 to carry out, at the person's expense, the work required to clean or repair, as the case may be, the purification works or to eliminate the harmful or hazardous substances the person has unlawfully discharged into the watercourse, or to reimburse the city for the costs incurred by it for such work.

62. The city may

(1) require that any person discharging waste water or substances into a purification works comply with all or any of the following conditions :

(a) the construction of a man-hole in conformity with the requirements prescribed by the city, to allow the inspection, sampling, measuring and registration of the quality and flow of the discharged waste water and substances ;

(b) the installation and maintenance in good repair of appropriate equipment for the sampling, analysis, measuring and registration of the quality and flow of the discharged water or substances, in accordance with the methods prescribed by the city;

(c) the installation and maintenance in good repair of equipment for the treatment or pre-treatment of waste water or substances to be discharged in order to regularize the flow of the discharged waste water or substances or to bring the equipment into conformity with the prescriptions of a by-law passed under subparagraphs 7 to 12 of the first paragraph of section 60;

(d) the presentation, for approval, of the plans relating to the installation of the equipment referred to in subparagraph *a*, *b* or *c*, and the procedures for the use of such equipment;

(e) the maintenance of the discharged waste water and substances within an average or maximum concentration or mass of discharged pollutants according to the class of pollutants;

(f) the presentation of periodic discharge reports indicating the volume and the qualitative and quantitative characteristics of the discharged waste water and substances;

(2) determine the schedule of execution of the work required

(a) for the issue, renewal or maintenance of a permit;

(b) for the prevention or cessation of an offence or a nuisance.

63. The city may prescribe the apparatus and methods whose use is recognized for the purposes of an analysis, sampling or computation of concentration.

The city may also fix the duration of a sampling program and of a program for measuring the waste water flow, determine the analysis parameters and require the permit holder to carry out the measuring, sampling or analyses and to provide it with the results thereof. The city may carry out such measuring, sampling or analyses at the person's expense if the latter fails to provide the city with results it considers satisfactory.

64. The city may require a person to take the necessary measures to prevent the discharge into a purification works or watercourse of a substance harmful to humans or to the works or watercourse, and to submit the plans of the required work as well as the operation procedures to the city for approval.

The city may also require a person to notify it in the event of an accidental discharge.



65. The city may, by by-law, delegate all or part of the powers conferred on it by sections 61 to 64 to a department head.

66. Any decision of the city or, in the case of a delegation, any decision of the executive committee or of a department head made under sections 61 to 64 may be contested before the Administrative Tribunal of Québec. Division XI of Chapter I of the Environment Quality Act (R.S.Q., chapter Q-2), with the necessary modifications, applies to the proceeding.

67. In the exercise of their functions, the officers and employees of the city charged with the application of the by-laws passed under subparagraphs 7 to 12 of the first paragraph of section 60 may enter, at any reasonable time,

(1) any premises where there is or may be any substance, apparatus, machine, works or installation subject to such by-laws;

(2) any premises where an activity that is subject to such by-laws is or may be carried on.

Such officers or employees may examine the substances, apparatus, machines, works or installations; they may require the production of the books, registers and documents relating to the matters to which such by-laws apply; they may also require any other information they consider necessary or useful.

68. No person may hinder officers or employees referred to in section 67 in the exercise of their functions particularly by misleading them or attempting to mislead them by concealment or by misrepresentation.

Such officers or employees shall, if so required, identify themselves and produce a certificate, signed by the head of the department concerned, attesting their authority.

69. The city may, by by-law, prescribe that an offence under a by-law passed under subparagraphs 7 to 12 of the first paragraph of section 60 or section 67 or 68, or failure to comply with a prohibition, condition or requirement established in accordance with section 61, 62, 63 or 64 shall entail as a penalty,

(1) for a first offence, a minimum fine of not more than \$25,000 and a maximum fine of not more than \$500,000, imprisonment for not more than 18 months notwithstanding article 231 of the Code of Penal Procedure (R.S.Q., chapter C-25.1), or both penalties together;

(2) for a subsequent offence, a minimum fine of not more than \$50,000 and a maximum fine of not more than \$1,000,000, imprisonment for not more than 18 months notwithstanding article 231 of the Code of Penal Procedure, or both penalties together.

70. The city is exempt from the obligation to give security when requesting an interlocutory injunction for the cessation of an offence under a by-law passed under subparagraphs 7 to 12 of the first paragraph of section 60 or section 67 or 68.

71. For the purposes of sections 60 to 70, “purification works” means a sewer, a sewer system, a pumping station, a water purification station or any other works used to collect, receive, carry, treat or drain waste water or substances compatible with the purification processes of the city.

## **DIVISION V**

### **SOCIAL HOUSING**

72. The city shall constitute a social housing development fund.

The city shall pay into the fund annually an amount at least equal to the basic contribution required to build the housing allocated to its territory by the Société d’habitation du Québec.

The Société shall provide the city with the information necessary to determine the amount to be paid into the fund.

## **DIVISION VI**

### **TOURIST PROMOTION AND HOSPITALITY**

73. The city has jurisdiction to promote tourism and provide for tourist hospitality in its territory.

The city may enter into an agreement with any person or body pursuant to which it entrusts to or shares with such person or body the exercise of the jurisdiction provided for in the first paragraph or of any aspect thereof. Where the person or body has jurisdiction in a territory other than that of the city, the latter may, in carrying out the agreement, also promote tourism and tourist hospitality in that other territory.

## **CHAPTER V**

### **SPECIAL FINANCIAL AND FISCAL PROVISIONS**

74. A loan by-law whose subject is the execution of permanent work on waste water purification works, drinking water supply systems, underground conduits, road surfacing, curbs, sidewalks, lighting and traffic signs and signals, and the acquisition by agreement or expropriation of land or servitudes required for the execution of such permanent work need not be submitted for approval to the qualified voters.

75. The city may, by by-law, establish the rules enabling it to grant an abatement in order to limit to 5% the increase in the amount of the general property tax or of the tax or surtax on non-residential immovables payable for a fiscal year in respect of a unit of assessment, in relation to the amount of the same tax payable for the preceding fiscal year in respect of the same unit.

The by-law adopted under the first paragraph must, in particular, establish

(1) rules enabling the abatement to be applied in respect of a unit resulting from the combination of whole units ;

(2) rules allowing for the increase in the value of a unit resulting from the realization of a condition provided for in section 32 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1) or from work performed on a building already forming part of the unit, where such work is substantially completed or where two years have elapsed since the beginning of the work, whichever event occurs first, to be disregarded.

The first and second paragraphs apply, with the necessary modifications, in respect of the business tax payable in respect of one and the same business establishment.

76. The city may, by by-law, establish the rules enabling it to provide for a surcharge on the amount of the general property tax or of the tax or surtax on non-residential immovables payable for a fiscal year in respect of a unit of assessment in order to limit the percentage of reduction, in relation to the amount of the tax payable in respect of the unit for the preceding fiscal year.

The first paragraph applies, with the necessary modifications, as regards the business tax payable in respect of the same business establishment.

77. For the purposes of sections 75 and 76, where the tax on non-residential immovables is levied for a fiscal year, and the surtax on non-residential immovables is levied for the following fiscal year, or vice versa, the same tax shall be considered to be levied for both fiscal years.

## **CHAPTER VI**

### **EFFECTS OF AN AMALGAMATION ON LABOUR RELATIONS**

78. Subject to this section, sections 176.1 to 176.22 of the Act respecting municipal territorial organization (R.S.Q., chapter O-9), the third paragraph of section 176.23 and sections 176.24 to 176.26 apply, with the necessary modifications, to the amalgamations and transfers provided for in paragraph 1 in accordance with the rules set out in paragraphs 2 to 11

(1) to the amalgamation provided for in this Act and to the transfer of employees and officers from any municipal or supramunicipal body to the city ;

(2) for the purposes of sections 176.1, 176.2, 176.10, 176.25 and 176.26, the expression “a municipality that ceased to exist on amalgamation” means “a municipality that will cease to exist on the constitution of the city”;

(3) the labour commissioner’s decision must, in the cases provided for in sections 176.5 and 176.9, be rendered no later than 27 October 2001;

(4) the period for making an agreement under section 176.2 begins on 1 May 2001 and ends on 14 June 2001;

(5) 1 May 2001 is the reference date for the purposes of the second paragraph of section 176.5;

(6) the period for making an application under sections 176.6 and 176.7 begins on 15 June 2001;

(7) the provisions of the first paragraph of section 176.10 become effective on 1 May 2001, except the provisions of subparagraph *b* of subparagraph 1 of the first paragraph concerning dispute arbitration in the case of arbitration of a dispute involving the city and an association certified to represent police officers or firefighters to the extent that the dispute was referred to arbitration before 15 November 2000 and the arbitration award is rendered not later than 31 December 2001 for a period not exceeding 31 December 2000;

(8) the suspension of the application of paragraph *a* of section 22 of the Labour Code (R.S.Q., chapter C-27), provided for in subparagraph 3 of the first paragraph of section 176.10, terminates on 15 July 2001; as regards the suspension of the other provisions of section 22, the suspension terminates on 31 January 2003;

(9) the exercise of the right to strike of the employees of the municipalities referred to in section 5 is suspended from 1 May 2001 to 30 July 2002;

(10) every collective agreement binding a municipality referred to in section 5 expires on the date provided for its expiry or on 1 May 2002, whichever is earlier; and

(11) the notice of negotiation referred to in section 176.14 may not be given before 1 May 2002.

## **CHAPTER VII**

### **JOINT LAND USE PLANNING COMMISSION FOR THE OUTAOUAIS**

79. A joint land use planning commission for the Outaouais is hereby established under the name “Commission conjointe d’aménagement de l’Outaouais”.

80. The Commission is composed of an equal number of members of the council of Ville de Hull-Gatineau and of Municipalité régionale de comté des Collines-de-l'Outaouais, between four and eight, as determined by order of the Minister of Municipal Affairs and Greater Montréal.

The mayor of Ville de Hull-Gatineau and the warden of Municipalité régionale de comté des Collines-de-l'Outaouais are members by virtue of office.

The additional members shall be appointed by the city council from among its members and by the regional county municipality from among its members.

81. The mayor of the city and the warden of the regional county municipality respectively, alternating, shall act as chair and vice-chair of the Commission for a period of two years beginning on 1 January 2002. The mayor of the city shall first hold the office of chair and the warden that of vice-chair.

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

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

83. The Commission may adopt internal management by-laws relating to its sittings and the conduct of its affairs.

84. The quorum of the Commission is a majority of its members. Every member present has one vote.

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

85. The council of Ville de Hull-Gatineau and that of Municipalité régionale de comté des Collines-de-l'Outaouais may attach to the commission any persons whose services it may require for the performance of its mandate.

86. The Commission must adopt, before 31 December 2003, a document determining the policy orientations and main avenues of intervention to guide the city and regional county municipality in land use planning and development in their territory.

The chair shall transmit a copy of the document referred to in the first paragraph, as soon as possible after it is adopted, to the Minister of Municipal Affairs and Greater Montréal, to Ville de Hull-Gatineau and to Municipalité régionale de comté des Collines-de-l'Outaouais.

87. The function of the Commission is to examine, at the request of the council of Ville de Hull-Gatineau or of the council of Municipalité régionale de comté des Collines-de-l'Outaouais or on its own initiative, any matter relating to land use planning and development, throughout the territories referred to in section 86.

A further function of the Commission is to give its opinion, having regard to the document referred to in section 86 if available, to Ville de Hull-Gatineau and Municipalité régionale de comté des Collines-de-l'Outaouais and to make recommendations to ensure that their development plans reflect an overall vision that is shared and that is in harmony with land use planning and development in the territories in which they apply.

88. For the purposes of the process of amendment or revision of the planning program provided for in the Act respecting land use planning and development (R.S.Q., chapter A-19.1), each time the Act prescribes the transmission of a document by the secretary-treasurer, the secretary-treasurer shall also transmit the document to the Commission so it may give its opinion, make recommendations or produce a report in respect thereof.

89. The Minister of Municipal Affairs and Greater Montréal shall, before giving an opinion pursuant to any of sections 51, 53.7, 56.4, 56.14 and 65 of the Act respecting land use planning and development (R.S.Q., chapter A-19.1) to Ville de Hull-Gatineau, consult with the Municipalité régionale de comté des Collines-de-l'Outaouais. The Minister shall also, before giving an opinion under any of those sections to the regional county municipality, consult the city.

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

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

90. The Commission shall, on or before 1 January 2007, report to the Government on the implementation of this chapter.

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

## CHAPTER VIII

### TRANSITION COMMITTEE

#### DIVISION I

#### COMPOSITION AND ORGANIZATION OF THE TRANSITION COMMITTEE

91. A transition committee composed of the members designated by the Minister of Municipal Affairs and Greater Montréal is hereby constituted, effective 20 December 2000. The number of members of the committee shall not be fewer than five nor more than seven.

The Minister shall designate a chair from among the committee members.

92. No person who is a member of the council of a municipality amalgamated under this schedule may sit as a member of the transition committee. In addition, a person who has acted as a member of the committee is ineligible for office as a member of the city council in the city's first general election; no such person may be employed by the city to hold a position referred to in the second paragraph of section 71 of the Cities and Towns Act (R.S.Q., chapter C-19) until the expiry of a period of two years from the end of the person's term as member of the committee.

93. The transition committee is a legal person.

The transition committee has its head office at the place determined by the Minister. Notice of the location and of any change of location of the head office must be published in the *Gazette officielle du Québec* and in a newspaper circulated in the territory described in Schedule IV-A.

94. Every member of the transition committee shall be paid the remuneration and expense allowance determined by the Minister. The remuneration and allowance fixed in respect of the chair may be greater. The Minister may determine any other condition of employment of a member.

In addition, every member shall, in conformity with the internal management by-laws of the committee, be reimbursed for the expenses incurred on behalf of the committee in the exercise of his or her functions. The internal management by-laws concerning the reimbursement of expenses of each member of the transition committee must be approved by the Minister.

95. No deed, document or writing binds the transition committee unless it is signed by the chair or, to the extent determined in the internal by-laws of the transition committee, by a member of the committee's personnel.

The committee may allow, subject to the conditions and on the documents it determines in its internal management by-laws, that a signature be affixed by means of an automatic device or that a facsimile of a signature be engraved,

lithographed or printed. However, the facsimile has the same force as the signature itself only if the document is countersigned by a person authorized by the chair.

96. The minutes of a meeting of the transition committee, approved by the committee and certified by the chair or any other member of the personnel so authorized by the internal management by-laws, are authentic, as are documents and copies emanating from the committee or forming part of its records if signed or certified by any such person.

97. The Minister shall appoint the secretary of the transition committee and determine the secretary's remuneration and other conditions of employment.

The secretary shall attend the meetings of the council. The secretary shall keep the registers and have custody of the records and documents of the committee. The secretary shall exercise any other responsibility that the committee determines.

The secretary is responsible for access to the committee's documents.

If the secretary is unable to act, the committee may replace the secretary temporarily by appointing another person to that function. One of the members of the committee may also act in the place of the secretary if the secretary is unable to act.

98. The transition committee may hire the employees required for the exercise of its responsibilities, and determine their conditions of employment. The transition committee may also obtain the expert services it considers necessary.

99. No judicial proceedings may be brought against the members of the transition committee or the committee's employees and representatives by reason of an official act done in good faith in the exercise of their functions. Sections 604.6 to 604.10 of the Cities and Towns Act (R.S.Q., chapter C-19) apply, with the necessary modifications, in respect of the committee members and employees.

Any liability that may be connected with the protection of the members and employees of the committee under the first paragraph is assumed by the Government.

100. The Government may, under the conditions and on the terms it determines, grant the transition committee any sum it considers necessary for its operation.

101. The transition committee is a municipal body for the purposes of the Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., chapter A-2.1).



102. Unless otherwise provided in an order of the Government made under section 9, the mandate of the transition committee ends on the date of constitution of the city. The committee shall then be dissolved and its assets and liabilities transferred to the city.

## **DIVISION II**

### **MISSION OF THE TRANSITION COMMITTEE**

103. The mission of the transition committee is to participate, together with the administrators and employees of the municipalities referred to in section 5, of the urban community and of any body thereof, in the establishment of the conditions most conducive to facilitating the transition, for the citizens of the new city, from the existing administrations to the new city.

## **DIVISION III**

### **OPERATION, POWERS AND RESPONSIBILITIES OF THE TRANSITION COMMITTEE**

#### *§1. — Operation and powers of the committee*

104. The decisions of the transition committee shall be made at meetings of the committee.

The quorum at meetings of the committee is the majority of its members.

105. Subject to the second paragraph of section 111, the transition committee shall, during its term, provide the citizens of the municipalities referred to in section 5 with any information it considers relevant to keep them informed on the carrying out of its mission.

The Minister may issue directives to the committee in that respect.

106. The transition committee may adopt internal management by-laws establishing its rules of operation.

107. The transition committee may form any sub-committee for the examination of particular matters, determine its mode of operation and designate the members, including the person who is to chair the sub-committee.

A person who is not a member of the committee may also be designated as a member of a sub-committee.

108. The chair of the transition committee may entrust to one or more members of the committee or, where applicable, of a sub-committee the exercise of certain functions or the examination of any matter the chair indicates.

109. The transition committee may require any municipality referred to in section 5, the urban community or a body thereof to furnish information, records or documents belonging to the municipality, the community or the body and which the transition committee considers necessary to consult.

110. The transition committee may require any municipality referred to in section 5, the urban community or a body thereof to submit a report on a decision or matter relating to the municipality, the community or the body and that is within and relevant to the committee's functions, concerning the financial situation of the municipality, community or body or the staff or any person in its employment.

111. Sections 109 and 110 apply notwithstanding the Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., chapter A-2.1).

The members of the transition committee or of any sub-committee and the committee employees are required to ensure the confidentiality of the information obtained under sections 109 and 110.

112. The transition committee may, where it considers it necessary for the exercise of its responsibilities, use the services of an officer or employee of a municipality referred to in section 5, the urban community or a body thereof. The committee and the employer of the officer or employee shall agree on the amount to be paid by the committee for the use of the services.

Failing an agreement, the Minister may designate a conciliator at the request of the committee or the employer to assist the parties in reaching an agreement. The conciliator shall act as if he or she were designated under section 468.53 of the Cities and Towns Act (R.S.Q., chapter C-19), and section 469 of that Act applies in that case, with the necessary modifications.

The officers and employees seconded to the committee remain in the employment of the municipality, the urban community or the body, as the case may be, are remunerated by their employer, and are governed by the same conditions of employment during the secondment.

113. Every member of the council and every officer or employee of a municipality referred to in section 5, the urban community or a body thereof shall cooperate with the transition committee members, employees and representatives acting in the exercise of their functions.

#### §2. — *Responsibilities of the committee*

114. The transition committee shall, as soon as it is able to do so after the designation of all of its members, establish an advisory committee formed of the mayors of the municipalities referred to in section 5. The transition committee may submit to the advisory committee any matter on which it seeks the opinion of the mayors of the municipalities referred to in section 5. The

advisory committee may give the transition committee its opinion regarding any matter related to the mandate of the transition committee.

The transition committee shall hold at least one meeting every month with the advisory committee. A member of the advisory committee who is unable to act may be replaced by a member of the council of the municipality it designates.

The rules of operation of the advisory committee may be prescribed by the internal management by-laws of the transition committee.

115. Every decision by which an urban community, a municipality referred to in section 5 or a body thereof makes a financial commitment for a period extending beyond 31 December 2001 must be authorized by the transition committee if the decision is made on or after 15 November 2000.

Every collective agreement or contract of employment entered into or amended as of 15 November 2000 by the urban community or a municipality referred to in section 5 must be authorized by the transition committee if the effect of the agreement or contract is to increase the remuneration and employee benefits of the officers and employees.

Until the transition committee is formed, an application must be made to the Minister for every authorization required under this section.

116. The transition committee shall hire and remunerate the election officers prescribed by the Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2) for the purposes of the city's first general election. The committee shall designate the person who is to act as the returning officer for the purposes of the election.

Subject to any other provision of this Act or of any order of the Government made under section 9, the transition committee shall in respect of the election exercise the powers and assume the responsibilities assigned to the council of a municipality by the Act respecting elections and referendums in municipalities.

117. The transition committee shall, for the purposes of the city's first general election, and any by-election held before the second general election, with the assistance of the chief electoral officer and using the information on the permanent list of electors, prepare a division of the territory into electoral districts.

For such purposes, the territories of Ville de Buckingham and Ville de Masson-Angers each form an electoral district.

The division into districts must, as far as possible, respect the criteria set out in sections 11 and 12 of the Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2).

The division prepared by the transition committee in collaboration with the chief electoral officer must be submitted to the Minister by the transition committee, and has effect only if adopted by an order of the Government made under section 9.

118. The transition committee may examine the circumstances of the hiring of officers and employees after 15 November 2000 and make any recommendations to the Minister in their regard as concerns the protection provided for in section 7.

119. The transition committee shall, within the time prescribed by the Minister of Municipal Affairs and Greater Montréal, agree with all the certified associations within the meaning of the Labour Code (R.S.Q., chapter C-27) representing the employees in the employment of the municipalities referred to in section 5 and of the urban community on the procedure for the reassignment of those employees as members of the personnel of the city and on the rights of and remedies available to an employee who believes he or she has been wronged as a consequence of the application of that procedure.

The parties may in addition agree on conditions of employment incidental to the reassignment of employees.

An agreement entered into under this section may not provide conditions of employment that entail higher costs than those entailed by the application of the conditions of employment applicable on 20 December 2000, or increase the staff.

The Minister may grant additional time at the request of the committee or of a certified association.

The provisions concerning the application of the reassignment process provided for in the applicable conditions of employment, or, where there is no such process, the provisions that allow employees to be assigned a position or a place of employment, constitute the employee reassignment procedure.

120. If an agreement has not been reached on all the matters referred to in the first and second paragraphs of section 119 within the time prescribed by the Minister, the Minister of Municipal Affairs and Greater Montréal shall so inform the Minister of Labour, and sections 125.16 to 125.23 of the Act respecting municipal territorial organization (R.S.Q., chapter O-9) apply, with the necessary modifications.

121. Subject to section 78, the transition committee shall, for the purposes of sections 176.2 to 176.9 of the Act respecting municipal territorial organization (R.S.Q., chapter O-9), negotiate any agreement on the determination of the future bargaining units with any association referred to in section 176.2 of that Act.

Any such agreement or any decision of the labour commissioner under sections 176.5 and 176.9 of that Act also binds the city.

122. The transition committee shall also prepare any plan for the reassignment of the officers and employees of the municipalities referred to in section 5 and of the urban community who are not represented by a certified association, as well as the procedure relating to the rights of and remedies available to an employee who believes he or she has been wronged as a consequence of the application of the reassignment plan.

Every plan referred to in the first paragraph applies to the city as of 31 December 2001.

123. The transition committee shall appoint the director general, the clerk and the treasurer of the city for a term not to exceed five years.

It may create the various departments within the city, and determine the scope of their activities. The transition committee may appoint the department heads and assistant heads, and define their functions.

124. The transition committee shall consider the assets and liabilities of the urban community and of the municipalities referred to in section 5. It may make any recommendation to the council of the new city in that regard.

Notwithstanding section 8, only the city council may declare the debts related to any equipment or infrastructure to burden the taxable immovables of all or any part of the territory of the city.

125. The transition committee shall prepare the city's budget for the first fiscal year.

126. The committee may, on its own initiative or at the Minister's request, examine the advisability of changing the name of the city. It may make any recommendation to the Minister.

The committee may, among other things, propose to the Minister one or more names and a consultation mechanism, in particular upon the election referred to in section 131.

127. The transition committee shall, within the scope of its mandate, identify the bodies engaged in economic development that have their head office or a business establishment in the territory referred to in section 3. The study of the committee shall, in particular, concern the mission or mandate of any such body. It may make any recommendation to the Minister in that regard.

128. The transition committee shall examine any other matter or carry out any other mandate the Government may entrust to the committee in the pursuit of its mission.

129. The transition committee shall report to the Minister on its activities at the end of its mandate or at any time at the request of the Minister.

In addition to the recommendations made pursuant to sections 118 and 124, the committee's report may include any additional recommendation the committee considers necessary to bring to the attention of the Government and pertaining in particular to

(1) the difficulties encountered in applying this Act and any proposed amendments ;

(2) any special provisions the committee considers expedient to incorporate into the legal framework applicable to the municipality or to the boroughs ;

(3) the name of the municipality ; and

(4) the composition of the Commission provided for in section 79.

130. The transition committee shall also furnish to the Minister any information the Minister may require on its activities.

## **CHAPTER IX**

### **TRANSITIONAL AND FINAL PROVISIONS**

131. The polling for the first general election in Ville de Hull-Gatineau shall take place on 4 November 2001 in accordance with the Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2).

132. For the purpose of determining whether a person is qualified as an elector, a candidate or a person qualified to vote at an election or in a referendum poll in the territory of the city, any period, prior to the date of coming into force of section 1, during which the person was resident, continuously or not, in the territory of a municipality referred to in section 5 or was the owner of an immovable or the occupant of a business establishment situated in that territory shall be counted as if the person had been a resident, owner or occupant from the beginning of that period in the territory of the city.

133. At the first general election, a member of the council of a municipality referred to in section 5 may be elected or nominated and be, or be appointed as, a member of the council of Ville de Hull-Gatineau, and hold both offices simultaneously. As long as both offices are held by the same person, he or she is not entitled to remuneration as a member of the council of Ville de Hull-Gatineau.

134. The Minister of Municipal Affairs and Greater Montréal shall determine the place, date and time of the first meeting of the council held for the sole purposes of section 135. If that meeting is not held, the Minister shall fix another meeting.

135. At the first meeting, the council shall adopt, with or without amendment, the budget of the city for the fiscal year 2002 prepared by the transition committee.

The budget of the city shall be transmitted to the Minister of Municipal Affairs and Greater Montréal within 30 days of its adoption by the council.

If, on 1 January 2002, the budget has not been adopted, one-twelfth of each appropriation provided for in the budget prepared by the transition committee is deemed to be adopted. The same rule applies at the beginning of each subsequent month if the budget has not been adopted at that time.

136. Notwithstanding sections 11 and 12 of the Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2), the council may, upon the adoption of the resolution provided for in section 14 of the said Act, prescribe that the territories of the former Ville de Buckingham and the former Ville de Masson-Angers each form an electoral district for the purposes of the general election referred to in section 14 and any by-election held before the next general election. The council may also prescribe that only one of those territories form an electoral district for such purposes.

137. Sections 75 to 77 have effect until 31 December 2011.

138. Subject to any provision of an order of the Government made under section 9, the Charter of the city of d'Aylmer (1974, chapter 88), the Charter of the city of Buckingham (1979, chapter 95), the Charter of the city of Gatineau (1974, chapter 88), the Charter of the city of Hull (1975, chapter 94) and the Charter of the city of Masson-Angers (1979, chapter 95) and all special provisions governing a municipality referred to in section 5 are repealed from the date of constitution of Ville de Hull-Gatineau under section 4 of this Act.

## SCHEDULE IV-A

*(section 3)*

## DESCRIPTION OF THE TERRITORIAL LIMITS OF VILLE DE HULL-GATINEAU

The territory of the former Ville d'Aylmer, Ville de Buckingham, Ville de Gatineau, Ville de Hull and Ville de Masson-Angers comprising with reference to the cadastres of the townships of Buckingham, Hull and Templeton and of the villages of Aylmer and Buckingham, the lots or parts of lots and their present and future subdivisions, and, with reference to the cadastre of Québec, the lots and their successor lots and the roads, highways, streets, railroad rights of way, islands, lakes, watercourses or parts thereof, the whole within the limits hereinafter described, to wit: from the apex of the northeast angle of lot 1 of range 4 of the cadastre of the township of Buckingham; thence, successively, the following lines and demarcations: southerly, part of the line separating that cadastre from the cadastre of the township of Lochaber and its extension in the Ottawa River to the Québec/Ontario boundary line; generally towards the west, the Québec/Ontario boundary line upstream on the Ottawa River to its meeting with the extension towards the south of the line separating the cadastres of the townships of Hull and Eardley; northerly, the said extension and part of the line separating the cadastres from the said townships to the line separating ranges 7 and 8 from the cadastre of the township of Hull; with reference to that cadastre, easterly, part of the line separating the said ranges to the apex of the northwest angle of lot 20 of range 7; southerly, part of the west line of the said lot for a distance of 41.44 metres; in lot 20 of range 7, easterly, a straight line to a point situated on the west line of lot 20-1 of range 7 at a distance of 59.76 metres from the apex of the southwest angle of the said lot; southerly, part of the west line of the said lot to the apex of its southwest angle; successively easterly and northerly, the south and east lines of the said lot; easterly, successively, the south limit of the right of way of Barnes road to the line separating ranges 7 and 8, part of the line separating the said ranges to the south limit of the right of way of Barnes road then the south limit of the right of way of the said road for 109.36 metres to the east line of lot 19A of range 7; southerly, part of the east line of the said lot to the line separating ranges 6 and 7; easterly, part of the line separating the said ranges to the apex of the northeast angle of lot 13A of range 6; southerly, the east line of lots 13A and 13B of range 6; easterly, part of the line separating ranges 5 and 6 to the apex of the southeast angle of lot 11D of range 6; northerly, successively, the east line of lots 11D and 11B of range 6 then part of the east line of lot 11A of the said range to the southwest limit of the right of way of Mine road; generally towards the northwest, the southwest limit of the right of way of the said road to the west line of lot 11B of range 7; northerly, part of the west line of the said lot crossing the said road to a point situated 303.31 metres south of the southwest limit of the right of way of Autoroute 5, that distance measured along the west line of the said lot; with reference to the Québec plane coordinate system (zone 9) NAD 83, in lot 12 of range 7, successively, a straight line along a bearing of 262°50'40" and measuring 37.84 metres; a straight line along a bearing of 173°57'24" and measuring 13.09 metres; a straight line along a bearing of 291°01'25" and measuring



42.68 metres; a straight line along a bearing of 289°40'33" and measuring 45.81 metres; a straight line along a bearing of 292°22'40" and measuring 45.64 metres; a straight line along a bearing of 194°35'08" and measuring 15.18 metres; a straight line along a bearing of 297°59'49" and measuring 45.71 metres; a straight line along a bearing of 309°49'08" and measuring 36.60 metres, to the southeast line of lot 12-4 of range 7; part of the southeast line of the said lot along a bearing of 22°37'17" for a distance of 15.13 metres; the northeast line of lot 12-4 of range 7 along a bearing of 313°11'32" and measuring 55.47 metres; part of the northwest line of the said lot along a bearing of 203°37'05" and measuring 34.72 metres; in lot 12 of range 7, a straight line along a bearing of 333°20'08" and measuring 73.80 metres, to the southeast line of lot 12-5 of range 7; part of the southeast line of the said lot along a bearing of 22°24'06" for a distance of 14.14 metres; the northeast line of lot 12-5 of range 7 along a bearing of 294°58'27" and measuring 51.48 metres; part of the northwest line of the said lot along a bearing of 202°22'46" and measuring 4.88 metres; in lot 12 of range 7, a straight line along a bearing of 298°09'19" and measuring 13.47 metres; a straight line along a bearing of 327°44'16" and measuring 239.12 metres; a straight line along a bearing of 352°20'37" and measuring 89.81 metres; a straight line along a bearing of 28°54'41" and measuring 165.61 metres; a straight line along a bearing of 90°01'31" and measuring 50.00 metres; a straight line along a bearing of 123°30'44" and measuring 63.77 metres, to the southwest side of the right of way of Autoroute 5; generally towards the southeast, the southwest limit of the said right of way to the west line of lot 11B of range 7; northerly, part of the west line of the said lot crossing Autoroute 5 to the centre line of the south branch of Chelsea brook; generally towards the east, in lots 11B and 11A of range 7, the centre line of the south branch of the said brook to the east line of lot 11A of range 7; southerly, part of the east line of the said lot to the apex of the northwest angle of lot 10B of range 7; easterly, the north line of the said lot; northerly, part of the west line of lot 9 of range 7 to the apex of its northwest angle; easterly, part of the line separating ranges 7 and 8 to the centre line of Chelsea brook; in generally southeasterly and northeasterly directions, the centre line of the said brook to the southwest line of lot 1200 (railway); southeasterly, part of the southwest line of the said lot to the line separating ranges 6 and 7; easterly, part of the line separating the said ranges crossing Highway 105 to the northeast limit of its right of way; generally towards the northwest, the northeast limit of the right of way of the said highway to its meeting point with the northwest limit of the right of way of the public highway connecting the Alonzo-Wright Bridge to Highway 105; generally towards the northeast, successively, the northwest limit of the right of way of the said highway then the northwest side of the said bridge to the centre line of the Gatineau River; generally towards the northwest, the centre line of the said river upstream and skirting to the left the islands nearest the left bank and to the right the islands nearest the right bank of the said river to its meeting with a straight line perpendicular to the left bank of the said river and whose point of origin is the southern extremity of the west line of lot 7 of range 9; northeasterly, the said straight line; northerly, part of the west line of the said lot to its meeting with the extension towards the southwest of the southeast line of lot 7-44 of range 9; northeasterly, the said extension and the southeast line of the said lot to its eastern extremity; towards the northeast, in

Highway 307, a line parallel to the southeast line of the said lot to the northeast limit of the right of way of the said route; generally towards the northwest, the northeast limit of the said right of way to the west line of lot 7 of range 9; northerly, part of the west line of the said lot to its meeting with a line parallel to the east limit of the right of way of Denis road and situated 60 metres east of the said limit, that road delimiting lot 7-63 of range 10 to the west; generally towards the north, the said line parallel to the centre line of Taché road; generally towards the east, the centre line of the said road, situated partly on the line separating ranges 9 and 10, then its extension to the centre line of De la Ligne road that is situated on the line separating the cadastres of the townships of Hull and Templeton; northerly, the centre line of the said road then the line separating the cadastres of the said townships to the line separating ranges 5 and 6 of the cadastre of the township of Templeton; with reference to that cadastre, towards the east, part of the line separating the said ranges to the apex of the northwest angle of lot 26A-18 of range 5; southerly, the west line of the said lot; towards the east, the south line of the said lot then its extension across lot 26A-20 of range 5 and the Saint-Amour hill to the centre line of that hill; towards the south, the centre line of the Saint-Amour hill to its meeting point with the extension towards the west of the south line of lot 26A-7 of range 5; towards the east, the said extension and the south line of the said lot; northerly, the east line of lots 26A-7 and 26A-15 of range 5; easterly, part of the line separating ranges 5 and 6 to the west line of lot 23B of range 6; northerly, part of the west line of the said lot to the centre line of 6<sup>th</sup> Range road on a line separating ranges 5 and 6; easterly, successively, the centre line of the said road to the west line of lot 22B of range 6 then part of the line separating the said ranges to the apex of the southwest angle of lot 1D of range 6; northerly, the west line of lots 1D, 1B and 1A of range 6; easterly, the north line of lot 1A of range 6; southerly, part of the line separating the cadastres of the townships of Templeton and Buckingham to the line separating ranges 1 and 2 of the latter cadastre; with reference to that cadastre, easterly, part of the line separating the said ranges to the east line of lot 15B of range 2; northerly, the east line of lots 15B and 15A of range 2 to the south limit of the right of way of Frontenac street situated on the line separating ranges 2 and 3, the said east line being extended across Filion road which separates those lots; westerly, the south limit of the right of way of the said street to the west line of lot 15B of range 3; northerly, the west line of lots 15B and 15A of range 3 across 4<sup>th</sup> Range West road situated on the line separating ranges 3 and 4 to the north limit of the right of way of the said road; easterly, the north limit of the said right of way to the east line of lot 15A of range 4; northerly, the east line of the said lot and its extension to the north limit of the right of way of 5<sup>th</sup> Range road situated on the line separating ranges 4 and 5; easterly, the north limit of the right of way of the said road to a point situated 250.07 metres west of the apex of the southeast angle of lot 12B of range 5, the north limit of the said right of way delimiting the said lot to the south; in lots 12B and 12A of range 5, successively, a straight line passing by a point situated on the line separating the said lots at a distance of 250.30 metres from the eastern extremity of the said line then the extension of that straight line to the centre line of the McFaul brook; generally towards the northeast, the centre line of the said brook to the line separating lot 11C from lots 12A and 12B of range 5; northerly, part of the line

separating the said lots to the centre line of the Du Lièvre river; generally towards the southeast, the centre line of the said river downstream to its meeting with the extension westerly of the south line of lot 11B of range 5; easterly, the said extension and the south line of lots 11B, 11A and 10A of range 5; southerly, part of the west line of lot 9B of range 5 to the north line of lot 9B-12 of range 5; easterly, the north line of lots 9B-12 and 9B-1-1 of range 5; northwesterly, part of the north line of lot 9B-1 of range 5 for a distance of 18.83 metres; in lot 9B of range 5, successively, northeasterly, a straight line forming an internal angle of  $76^{\circ}08'$  with the preceding line and measuring 139.38 metres then, southeasterly, a straight line at an interior angle of  $90^{\circ}$  in relation to the preceding line and measuring 177.76 metres, to the north line of lot 9B-62 of range 5; easterly, part of the north line of the said lot to the apex of its northeast angle; southerly, part of the west line of lot 8C of range 5 to the north limit of the right of way of the road situated on the line separating ranges 4 and 5; lastly, easterly, the north limit of the right of way of the said road then the line separating the said ranges to the starting point.

SCHEDULE V  
(section 5)

CHARTER OF VILLE DE LÉVIS

**CHAPTER I**

CONSTITUTION OF THE MUNICIPALITY

1. A city is hereby constituted under the name “Ville de Lévis”.
2. The city is a legal person.
3. The territory of the city is the territory described in Schedule V-A.
4. Subject to any other provision of this Act or of any order of the Government made under section 9, the city is a municipality governed by the Cities and Towns Act (R.S.Q., chapter C-19).
5. The city succeeds to the rights, obligations and charges of the following municipalities as they existed on 31 December 2001 : Ville de Charny, Ville de Bernières-Saint-Nicolas, Ville de Lévis, Municipalité de Pintendre, Paroisse de Sainte-Hélène-de-Breakeyville, Municipalité de Saint-Étienne-de-Lauzon, Ville de Saint-Jean-Chrysostome, Paroisse de Saint-Joseph-de-la-Pointe-de-Lévy, Ville de Saint-Rédempteur, Ville de Saint-Romuald, Municipalité régionale de comté de Desjardins and Municipalité régionale de comté des Chutes-de-la-Chaudière.

The city becomes, without continuance of suit, a party to every suit, in the place of every municipality to which the city succeeds.

6. The by-laws, resolutions, minutes, assessment roll, collection roll and other acts of each of the municipalities that are consistent with the provisions of this Act and of any order of the Government made under section 9 shall remain in force in the territory for which they were made until their objects are attained or until they are amended, replaced or repealed in accordance with this Act. They are deemed to be acts of the city or, according to the field of jurisdiction to which they relate, of the borough within which that territory is situated.
7. The officers and employees of the municipalities referred to in section 5 shall become, without reduction in salary, officers and employees of the city, and shall retain their seniority and employee benefits and, in particular, continue to be members of the pension plan of which they were members prior to the constitution of the city.

The officers and employees of Municipalité régionale de comté de Desjardins and of Municipalité régionale de comté des Chutes-de-la-Chaudière who, on 31 December 2001 exercise their functions within the scope of the jurisdiction of the regional county municipality as regards land use planning, may be

reassigned to the Communauté métropolitaine de Québec by any order of the Government made under section 9.

No officer or employee to whom this section applies, other than an officer or employee having entered into employment with any of the municipalities after 15 November 2000, may be laid off or dismissed solely by reason of the constitution of the city.

8. The debts and any category of surplus of each of the municipalities referred to in section 5 shall continue to burden or be credited to the immovables that were taxable in their respect on 31 December 2001. In particular, any unfunded liability of a pension plan established in respect of officers and employees or elected municipal officers of such a municipality or the surplus of such a plan shall continue to burden or be credited to the immovables that were taxable in its respect on 31 December 2001.

The revenues or costs in relation to legal proceedings or a dispute to which such a municipality or, as the case may be, the city is a party in respect of an event prior to 1 January 2002 that concerns the municipality, shall continue to be credited to or to burden the taxable immovables of the sector formed by the territory of that municipality.

9. The Government may, by order, from among the special legislative provisions that govern any municipality referred to in section 5 on 31 December 2001, determine the provisions, if any, that are to apply to all or any part of the territory of the city determined in the order.

An order under the first paragraph may also, in relation to all or any part of the territory of the city, contain any rule

(1) prescribing the conditions under which a special legislative provision referred to in the first paragraph is to apply;

(2) providing a remedy for any omission for the purpose of ensuring the application of this Act; and

(3) derogating from any provision of an Act for which the Minister of Municipal Affairs and Greater Montréal is responsible, of this Act, of a special Act governing a municipality referred to in section 5, or of an instrument made under any of those Acts.

An order under the first paragraph may, however, derogate from section 8 only to allow for the sharing, to the extent fixed in the order, of the debts incurred by a municipality after 20 December 2000 in connection with the carrying out of an economic development project.

Any order of the Government made pursuant to this section must be made before 4 November 2001 and comes into force on the date of its publication in the *Gazette officielle du Québec* or on any later date indicated therein.

**CHAPTER II****ORGANIZATION OF THE MUNICIPALITY****DIVISION I****DIVISION OF TERRITORY**

10. The territory of the city is, for the exercise of certain of its fields of jurisdiction, divided into three boroughs described in Schedule V-B.

The city council may, by by-law, number the boroughs.

**DIVISION II****CITY COUNCIL AND BOROUGH COUNCILS**

11. The affairs of the city shall be administered, in accordance with the apportionment of the powers and jurisdiction provided by this Act, by the city council or, as the case may be, by each borough council.

12. Subject to any other provision of this Act or any order of the Government made under section 9, the borough council is, as regards the exercise of its jurisdiction, subject to the rules provided for by the Cities and Towns Act (R.S.Q., chapter C-19) in respect of the council of a municipality, in particular the rules relating to the requirement that council meetings be open to the public.

§1. — *City council*

13. The city council is composed of the mayor and 15 councillors.

14. The mayor is elected by the electors of all the boroughs.

15. The councillors are elected by the electors of the borough they represent. Each borough is represented on the city council by the number of councillors prescribed by Schedule V-B in its regard.

§2. — *Borough council*

16. A borough council is made up of the councillors who represent the borough on the city council.

17. The borough council shall designate a borough chair from among its members.

18. If the members of a borough council are unable to designate the chair at the latest at the first regular meeting of the borough council following a general election, the city council may make that designation. As long as the city council has not designated the chair, the members of the borough council may do so.

The person designated to act as borough chair shall hold office until the end of the person's term of office as councillor in effect at the time of the designation.

19. The council may, by by-law, grant additional remuneration to the borough chair. The additional remuneration may be fixed according to the population of the borough, by classes established by the council or proportionally.

The Act respecting the remuneration of elected municipal officers (R.S.Q., chapter T-11.001) applies to the additional remuneration.

### **DIVISION III**

#### **EXECUTIVE COMMITTEE**

20. The executive committee of the city is composed of the mayor and four members designated by the mayor from among the members of the council.

The mayor shall designate at least one member from among the councillors of every borough.

The mayor may replace a member of the executive committee at any time.

21. The mayor of the city is the chair of the executive committee. The mayor shall designate the vice-chair from among the members of the executive committee.

22. Any designated member of the executive committee may resign from the executive committee by sending a written notice to that effect, signed by the member, to the clerk. The resignation takes effect on the date the clerk receives the notice, or on any later date specified in the notice.

23. The regular meetings of the executive committee are held at the place and on the days and at the times fixed in the internal management by-laws adopted by the council.

The special meetings of the executive committee are held at the place, on the days and at the times fixed by the chair.

24. The chair of the executive committee shall convene and preside at meetings of the executive committee and ensure that they are properly conducted.

25. The vice-chair replaces the chair where the latter is unable to act or where the office of chair is vacant. The vice-chair may also preside at a meeting of the executive committee at the request of the chair.

26. Any member of the executive committee who is not present at the place where a meeting is held may take part in the meeting by means of electronic communications equipment.

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

Every member participating in such manner in a meeting is deemed to be present at the meeting.

27. The meetings of the executive committee are closed to the public.

However, the executive committee sits in public

(1) in the cases provided for in the internal management by-laws of the city; and

(2) for all or part of a meeting if the executive committee so decides.

28. A majority of members constitutes a quorum at meetings of the executive committee.

29. Each member of the executive committee present at a meeting has one vote.

30. Each decision is made by a simple majority vote.

31. The executive committee exercises the responsibilities as provided in section 70.8 of the Cities and Towns Act (R.S.Q., chapter C-19) and acts for the city in all cases in which a provision of the internal management by-laws assigns the power to perform the act to the executive committee. The executive committee may grant any contract involving an expenditure that does not exceed \$100,000.

The executive committee shall give the council its opinion on any matter, where required to do so under a provision of the by-laws, at the request of the council or on its own initiative.

The opinion of the executive committee does not bind the council. Failure to submit an opinion required under the internal management by-laws or requested by the council does not limit the council's power to consider and vote on the matter.

32. The council may, in the internal management by-laws, determine any act within its jurisdiction which it has the power or the duty to perform, that it delegates to the executive committee, and prescribe the terms and conditions of the delegation.



However, the following powers may not be delegated :

(1) the power to adopt a budget, a three-year program of capital expenditures or a document required under the Act respecting land use planning and development (R.S.Q., chapter A-19.1), Chapter IV of the Cultural Property Act (R.S.Q., chapter B-4), the Act respecting municipal courts (R.S.Q., chapter C-72.01), the Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2) or the Act respecting municipal territorial organization (R.S.Q., chapter O-9) ;

(2) the power to designate a person to a position that may only be held by a member of the council ;

(3) the power to appoint the director general, the clerk, the treasurer and their assistants ;

(4) the power to create the various departments within the city, determine the scope of their activities and appoint the department heads and assistant heads ; and

(5) the power to dismiss, suspend without pay or reduce the salary of an officer or employee who is not an employee within the meaning of the Labour Code (R.S.Q., chapter C-27) and who has held a position for at least six months or has held, within the city, a position the holder of which is not an employee within the meaning of that Code.

The council may also, in the internal management by-laws, determine any matter on which the executive committee must give its opinion to the council, and prescribe the terms and conditions of consultation. The internal management by-laws may also prescribe the manner in which a member of the council may request the executive committee to report to the council on any matter within the jurisdiction of the executive committee.

33. The executive committee may adopt an internal management by-law concerning its meetings and the conduct of its affairs. The by-law may also, if permitted by the internal management by-laws of the city, enable the executive committee to delegate to any employee of the city the power to authorize expenditure on the conditions determined by the executive committee and in accordance with the rules and restrictions applicable to the city and enter into contracts on behalf of the city.

34. A decision by the council to delegate a power to or withdraw a power from the executive committee must be supported by a majority of two-thirds of the votes of the members of the council.

**DIVISION IV****PROVISIONS CONCERNING ELECTIONS**

35. Subject to this Act and to any order of the Government made under section 9, the Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2) applies in respect of the election of the mayor of the city and the councillors.

36. Every borough shall be divided into districts. There must be one district per councillor.

37. For the purposes of section 47 of the Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2), 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 situated within the territory of the borough where the person exercises the right to vote.

38. For the purposes of section 57 of the Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2), the list formed by the lists of electors of all the boroughs constitutes the list of electors of the municipality.

39. A person is eligible for office as mayor or as a member of the city council if the person is entitled to have his or her name entered on the list of electors of any borough and has resided continuously or not in the territory of the city for at least 12 months on 1 September of the calendar year in which a regular election is to be held.

**DIVISION V****OFFICERS AND EMPLOYEES**

40. The city 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 city or in connection with responsibilities under the authority of a borough council, and decisions relating to their hiring and dismissal, and negotiation of their conditions of employment are within the authority of the city council.

41. The borough council shall, however, determine the assignment of the work and the responsibilities of the officers and employees the city assigns to the borough. Disciplinary measures other than dismissal are also within the authority of the borough council.

42. The city council shall determine the staff required for the management of each borough.

Subject to the third paragraph, it shall define the staffing methods used to fill positions and the procedures for the identification, placing on reserve and assignment of public servants having permanent tenure who are surplus to the requirements of a borough.

Borough staffing and recall to work must be effected giving priority to the employees in the borough among those who meet the reassignment requirements or, as the case may be, the selection criteria negotiated and agreed by the parties to a collective agreement.

43. Notwithstanding section 40, the borough council may negotiate and agree on the clauses of a collective agreement that relate to the following matters:

- (1) overtime work, except remuneration;
- (2) work schedules, except duration of work;
- (3) annual vacation, except quantum and remuneration; and
- (4) statutory and floating holidays, except quantum and remuneration.

44. The borough council must send, within 30 days after a notice of negotiation has been received by the addressee or is deemed to have been received in accordance with section 52.2 of the Labour Code (R.S.Q., chapter C-27), a notice to the city and the certified association concerned identifying which of the matters referred to in section 43 it intends to negotiate.

The negotiating stage in respect of matters referred to in section 43 begins once the notice has been received by the certified association.

45. Strikes and lock-outs are prohibited in respect of any matter referred to in section 43.

46. Clauses negotiated and agreed by a certified association and a borough council also bind the city.

47. An agreement on a matter referred to in section 43 shall be filed at the office of the labour commissioner general in accordance with the first paragraph of section 72 of the Labour Code (R.S.Q., chapter C-27). The agreement shall take effect in accordance with the provisions of the second paragraph of that section.

48. If no agreement is reached on a matter referred to in section 43, one party may request the Minister of Labour to appoint a mediator-arbitrator with a view to settling their disagreement.

49. The mediator-arbitrator shall endeavour to bring the parties to settle their disagreement. For that purpose, the mediator-arbitrator shall meet with the parties and, in case of refusal to attend a meeting, give them an opportunity to present their observations.

50. If a disagreement subsists 60 days after the appointment of the mediator-arbitrator, one party may request the mediator-arbitrator to rule on the subject of the disagreement. If the mediator-arbitrator is of the opinion that a settlement is not likely to be reached by the parties, the mediator-arbitrator shall rule on the question and inform the parties of the decision.

The decision of the mediator-arbitrator is deemed to be an agreement within the meaning of section 47.

51. Except on a question of jurisdiction, no action pursuant to article 33 of the Code of Civil Procedure (R.S.Q., chapter C-25) may be taken nor any extraordinary recourse within the meaning of that Code be exercised, and no provisional remedy may be ordered against the mediator-arbitrator appointed under section 48.

52. Notwithstanding section 44, a borough council and a certified association may, at any time, negotiate and agree on the replacement, amendment, addition or repeal of a clause of the collective agreement relating to a matter referred to in section 43.

In no case, however, may any negotiation under the first paragraph give rise to a dispute.

## **DIVISION VI**

### **CONSEIL DES ARTS**

53. The council may, by by-law, establish an arts council.

54. The arts council has the following functions :

(1) to draw up and keep a permanent list of the associations, societies, organizations, groups or persons engaged in artistic and cultural activities in the territory of the city ;

(2) to combine, co-ordinate and promote artistic or cultural initiatives in the territory of the city ; and

(3) within the limits of the funds available for that purpose, to designate the associations, societies, organizations, groups or persons and the artistic or cultural events worthy of receiving grants, fix the amount of any grant and recommend the payment of it by the city.

The city council may, by by-law, confer any other power on the arts council or impose on it any other duty it considers advisable to better enable it to attain its objects.

55. The council shall determine, by the by-law referred to in section 53, the number of members composing the arts council, the qualifications they must have, the duration of their terms and the time and method of their appointment and replacement, as well as the rules of internal management and operation of the arts council, and the rules of procedure for its meetings.

56. The members of the arts council must be Canadian citizens and be domiciled in the territory of the city.

The members are appointed by the city council which shall designate a chair and two vice-chairs from among the members.

57. The members of the arts council are not remunerated. However, they are entitled to reimbursement by the arts council for all expenses authorized by the arts council and incurred by the members in the exercise of their functions.

58. The members of the arts council may retain the services of the personnel they require, including a secretary, and fix their remuneration.

The employees of the arts council are not by that sole fact officers or employees of the city.

The treasurer of the city or such assistant as the treasurer may designate is by virtue of office the treasurer of the arts council.

59. The fiscal year of the arts council coincides with that of the city, and the city's auditor shall audit the financial statements of the arts council and, within 120 days following the expiry of the fiscal year, make a report of that audit to the city.

60. The arts council is provided with a special fund of which the treasurer of the arts council has custody.

61. The fund is constituted of

- (1) the gifts, legacies and grants made to the arts council;
- (2) the sums voted annually for that purpose out of the city's budget; and
- (3) the sums put at the disposal of the arts council every year that have not been used before the end of the fiscal year.

The city council may, by by-law, prescribe the minimum amount that must be allocated every year for the purposes of subparagraph 2 of the first paragraph. As long as the by-law remains in force, the treasurer of the city must include the amount so prescribed in the certificate the treasurer prepares in accordance with section 474 of the Cities and Towns Act (R.S.Q., chapter C-19).

62. The fund shall be used exclusively to pay grants, on the recommendation of the arts council, and to defray the administrative costs of the arts council.

At the end of each fiscal year, the treasurer of the arts council shall render account to it of the sums paid under the first paragraph.

63. The jurisdiction of the arts council extends to every municipality whose territory is situated in whole or in part within a 50-kilometre radius of the territory of the city and which has expressed such a desire by a resolution of its council transmitted to the clerk of the city.

The council of such a municipality is empowered to pass the resolution provided for in the first paragraph.

The resolution remains in force for a period of three years; it is thereafter tacitly renewed every three years for a new three-year period unless the municipality has given the clerk of the city a notice to the opposite effect at least six months before the date of expiry of the three-year period then in effect.

The arts council has jurisdiction in respect of the municipality as long as the resolution remains in force.

64. The city shall fix the annual contribution that must be paid into the fund by a municipality in respect of which the arts council has jurisdiction pursuant to section 63; it shall also fix the terms and conditions and the time of payment of the contribution.

A municipality may require the city to fix in its respect, for a period of three years, the contribution, the terms and conditions and the time referred to in the first paragraph before it transmits its resolution to the clerk of the city in accordance with the first paragraph of section 63, or, where applicable, at least one month before the expiry of the time allowed it to give a notice in accordance with the third paragraph of that section.

65. A municipality in respect of which the arts council has jurisdiction pursuant to section 63 is authorized and required to pay into the fund the annual contribution fixed in its regard in accordance with section 64.

66. For the purposes of this division, "territory of the city" includes the territory of a municipality in respect of which the arts council has jurisdiction pursuant to section 63.

## **CHAPTER III**

### **JURISDICTION**

#### **DIVISION I**

##### **GENERAL PROVISIONS**

67. The city has jurisdiction in all matters within the jurisdiction of a local municipality, and shall exercise its powers and fulfil its obligations in respect thereof, subject to any provision of this Act or of any order made by the Government under section 9.

The city shall act through its council if the apportionment of jurisdiction provided by this Act does not implicitly or explicitly enable a determination to be made as to whether the power to act lies with the city council or with the borough council.

68. The city council may, by a by-law adopted by two-thirds of the votes of its members, order that it has jurisdiction in all or part of a field within the authority of the borough councils.

The city council may, by a by-law adopted by two-thirds of the votes of its members, delegate to the borough councils its jurisdiction in all or part of a field within its jurisdiction, other than the power to borrow and the power to levy taxes.

69. The city council may, subject to the conditions it determines, provide a borough council with a service related to a jurisdiction of the borough council; the resolution of the city council shall take effect on passage by the borough council of a resolution accepting the provision of services.

A borough council may, subject to the conditions it determines, provide the city council with a service related to a jurisdiction of the city council; the resolution of the borough council shall take effect on passage by the city council of a resolution accepting the provision of services.

Every decision under the first or second paragraph shall be made by a two-thirds majority of the votes cast.

70. In the event of incompatibility between a provision of a by-law of the city council and a provision of a by-law of the borough council, the former shall prevail.

**DIVISION II****SPECIAL FIELDS OF JURISDICTION OF THE CITY****§1. — *General provisions***

71. In addition to what is provided in section 67, the city has, to the extent provided by this Act or by the order of the Government made under section 9, special jurisdiction, obligations and powers in the following fields :

- (1) land use planning and development ;
- (2) community, economic and social development ;
- (3) culture, recreation and parks ;
- (4) social housing ;
- (5) the arterial system ;
- (6) tourist promotion and hospitality ; and
- (7) the municipal court.

**§2. — *Land use planning and development***

72. For the purposes of paragraph 7 of section 119 of the Act respecting land use planning and development (R.S.Q., chapter A-19.1), the city shall assign to each borough an officer responsible for the issuing of permits and certificates.

**§3. — *Community, economic and social development***

73. The city shall prepare a plan relating to the development of its territory.

The plan shall include the objectives pursued by the city as regards community, economic and social development and the rules relating to the financial support a borough council may grant to a body carrying on its activities in the borough and whose mission is local economic, community or social development.

**§4. — *Culture, recreation and parks***

74. The city shall, by by-law, identify the parks and cultural or recreational equipment to be managed by the city council.

75. The city may, by by-law, determine the location of a park to be under the management of the city council, whether or not the city is the owner of the land.



Such a by-law is without effect as regards third persons as long as the city is not the owner of the land or has not made an agreement allowing it to operate the park with the owner of the land or, in the case of land in the domain of the State, with the person having authority over the land.

76. From the coming into force of the by-law provided for in section 75, the city may make an agreement with any person holding the right of ownership or any other right in respect of an immovable situated in the park concerned.

Such an agreement may provide

(1) that the person retains the right for a certain period or with certain restrictions ;

(2) that the person grants the city a right of preemption ;

(3) that the person agrees not to make improvements or changes to the immovable except with the consent of the city ; and

(4) that the person agrees, in case of total or partial expropriation of the right, not to claim any indemnity by reason of an increase in value of the immovable or right that could result from the establishment of the park or from improvements or changes made to the immovable.

The agreement may also contain any other condition relating to the use of the immovable or right.

77. The city may, by by-law, in respect of a park under the management of the city council,

(1) establish rules governing the protection and preservation of the natural environment and its elements ;

(2) determine the extent to which and the purposes for which the public is to be admitted ;

(3) prescribe the conditions on which a person may stay, travel or engage in an activity in the park ;

(4) prohibit or regulate the carrying and transport of firearms ;

(5) prohibit or regulate the use or parking of vehicles ;

(6) prohibit the transport and possession of animals or prescribe the conditions with which a person having custody of an animal must comply ;

(7) prohibit or regulate posting ;

(8) establish rules for maintaining order and for ensuring the cleanliness of the premises and the well-being and tranquillity of users ;

(9) prohibit certain recreational activities or prescribe conditions governing participation in such activities ;

(10) prohibit or regulate the operation of businesses ;

(11) determine cases where a person may be kept out or expelled ; and

(12) determine powers and obligations of employees.

78. The city may operate accommodation, restaurant or commercial establishments, or parking lots, in a park to be managed by the city council, for the benefit of users, or cause such establishments to be operated.

79. The city, a regional county municipality or a local municipality may make an agreement with respect to parks in accordance with the provisions of Section XXV of Chapter II of Title XIV of the Municipal Code of Québec (R.S.Q., chapter C-27.1).

80. For the purposes of sections 74 to 79, a natural area or a corridor for recreational and sports activities is considered to be a park.

§5. — *Social housing*

81. The city shall establish a social housing development fund.

The city shall pay into the fund annually an amount at least equal to the basic contribution required to build the housing allocated to its territory by the Société d'habitation du Québec.

The Société shall provide the city with the information necessary to determine the amount to be paid into the fund.

§6. — *Arterial system*

82. The city shall identify, from among the streets and roads under the management of the city pursuant to section 467.16 of the Cities and Towns Act (R.S.Q., chapter C-19), those which form its arterial system and those which form the system under the management of the borough councils.

It shall also establish minimum standards for the management of those systems.

The city council shall, in respect of the city's arterial system, exercise the jurisdiction of the city as regards traffic signs and signals and the control of traffic ; the city council may prescribe standards for the harmonization of the rules governing traffic signs and signals and the control of traffic in respect of all the systems referred to in the first paragraph.

§7. — *Tourist promotion and hospitality*

83. The city has jurisdiction to promote tourism and provide for tourist hospitality in its territory.

The city may enter into an agreement with any person or body pursuant to which it entrusts to or shares with such person or body the exercise of the jurisdiction provided for in the first paragraph or of any aspect thereof. Where the person or body has jurisdiction in a territory other than that of the city, the latter may, in carrying out the agreement, also promote tourism and tourist hospitality in that other territory.

### **DIVISION III**

#### **JURISDICTION OF THE BOROUGH COUNCIL**

§1. — *General provisions*

84. The borough council may submit opinions and make recommendations to the city 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 city council.

85. The borough council has, for the borough and to the extent provided by this Act or by the order of the Government made under section 9, jurisdiction, powers and obligations in the following fields:

- (1) urban planning ;
- (2) the fire prevention aspect of fire safety ;
- (3) removal of residual materials ;
- (4) local economic, community and social development ;
- (5) culture, recreation and borough parks ; and
- (6) local roads.

Subject to the provisions of this Act or of the order of the Government made under section 9, the borough council has, in the exercise of such jurisdiction with the necessary modifications, all the powers and is subject to all the obligations assigned to or imposed on a local municipality by the Cities and Towns Act (R.S.Q., chapter C-19) or any other Act, other than the power to borrow and the power to levy taxes.

The borough council shall maintain a borough office, for the purposes of issuing permits and affording the population access to information on any matter within the authority of the city council or of the borough council.

§2. — *Urban planning*

86. For the purposes of sections 123 to 137 of the Act respecting land use planning and development (R.S.Q., chapter A-19.1),

(1) a public consultation meeting shall be held in each borough concerned by the draft by-law ;

(2) the date, time and place of any meeting shall be fixed by the council of any borough in which a meeting is to be held under paragraph 1 ;

(3) every public consultation meeting shall be presided by the chair of the borough council ;

(4) the notice required by section 126 of that Act shall be posted at the office of the city and at the office of each borough concerned by the draft by-law, and shall state that a copy of the draft by-law is available for consultation both at the office of the city and at the office of each such borough ;

(5) the summary referred to in section 129 of that Act may be obtained at the office of the borough ; and

(6) a notice under section 132 of that Act shall be issued separately for each borough and shall deal only with the provisions of the second draft by-law that are to affect the borough concerned by the notice.

87. The borough council may, in accordance with Chapter V of Title I of the Act respecting land use planning and development (R.S.Q., chapter A-19.1), with the necessary modifications, establish an advisory planning committee.

88. A borough council having an advisory planning committee may adopt a by-law concerning minor exemptions from the planning by-laws of the city.

Division VI of Chapter IV of Title I of the Act respecting land use planning and development applies (R.S.Q., chapter A-19.1), with the necessary modifications. In particular, the notice referred to in section 145.6 of that Act shall be published in accordance with the Cities and Towns Act (R.S.Q., chapter C-19) and be posted at the office of the borough.

§3. — *Prevention aspect of fire safety*

89. The borough council shall participate, by its recommendations, in the preparation of the city's fire safety cover plan and its amendments and revisions, and promote the implementation in the borough of the measures contained in it.

§4. — *Removal of residual materials*

90. The borough council shall exercise the jurisdiction of the city as regards the removal of residual materials.

§5.— *Local economic, community and social development*

91. Notwithstanding the Municipal Aid Prohibition Act (R.S.Q., chapter I-15), the borough council may, in accordance with the rules established in the development plan prepared by the city pursuant to section 73, provide financial support to a body carrying on its activities in the borough and whose mission is local economic, community or social development.

§6. — *Culture, recreation and borough parks*

92. The borough council is responsible for the management of the parks and the cultural and recreational equipment situated in the borough and not identified in the city by-law adopted under section 74.

The borough council is also responsible for the organization of recreational sports and sociocultural activities. It may for that purpose provide financial support to bodies whose goal is to organize and foster physical or cultural activity.

§7. — *Local roads*

93. The borough council is responsible for the management of the streets and roads identified by the city council in accordance with section 82. It shall exercise, in respect of those streets and roads, the jurisdiction of the city as regards traffic signs and signals and the control of traffic in a manner consistent with the rules established by the city council under that section 82.

## **CHAPTER IV**

### **SPECIAL FINANCIAL AND FISCAL PROVISIONS**

#### **DIVISION I**

##### **FINANCIAL PROVISIONS**

94. The city shall determine the annual allotment to be made to each borough council according to a formula it determines that establishes, among other things, elements of equalization among the boroughs.

95. The borough council is responsible for the management of its budget.

It must, however, administer its allotment in conformity with the minimum standards fixed by by-law of the city council regarding the level of services to be offered by each borough council.

96. The only mode of tariffing which may be used by the borough council to finance all or part of its property, services or activities is a tariff involving a fixed amount charged on an *ad hoc* basis, in the form of a subscription or under terms similar to those of a subscription, for the use of a property or service or in respect of a benefit derived from an activity.

No borough council shall require the inhabitants and ratepayers of the other city boroughs to pay an amount greater than the amount required from the inhabitants and ratepayers of the borough.

Revenues generated by the application by the borough council of a mode of tariffing referred to in the first paragraph are for the exclusive use of the borough council.

97. The borough council may request the city to grant it an additional amount with a view to increasing the level of its services.

Where the city grants the borough council's request, the city may, to finance such additional amount, require compensation from the owners or occupants of immovables situated in the borough, or levy a tax on the taxable immovables situated in the borough.

98. Every agreement entailing commitment of the city's funds by a borough council for a period extending beyond the fiscal year in which the agreement is made must be authorized by the city council.

The city council may, by by-law, provide for exceptions to the rule set out in the first paragraph.

99. A loan by-law the subject of which is the execution of permanent work on waste water purification works, drinking water supply systems, underground conduits, road surfacing, curbs, sidewalks, lighting and traffic signs and signals, and the acquisition by agreement or expropriation of land or servitudes required for the execution of that work need not be submitted for approval to the qualified voters.

## **DIVISION II**

### **FISCAL PROVISIONS**

100. The city may, by by-law, establish the rules enabling it to grant an abatement in order to limit to 5% the increase in the amount of the general property tax or of the tax or surtax on non-residential immovables payable for a fiscal year in respect of a unit of assessment, in relation to the amount of the same tax payable for the preceding fiscal year in respect of the same unit.

The by-law adopted under the first paragraph must, in particular, establish

(1) rules enabling the abatement to be applied in respect of a unit resulting from the combination of whole units;

(2) rules allowing for the increase in the value of a unit resulting from the realization of a condition provided for in section 32 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1) or from work performed on a building already forming part of the unit, where such work is substantially completed or where two years have elapsed since the beginning of the work, whichever event occurs first, to be disregarded.

The first and second paragraphs apply, with the necessary modifications, in respect of the business tax payable in respect of one and the same business establishment.

101. The city may, by by-law, establish the rules enabling it to provide for a surcharge on the amount of the general property tax or of the tax or surtax on non-residential immovables payable for a fiscal year in respect of a unit of assessment in order to limit the percentage of reduction, in relation to the amount of the tax payable in respect of the unit for the preceding fiscal year.

The first paragraph applies, with the necessary modifications, as regards the business tax payable in respect of the same business establishment.

102. For the purposes of sections 100 and 101, where the tax on non-residential immovables is levied for a fiscal year, and the surtax on non-residential immovables is levied for the following fiscal year, or vice versa, the same tax shall be considered to be levied for both fiscal years.

## **CHAPTER V**

### **EFFECTS OF AN AMALGAMATION ON LABOUR RELATIONS**

103. Subject to this section, sections 176.1 to 176.22 of the Act respecting municipal territorial organization (R.S.Q., chapter O-9), the third paragraph of section 176.23, and sections 176.24 to 176.26 apply, with the necessary modifications, to the amalgamations and transfers provided for in paragraph 1 in accordance with the rules set out in paragraphs 2 to 12

(1) to the amalgamation provided for in this Act and to the transfer of employees and officers from any municipal or supramunicipal body to the city;

(2) for the purposes of sections 176.1, 176.2, 176.10, 176.25 and 176.26, the expression “a municipality that ceased to exist on amalgamation” means “a municipality that will cease to exist on the constitution of the city”;

(3) the agreement provided for in section 176.2 and the decision rendered by a labour commissioner under sections 176.5 and 176.9 shall not operate to define the bargaining units with reference to one or more boroughs;

(4) the labour commissioner's decision must, in the cases provided for in sections 176.5 and 176.9, be rendered no later than 27 October 2001 ;

(5) the period for making an agreement under section 176.2 begins on 1 May 2001 and ends on 14 June 2001 ;

(6) 1 May 2001 is the reference date for the purposes of the second paragraph of section 176.5 ;

(7) the period for making an application under sections 176.6 and 176.7 begins on 15 June 2001 ;

(8) the provisions of the first paragraph of section 176.10 become effective on 1 May 2001, except the provisions of subparagraph *b* of subparagraph 1 of the first paragraph concerning dispute arbitration in the case of arbitration of a dispute involving the city and an association certified to represent police officers or firefighters to the extent that the dispute was referred to arbitration before 15 November 2000 and the arbitration award is rendered not later than 31 December 2001 for a period not exceeding 31 December 2000 ;

(9) the suspension of the application of paragraph *a* of section 22 of the Labour Code (R.S.Q., chapter C-27), provided for in subparagraph 3 of the first paragraph of section 176.10, terminates on 15 July 2001 ; as regards the suspension of the other provisions of section 22, the suspension terminates on 31 January 2003 ;

(10) the exercise of the right to strike of the employees of the municipalities referred to in section 5 is suspended from 1 May 2001 to 30 July 2002 ;

(11) every collective agreement binding a municipality referred to in section 5 expires on the date provided for its expiry or on 1 May 2002, whichever is earlier ; and

(12) the notice of negotiation referred to in section 176.14 may not be given before 1 May 2002.

## **CHAPTER VI**

### **TRANSITION COMMITTEE**

#### **DIVISION I**

##### **COMPOSITION AND ORGANIZATION OF THE TRANSITION COMMITTEE**

104. A transition committee composed of the members designated by the Minister of Municipal Affairs and Greater Montréal is hereby constituted, effective 20 December 2000. The number of members of the committee shall not be fewer than five nor more than seven.



The Minister shall designate a chair from among the committee members.

105. No person who is a member of the council of a municipality amalgamated under this schedule may sit as a member of the transition committee. In addition, a person who has acted as a member of the committee is ineligible for office as a member of the city council in the city's first general election; no such person may be employed by the city to hold a position referred to in the second paragraph of section 71 of the Cities and Towns Act (R.S.Q., chapter C-19) until the expiry of a period of two years from the end of the person's term as member of the committee.

106. The transition committee is a legal person.

The transition committee has its head office at the place determined by the Minister. Notice of the location and of any change of location of the head office must be published in the *Gazette officielle du Québec* and in a newspaper circulated in the territory described in section 3.

107. Every member of the transition committee shall be paid the remuneration and expense allowance determined by the Minister. The remuneration and allowance fixed in respect of the chair may be greater. The Minister may determine any other condition of employment of a member.

In addition, every member shall, in conformity with the internal management by-laws of the committee, be reimbursed for the expenses incurred on behalf of the committee in the exercise of his or her functions. The internal management by-laws concerning the reimbursement of expenses of each member of the transition committee must be approved by the Minister.

108. No deed, document or writing binds the transition committee unless it is signed by the chair or, to the extent determined in the internal by-laws of the transition committee, by a member of the committee's personnel.

The committee may allow, subject to the conditions and on the documents it determines in its internal management by-laws, that a signature be affixed by means of an automatic device or that a facsimile of a signature be engraved, lithographed or printed. However, the facsimile has the same force as the signature itself only if the document is countersigned by a person authorized by the chair.

109. The minutes of a meeting of the transition committee, approved by the committee and certified by the chair or any other member of the personnel so authorized by the internal management by-laws, are authentic, as are documents and copies emanating from the committee or forming part of its records if signed or certified by any such person.

110. The Minister shall appoint the secretary of the transition committee and determine the secretary's remuneration and other conditions of employment.

The secretary shall attend the meetings of the committee. The secretary shall keep the registers and have custody of the records and documents of the committee. The secretary shall exercise any other responsibility that the committee determines.

The secretary is responsible for access to the committee's documents.

If the secretary is unable to act, the committee may replace the secretary temporarily by appointing another person to that function. One of the members of the committee may also act in the place of the secretary if the secretary is unable to act.

111. The transition committee may hire the employees required for the exercise of its responsibilities, and determine their conditions of employment. The transition committee may also obtain the expert services it considers necessary.

112. No judicial proceedings may be brought against the members of the transition committee or the committee's employees and representatives by reason of an official act done in good faith in the exercise of their functions. Sections 604.6 to 604.10 of the Cities and Towns Act (R.S.Q., chapter C-19) apply, with the necessary modifications, in respect of the committee members and employees.

Any liability that may be connected with the protection of the members and employees of the committee under the first paragraph is assumed by the Government.

113. The Government may, under the conditions and on the terms it determines, grant the transition committee any sum it considers necessary for its operation.

114. The transition committee is a municipal body for the purposes of the Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., chapter A-2.1).

115. Unless otherwise provided in an order of the Government made under section 9, the mandate of the transition committee ends on the date of constitution of the city. The committee shall then be dissolved and its assets and liabilities transferred to the city.

## **DIVISION II**

### **MISSION OF THE TRANSITION COMMITTEE**

116. The mission of the transition committee is to participate, together with the administrators and employees of the municipalities referred to in section 5 and of any body thereof, in the establishment of the conditions most conducive to facilitating the transition, for the citizens of the new city, from the existing administrations to the new city.

**DIVISION III****OPERATION, POWERS AND RESPONSIBILITIES  
OF THE TRANSITION COMMITTEE****§1. — *Operation and powers of the committee***

117. The decisions of the transition committee shall be made at meetings of the committee.

The quorum at meetings of the committee is the majority of its members.

118. Subject to the second paragraph of section 124, the transition committee shall, during its term, provide the citizens of the municipalities referred to in section 5 with any information it considers relevant to keep them informed on the carrying out of its mission.

The Minister may issue directives to the committee in that respect.

119. The transition committee may adopt internal management by-laws establishing its rules of operation.

120. The transition committee may form any sub-committee for the examination of particular matters, determine its mode of operation and designate the members, including the person who is to chair the sub-committee.

A person who is not a member of the committee may also be designated as a member of a sub-committee.

121. The chair of the transition committee may entrust to one or more members of the committee or, where applicable, of a sub-committee the exercise of certain functions or the examination of any matter the chair indicates.

122. The transition committee may require any municipality referred to in section 5 or a body thereof to furnish information, records or documents belonging to the municipality or the body and which the transition committee considers necessary to consult.

123. The transition committee may require any municipality referred to in section 5 or a body thereof to submit a report on a decision or matter relating to the municipality or the body and that is within and relevant to the committee's functions, concerning the financial situation of the municipality or body or the staff or any person in its employment.

124. Sections 122 and 123 apply notwithstanding the Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., chapter A-2.1).

The members of the transition committee or of any sub-committee and the committee employees are required to ensure the confidentiality of the information obtained under sections 122 and 123.

125. The transition committee may, where it considers it necessary for the exercise of its responsibilities, use the services of an officer or employee of a municipality referred to in section 5 or a body thereof. The committee and the employer of the officer or employee shall agree on the amount to be paid by the committee for the use of the services.

Failing an agreement, the Minister may designate a conciliator at the request of the committee or the employer to assist the parties in reaching an agreement. The conciliator shall act as if he or she were designated under section 468.53 of the Cities and Towns Act (R.S.Q., chapter C-19), and section 469 of that Act applies in that case, with the necessary modifications.

The officers and employees seconded to the committee remain in the employment of the municipality or the body, as the case may be, are remunerated by their employer, and are governed by the same conditions of employment during the secondment.

126. Every member of the council and every officer or employee of a municipality referred to in section 5 or a body thereof must cooperate with the transition committee members, employees and representatives acting in the exercise of their functions.

## §2. — *Responsibilities of the committee*

127. The transition committee shall, as soon as it is able to do so after the designation of all of its members, establish an advisory committee formed of the mayors from the municipalities referred to in section 5. The transition committee may submit to the advisory committee any matter on which it seeks the opinion of the mayors of the municipalities referred to in section 5. The advisory committee may inform the transition committee of its opinion on any matter relating to the mandate of the transition committee.

The transition committee shall hold at least one meeting every month with the advisory committee. A member of the advisory committee who is unable to act may be replaced by a member of the council of the municipality it designates.

The rules of operation of the advisory committee may be prescribed by the internal management by-laws of the transition committee.

128. Every decision by which a municipality referred to in section 5 or a body thereof makes a financial commitment for a period extending beyond 31 December 2001 must be authorized by the transition committee if the decision is made on or after 15 November 2000.

Every collective agreement or contract of employment entered into or amended as of 15 November 2000 by a municipality referred to in section 5 must be authorized by the transition committee if the effect of the agreement or contract is to increase the remuneration and employee benefits of the officers and employees.

Until the transition committee is formed, an application must be made to the Minister for every authorization required under this section.

129. The transition committee shall hire and remunerate the election officers prescribed by the Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2) for the purposes of the city's first general election. The committee shall designate the person who is to act as the returning officer for the purposes of the election.

Subject to any other provision of this Act or of any order of the Government made under section 9, the transition committee shall in respect of the election exercise the powers and assume the responsibilities assigned to the council of a municipality by the Act respecting elections and referendums in municipalities.

130. The transition committee shall, for the purposes of the city's first general election and of any by-election held before the second general election, prepare a division of a borough into districts.

The transition committee shall, with the assistance of the chief electoral officer and using the information on the permanent list of electors, prepare a division of the territory of each borough into districts and a determination of their boundaries. The division of a borough into districts must result in there being only one councillor per district, and the determination must, as far as possible, respect the criteria set out in sections 11 and 12 of the Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2).

The division prepared by the transition committee in collaboration with the chief electoral officer must be submitted to the Minister by the transition committee, and has effect only if adopted by an order of the Government made under section 9.

131. The transition committee may examine the circumstances of the hiring of officers and employees after 15 November 2000 and make any recommendations to the Minister in their regard as concerns the protection provided for in section 7.

132. The transition committee shall, within the time prescribed by the Minister of Municipal Affairs and Greater Montréal, agree with all the certified associations within the meaning of the Labour Code (R.S.Q., chapter C-27) representing the employees in the employment of the municipalities referred to in section 5 on the procedure for the reassignment of those employees as members of the personnel of the city and on the rights of and remedies

available to an employee who believes he or she has been wronged as a consequence of the application of that procedure.

The parties may in addition agree on conditions of employment incidental to the reassignment of employees.

An agreement entered into under this section may not provide conditions of employment that entail higher costs than those entailed by the application of the conditions of employment applicable on 20 December 2000, or increase the staff.

The Minister may grant additional time at the request of the committee or of a certified association.

The provisions concerning the application of the reassignment process provided for in the applicable conditions of employment, or, where there is no such process, the provisions that allow employees to be assigned a position or a place of employment, constitute the employee reassignment procedure.

133. If an agreement has not been reached on all the matters referred to in the first and second paragraphs of section 132 within the time prescribed by the Minister, the Minister of Municipal Affairs and Greater Montréal shall so inform the Minister of Labour, and sections 125.16 to 125.23 of the Act respecting municipal territorial organization (R.S.Q., chapter O-9) apply, with the necessary modifications.

134. Subject to section 103, the transition committee shall, for the purposes of sections 176.2 to 176.9 of the Act respecting municipal territorial organization (R.S.Q., chapter O-9), negotiate any agreement on the determination of the future bargaining units with any association referred to in section 176.2 of that Act.

Any such agreement or any decision of the labour commissioner under sections 176.5 and 176.9 of that Act also binds the city.

135. The transition committee shall also prepare any plan for the reassignment of the officers and employees of the municipalities referred to in section 5 who are not represented by a certified association, as well as the procedure relating to the rights of and remedies available to an employee who believes he or she has been wronged as a consequence of the application of the reassignment plan.

A plan prepared under the first paragraph applies to the city as of 31 December 2001.

136. The transition committee shall appoint the director general, the clerk and the treasurer of the city for a term not to exceed five years.

It may create the various departments within the city, and determine the scope of their activities. The transition committee may appoint the department heads and assistant heads, and define their functions.

137. The transition committee shall consider the assets and liabilities of the municipalities referred to in section 5. It may make any recommendation to the council of the new city in that regard.

Notwithstanding section 8, only the city council may declare the debts related to any equipment or infrastructure to burden the taxable immovables of all or any part of the territory of the city.

138. The transition committee shall prepare the city's budget for the first fiscal year and determine a formula enabling it to fix the allotments of each of the boroughs, by establishing, among other things, elements of equalization among the boroughs and taking into account the services provided in 2001 by each of the local municipalities referred to in section 5.

139. The transition committee shall, within the scope of its mandate, make an inventory of the economic development bodies that have their head office or a business establishment in the territory referred to in section 3. The committee's study shall concern in particular the mission or mandate of every such body. The committee may make any recommendation in that respect to the Minister.

140. The transition committee shall examine any other matter or carry out any other mandate the Government may entrust to the committee in the pursuit of its mission.

141. The transition committee shall report to the Minister on its activities at the end of its mandate or at any time at the request of the Minister.

In addition to the recommendations made pursuant to this chapter, the committee's report may include any additional recommendation the committee considers necessary to bring to the attention of the Government and pertaining in particular to

(1) the boundaries of the city boroughs ;

(2) the difficulties encountered in applying this Act and any proposed amendments ; and

(3) any special provisions the committee considers expedient to incorporate into the legal framework applicable to the municipality or to the boroughs.

142. The transition committee shall also furnish to the Minister any information the Minister may require on its activities.

**CHAPTER VII****TRANSITIONAL AND FINAL PROVISIONS**

143. The polling for the first general election in Ville de Lévis shall take place on 4 November 2001 in accordance with the Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2).

144. For the purpose of determining whether a person is qualified as an elector, a candidate or a person qualified to vote at an election or in a referendum poll in the territory of the city, any period, prior to the date of coming into force of section 1, during which the person was resident, continuously or not, in the territory of a municipality referred to in section 5 or was the owner of an immovable or the occupant of a business establishment situated in that territory shall be counted as if the person had been a resident, owner or occupant from the beginning of that period in the territory in which he or she must qualify.

145. At the first general election, a member of the council of a municipality referred to in section 5 may be nominated and be, or be appointed as, a member of the council of Ville de Lévis, and hold both offices simultaneously. As long as both offices are held by the same person, he or she is not entitled to remuneration as a member of the council of Ville de Lévis.

146. The Minister of Municipal Affairs and Greater Montréal shall determine the place, date and time of the first meeting of the council that must be held for the sole purposes of section 147. If that meeting is not held, the Minister shall fix another meeting.

147. At the first meeting, the council shall adopt, with or without amendment, the budget of the city for the fiscal year 2002 prepared by the transition committee.

The budget of the city shall be transmitted to the Minister of Municipal Affairs and Greater Montréal within 30 days of its adoption by the council.

If, on 1 January 2002, the budget has not been adopted, one-twelfth of each appropriation provided for in the budget prepared by the transition committee is deemed to be adopted. The same rule applies at the beginning of each subsequent month if the budget has not been adopted at that time.

148. Sections 100 to 102 have effect until 31 December 2011.

149. Subject to any provision of an order of the Government made under section 9, all special provisions governing a municipality referred to in section 5 are repealed from the date of constitution of Ville de Lévis under section 5 of this Act.



SCHEDULE V-A  
(*section 3*)

DESCRIPTION OF THE TERRITORIAL LIMITS OF VILLE DE LÉVIS

The territory of the former Municipalité de Pintendre, the former Paroisse de Saint-Joseph-de-la-Pointe-de-Lévy and the former Ville de Lévis and an unorganized territory, the former Municipalité de Saint-Étienne-de-Lauzon, the former Paroisse de Sainte-Hélène-de-Breakeyville and the former cities or towns of Charny, Saint-Jean-Chrysostome, Saint-Nicolas, Saint-Rédempteur and Saint-Romuald and an unorganized territory comprising part of the bed of the St. Lawrence River and, with reference to the cadastres of the parishes of Notre-Dame-de-la-Victoire, Saint-David-de-L'Auberivière, Saint-Étienne-de-Lauzon, Saint-Henri-de-Lauzon, Saint-Jean-Chrysostome, Saint-Joseph, Saint-Nicolas, Saint-Romuald-d'Etchemin and Saint-Télesphore, the villages of Bienville, Lauzon and Lauzon (eastern part) and Ville de Lévis (Lauzon, Notre-Dame and Saint-Laurent wards), the lots or parts of lots, the blocks or parts of blocks and their present and future subdivisions and the roads, highways, streets, railway rights of way, islands, lakes, watercourses or parts thereof, the whole within the limits hereinafter described, to wit: starting from the meeting point of the line running midway between the right shore of the St. Lawrence River and the southwest shore of L'Île d'Orléans (Grands Voiliers channel) with the extension to the northwest of the northeast line of lot 1-5 of the cadastre of the parish of Saint-Joseph; thence, successively, the following lines and demarcations: southeasterly, successively, the said extension and the northeast line of lots 1-5, 1-4, 1-1, 203, 448 and 447 of the cadastre of the parish of Saint-Joseph, that line crossing highway 132, the Jean-Lesage autoroute and Saint-Roch and Ville-Marie roads which it meets; with reference to that cadastre, southwesterly, the southeast line of lots 447, 446, 445, 495, 444 retrograding to 437 and 430 retrograding to 402; northwesterly, part of the southwest line of lot 402 to the apex of the east angle of lot 401; southwesterly, the southeast line of lots 401 retrograding to 377, 341 and part of the southeast line of lot 342 to the line separating the cadastres of the parishes of Saint-Henri-de-Lauzon and Saint-Charles; southeasterly, the line separating the said cadastres to the apex of the east angle of lot 291 of the cadastre of the parish of Saint-Henri-de-Lauzon; with reference to that cadastre, generally towards the west, a broken line delimiting to the southeast, south and southwest the said lot 291, that line being extended across the railway right of way (lot 818) which it meets; southwesterly, part of the southeast line of lot 293 to the apex of the south angle of the said lot, that line being extended across the railway right of way (lot 818) which it meets; generally towards the northwest, an irregular line delimiting to the southwest lots 293, 294, 296 to 306, 308 to 314 and 316 to 322, that line being extended across the railway right of way (lot 818) which it meets; generally towards the west, part of the line separating the cadastres of the parishes of Saint-Joseph and Saint-Henri-de-Lauzon to the apex of the north angle of lot 218 of that last cadastre; successively southwesterly and northwesterly, the broken line separating the cadastres of the parishes of Notre-Dame-de-la-Victoire and Saint-Henri-de-Lauzon to the line separating lots 32 and 33 of that last cadastre, the line

crossing in its first section the railway right of way (lot 817 of the cadastre of the parish of Saint-Henri-de-Lauzon) and highway 173 which it meets; with reference to that cadastre, southwesterly, the line separating the said lots and its extension to the centre line of the Etchemin river; northwesterly, the centre line of the said river downstream to the extension towards the northeast of the southeast line of lot 801; southwesterly, the said extension and the southeast line of the said lot, that line being extended across the Terrebonne road and the railway right of way (lot 819) which it meets; generally towards the south, a broken line delimiting to the east lots 80, 81, 83 and 84 of the cadastre of the parish of Saint-Jean-Chrysostome; northeasterly, successively, the northwest line of lots 84 and 90 of the said cadastre then the northwest line of lot 792 of the cadastre of the parish of Saint-Henri-de-Lauzon, that line being extended across the railway right of way (lot 819 of the cadastre of the parish of Saint-Henri-de-Lauzon) which it meets; successively southerly and westerly, the east and south lines of the said lot 792, that last line being extended across the railway right of way (lot 819 of the cadastre of the parish of Saint-Henri-de-Lauzon) which it meets; westerly, part of the south line of lot 90 of the cadastre of the parish of Saint-Jean-Chrysostome to the apex of the northeast angle of lot 91 of the said cadastre; generally towards the south, part of the line separating the cadastres of the parishes of Saint-Jean-Chrysostome and Saint-Henri-de-Lauzon to the apex of the southwest angle of lot 730 of the cadastre of the parish of Saint-Henri-de-Lauzon situated on the north side of the right of way of highway 275; easterly, the north side of the right of way of the said highway delimiting to the south lot 730 to the extension to the north of the east line of lot 467 of the cadastre of the parish of Saint-Jean-Chrysostome; southerly, the said extension and east line of the said lot; southwesterly, part of the line separating the cadastre of the parish of Saint-Jean-Chrysostome from the cadastres of the parishes of Saint-Henri-de-Lauzon and Saint-Lambert to the apex of the south angle of lot 417 of the cadastre of the parish of Saint-Jean-Chrysostome, that line crossing the Saint-Jean highway and the railway right of way (lot 556 of the cadastre of the parish of Saint-Jean-Chrysostome) which it meets; generally towards the north, part of the line separating the cadastres of the parishes of Saint-Jean-Chrysostome and Saint-Lambert to the apex of the east angle of lot 416 of the cadastre of the parish of Saint-Jean-Chrysostome, that line crossing Beauséjour road and the Robert-Cliche autoroute which it meets; southwesterly, the southeast line of the said lot and its extension to the centre line of the Chaudière river; generally towards the south, the centre line of the said river upstream to the line separating the cadastres of the parishes of Saint-Étienne-de-Lauzon and Saint-Lambert; successively northwesterly and southwesterly, the broken line separating the said cadastres to the southwest line of the cadastre of the parish of Saint-Étienne-de-Lauzon; northwesterly, part of the southwest line of the said cadastre to the apex of the south angle of lot 106 of the said cadastre, that line crossing the Beaurivage river, highway 116 and the railway right of way (lot 392) which it meets; with reference to that cadastre, northeasterly, the line separating lots 106 and 105 from lots 107, 108 and 109; northwesterly, the northeast line of lot 105; southwesterly, the line separating lots 105 and 106 from lots 593 retrograding to 585 of the cadastre of the parish of Saint-Nicolas; successively southeasterly and southwesterly, the northeast and

southeast lines of lot 584 of the said cadastre ; northwesterly, the line separating the cadastre of the parish of Saint-Nicolas from the cadastres of the parishes of Saint-Apollinaire and Saint-Antoine and its extension to the centre line of the St. Lawrence River, that line crossing the Jean-Lesage autoroute, Demers and Aubin roads and highway 132 which it meets; successively easterly and northeasterly, the centre line of the said river downstream then the line running midway between the outer facing of the Louise basin wharves and the southeast shore of the said river to its meeting point with the southeasterly extension of the southwest line of lot 1 501 713 of the cadastre of Québec ; northwesterly, the said extension to a point situated 1,859.28 metres from the Legrade geodetic point (No. 67K1111) ; a straight line running astronomically N 58° 00' E to a line parallel to the southwest line of lot 1 501 713 of the cadastre of Québec and whose point of origin is the intersection between the low-water mark of the said river and the left shore of the Beauport river; lastly, northeasterly, a straight line to the meeting point of the extension of the line running midway between the left shore of the said river and the northwest shore of L'Île d'Orléans (L'Île d'Orléans channel) with the extension of the line running midway between the right shore of the said river and the southwest shore of L'Île d'Orléans (Grands Voiliers channel) then the extension and the centre line of the Grands Voiliers channel to the starting point.

SCHEDULE V-B  
(*section 10*)

I - BOUNDARIES OF THE BOROUGHS OF VILLE DE LÉVIS

**Desjardins Borough**

To the south, the south boundary of the former Paroisse de Saint-Joseph-de-la-Pointe-de-Lévy and the former Municipalité de Pintendre.

To the west, the west boundary of the former Municipalité de Pintendre and the former Ville de Lévis.

To the north, the north boundary of the former Ville de Lévis.

To the east, the east boundary of Ville de Lévis and the former Paroisse de Saint-Joseph-de-la-Pointe-de-Lévy.

**Chutes-de-la-Chaudière-Est Borough**

To the south, the south boundary of the former Ville de Saint-Jean-Chrysostome.

To the west, the west boundary of the former Ville de Saint-Jean-Chrysostome, the former Paroisse de Sainte-Hélène-de-Breakeyville, the former Ville de Charny and the former Ville de Saint-Romuald.

To the north, the north boundary of the former Ville de Saint-Romuald.

To the east, the east boundary of the former Ville de Saint-Romuald and the former Ville de Saint-Jean-Chrysostome.

**Chutes-de-la-Chaudière-Ouest Borough**

To the south, the south boundary of the former Municipalité de Saint-Étienne-de-Lauzon.

To the west, the west boundary of the former Municipalité de Saint-Étienne-de-Lauzon and the former Ville de Saint-Nicolas.

To the north, the north boundary of the former Ville de Saint-Nicolas.

To the east, the east boundary of the former Ville de Saint-Nicolas, the former Ville de Saint-Rédempteur and the former Municipalité de Saint-Étienne-de-Lauzon.

## II - NUMBER OF COUNCILLORS FOR EACH BOROUGH

Desjardins	6
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Chutes-de-la-Chaudière-Est	5
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Chutes-de-la-Chaudière-Ouest	4
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**SCHEDULE VI***(section 6)***COMMUNAUTÉ MÉTROPOLITAINE DE QUÉBEC****CHAPTER I****ESTABLISHMENT AND ORGANIZATION****DIVISION I****ESTABLISHMENT**

1. A metropolitan community is hereby established under the name “Communauté métropolitaine de Québec”.

The Community is a legal person.

2. The territory of the Community comprises the territories of the municipalities listed in Schedule VI-A.

3. The Community has its head office within its territory, at the place it determines.

Notice of the location and of any change of location of the head office must be published in the *Gazette officielle du Québec* and in a newspaper distributed in the territory of the Community.

**DIVISION II****COMPOSITION AND OPERATION**§1. — *Council*

4. The affairs of the Community are administered by a council of 17 members, composed of the following persons:

(1) the mayor of Ville de Québec, and eight persons designated by the council of that city from among its other members;

(2) the mayor of Ville de Lévis, and four persons designated by the council of that city from among its other members;

(3) the warden of Municipalité régionale de comté de La Côte-de-Beaupré;

(4) the warden of Municipalité régionale de comté de La Jacques-Cartier;

(5) the warden of Municipalité régionale de comté de L'Île-d'Orléans.

5. The mayor of Ville de Québec is the chair of the Community.

6. The council shall designate its vice-chair.

The vice-chair of the council shall replace the chair when the latter is unable to act or where the office of chair is vacant.

7. No member who is not a member by virtue of office may act as a member of the council until the secretary has received a copy of the instrument of designation.

8. The expiry of the term of office of a member of the council coincides with the expiry of the term of the office held by the member at the time of his or her designation to the council of the Community, or, as the case may be, of his or her term as warden.

9. A member of the council, other than a member by virtue of office, may resign from the council by sending a written notice to that effect, signed by the member, to the secretary. The resignation takes effect on the date the secretary receives the notice, or on any later date specified in the notice.

10. A member of the council, other than a member by virtue of office, may be replaced at any time by the council that designated the member.

11. The council shall sit where the Community has its head office.

However, the council may fix, in its internal management by-laws, another place as its usual place of meeting.

12. The council shall, before the start of each year, establish the schedule of its regular meetings by fixing the date and time of each meeting.

However, the council may decide that a regular meeting will begin at a date and time other than those indicated in the schedule, or that the council will sit at a place other than the usual place.

13. The secretary shall give public notice, in a newspaper circulated in the territory of the Community, of its schedule and of the place where the council is to sit for each meeting.

The secretary must also give public notice of any regular meeting that is to be held at a place other than the place mentioned in the notice given pursuant to the first paragraph, or at a date or time other than those appearing in the schedule.

14. Every special meeting must be convened.

Every regular meeting that is to be held at a place other than the place mentioned in the schedule, or at a date or time other than those appearing in the schedule, must also be convened.

A meeting that has been adjourned must be reconvened if the meeting is to continue at another place, or where the date and time of the continued meeting were fixed after the meeting was adjourned.

The members of the council may waive the notice of a meeting. A member's mere attendance at the meeting is a waiver, except where the member attends to object to the holding of the meeting on the ground that notice of the meeting was given irregularly.

15. The time limit for giving public notice under the second paragraph of section 13 or for receipt of a notice convening a meeting may be fixed in the internal management by-laws. However, no time limit for giving public notice may be less than three days and no time limit for convening a meeting may be less than 24 hours, except where required in cases of urgency.

16. The secretary shall prepare the agenda for each regular meeting and enter on it each matter submitted by the chair of the council. The internal management by-laws may prescribe the right of any other person or group determined in the by-laws to request a matter to be placed on the agenda, and set out the related conditions.

17. The special meetings of the council shall be convened by the secretary at the request of the chair of the Community, the executive committee or a committee of the council, or at the request of at least five members of the council. The notice convening the meeting must state the matters for which the meeting is requested and that are to be discussed at the meeting. The notice shall constitute the agenda for the meeting.

18. The chair of the Community shall preside at meetings of the council.

The chair is responsible for maintaining order and decorum at the meeting and may, for such purpose, expel any disorderly person from the place where the meeting is held.

19. The vice-chair may preside at any meeting of the council at the request of the chair.

20. The meetings of the council are public.

Each meeting includes a period during which the persons present may address questions to the members of the council.

The council may, in its internal management by-laws, prescribe the duration of the question period, the time it is to take place, and the procedure to follow in addressing a question.

21. Nine members constitute a quorum at meetings of the council.

22. Every member of the council present at a meeting has one vote.



23. Every decision of the council is made by a two-thirds majority of the votes cast, unless another form of majority is provided for by this schedule.

24. The council may adopt internal management by-laws to supplement the rules set out in this schedule.

§2. — *Executive committee*

25. The executive committee of the Community is hereby established.

26. The executive committee has five members.

The members of the executive committee are

(1) the chair of the Community ;

(2) the mayor of Ville de Lévis ;

(3) one person designated by the council of the Community from among the members of the council referred to in paragraphs 3 to 5 of section 4 ;

(4) one person designated by the council of the Community from among the members of the council referred to in paragraph 1 of section 4 ;

(5) one person designated by the council of the Community from among the other members of the council mentioned in paragraphs 1 and 2 of section 4.

27. The chair of the Community is the chair of the executive committee.

The mayor of Ville de Lévis is the vice-chair of the executive committee.

28. Any designated member of the executive committee may resign from the executive committee by sending a written notice to that effect, signed by the member, to the secretary. The resignation takes effect on the date the secretary receives the notice, or on any later date specified in the notice.

29. The regular meetings of the executive committee are held at the place and on the days and at the times fixed in the internal management by-laws adopted by the council.

The special meetings of the executive committee are held at the place, on the days and at the times fixed by the person who requested the convening of the meeting.

30. The chair of the executive committee shall convene and preside at meetings of the executive committee and ensure that they are properly conducted.

The internal management by-laws adopted by the council may provide that a special meeting of the executive committee may also be convened at the request of a number of members of the executive committee fixed in the by-laws and that shall not be less than three.

31. The vice-chair replaces the chair where the latter is unable to act or where the office of chair is vacant. The vice-chair may also preside at a meeting of the executive committee at the request of the chair.

32. Any member of the executive committee who is not present at the place where a meeting is held may take part in the meeting by means of electronic communications equipment.

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

Every member participating in such manner in a meeting is deemed to be present at the meeting.

33. The meetings of the executive committee are closed to the public.

However, the executive committee sits in public

(1) in the cases provided for in the internal management by-laws of the Community;

(2) for all or part of a meeting if the executive committee so decides.

34. A majority of members constitutes a quorum at meetings of the executive committee.

35. Each member of the executive committee present at a meeting has one vote.

36. Each decision is made by a simple majority vote.

37. The executive committee acts for the Community in all cases in which a provision, adopted under section 38, of the internal management by-laws assigns the power to perform the act to the executive committee.

The executive committee gives the council its opinion on any matter, where required to do so under a provision in the by-laws, at the request of the council or on its own initiative.

The opinion of the executive committee does not bind the council. Failure to submit an opinion required under the internal management by-laws or by the council does not restrict the council's power to consider and vote on the matter.

38. The council may, in the internal management by-laws, determine any act within its jurisdiction and which it has the power or the duty to perform, that it delegates to the executive committee, and prescribe the terms and conditions of the delegation.

However, the following powers may not be delegated:

(1) the power to adopt a budget, a three-year capital expenditure program or a document under the Act respecting land use planning and development (R.S.Q., chapter A-19.1);

(2) the power to designate a person to a position that may only be held by a member of the council;

(3) the authority to exercise the powers mentioned in sections 61 and 62.

The council may also, in the internal management by-laws, determine any matter on which the executive committee must give its opinion to the council, and prescribe the terms and conditions of consultation. The internal management by-laws may also prescribe the conditions on which a member of the council may request the executive committee to report to the council on any matter within the jurisdiction of the executive committee.

39. The executive committee may adopt an internal management by-law concerning its meetings and the conduct of its affairs. The by-law may also, if permitted by the internal management by-laws of the Community, enable the executive committee to delegate to any employee of the Community the power to authorize expenditure and enter into contracts on behalf of the Community, on the conditions determined by the executive committee and in accordance with the rules and restrictions applicable to the Community.

40. A decision by the council to delegate a power to or withdraw a power from the executive committee must be supported by a majority of two-thirds of the votes of the members of the council.

### §3. — *Committees of the Community*

41. The council may establish committees with the number of members it specifies.

42. The members of a committee are designated by the council and may be replaced at any time. The council designates a chair and vice-chair from among their number.

43. The office of chair of the Community or vice-chair of the council is incompatible with the positions of chair and vice-chair of a committee.

44. If a member of a committee resigns, the member's term of office ends on the date the secretary of the Community receives a written notice to that effect, signed by the member, or on any later date specified in the notice.

45. The term of the chair and of the vice-chair of a committee ends on the date on which the person concerned becomes the holder of a position that is incompatible with the position of chair or vice-chair of a committee.

46. The function of a committee is to examine any matter determined by the council that is within the jurisdiction of the Community. The committee makes the recommendations it considers appropriate to the council.

The executive committee may also request a committee established by the council to examine a matter within the executive committee's jurisdiction. In such a case the committee makes the recommendations it considers appropriate to the executive committee rather than to the council.

47. The meetings of a committee are public and section 20 applies, with the necessary modifications, to a meeting held by a committee. However, the council may, in the internal management by-laws, determine the cases in which the meetings of a committee are closed to the public.

The chair of the Community may attend any meeting of a committee without being a member of that committee. The chair may be heard at the meeting, but may not vote.

48. The secretary of the Community shall cause prior notice of each meeting of a committee to be published in a newspaper circulated in the territory of the Community.

49. The chair of a committee directs its activities and presides at its meetings.

50. The vice-chair replaces the chair if the latter is unable to act.

51. Each member of a committee has one vote. The decisions of the committee are made by a simple majority vote.

52. The committee reports on its work and decisions in a report signed by its chair or the majority of its members.

The report is sent to the chair of the Community, who tables it before the council or, if the decision recommended is within the jurisdiction of the executive committee, before the executive committee.

53. No report of a committee has effect unless it is ratified or adopted by the council or, as the case may be, by the executive committee.

54. The internal management by-laws of the council may require a committee to forward to the council every year, at the time determined by the council, a report of its activities during the preceding fiscal year.

### **DIVISION III**

#### **SALARIES, ALLOWANCES AND OTHER CONDITIONS**

55. The council shall fix, by by-law, the remuneration and allowance of its members. The remuneration and allowance are paid by the Community.

The remuneration may include, in addition to the base remuneration, an additional remuneration for the offices of chair and vice-chair of the council, of chair, vice-chair or member of the executive committee or of a committee and for any other position occupied by a member within a body of the Community.

The by-law may have effect retroactively to 1 January preceding its coming into force.

56. The council may, in the by-law adopted under section 55, prescribe the conditions on which the failure of a member of the council to attend a meeting of the council, the executive committee or any other committee on which the member sits as a member of the council entails a reduction in the member's remuneration or allowance, and prescribe the rules for computing the reduction.

57. The expenses actually incurred by any member of the council on behalf of the Community, the executive committee or any other committee on which the member sits must, in each case, be previously authorized by the council. The council shall approve payment upon receipt of a statement and supporting documents.

58. The council may establish a tariff applicable to cases where expenses are incurred by any of its members on behalf of the Community, the executive committee or any other committee on which the member sits as a member of the council.

Payment of an amount provided for in the tariff for an expense referred to in the first paragraph shall be approved by the council, executive committee or council committee, as the case may be, upon receipt of a statement and the supporting document required by the council.

59. The council may provide sufficient appropriations in the budget of the Community for the reimbursement of a class of expenses which the members may incur on behalf of the Community, the executive committee or any other committee on which they sit as a member of the council during the fiscal year, whether such expenses are actually incurred or provided for in the tariff.

The council is not required to give prior authorization for an expense included in such a class, if the expense does not exceed the balance of the appropriations, after subtracting the sums already used or set aside to reimburse previous expenses.

If all the appropriations for a fiscal year have been used, the council may appropriate, for the purposes provided for in this section, all or part of the balance of the sums provided for in the budget to cover unforeseen administrative expenses.

60. Sections 57 to 59 apply in respect of acts performed or expenses incurred while the member is representing the Community, the executive committee or any other committee, otherwise than in the course of the work of those bodies, or while the member is participating in any convention, seminar or other event held for the purpose of providing information or training relevant to the performance of a member's duties.

Those sections also apply in respect of acts performed or expenses incurred, for meals, in connection with a meeting of the council, the executive committee or any other committee, or in connection with any meeting held for the purposes of such a meeting, provided that no member was excluded from the meeting for any reason other than the member's disqualification.

#### **DIVISION IV**

##### **ADMINISTRATIVE DEPARTMENTS AND EMPLOYEES**

61. The council shall appoint a director general, a secretary and a treasurer.

No person may be appointed permanently to fill any position provided for in this section or in section 62 if the person remains in the employ of a municipality whose territory is situated within the territory of the Community.

The council may define the duties of a person holding such a position that are not determined by this schedule, or add any other duty to those determined by this schedule.

62. The council may create, by by-law, the various departments of the Community and determine the scope of their activities; the council shall appoint, by resolution, the heads and assistant heads of the departments, and define their duties.

The official title of the head of the department designates the assistant head when the latter acts in the place of the head.

63. An absolute majority of the votes of the members of the council is required in order that the council may dismiss, suspend without pay or reduce the salary of an employee who is not an employee within the meaning of the Labour Code (R.S.Q., chapter C-27) and who has held a position for at least

six months or has held, within the Community, a position the holder of which is not an employee within the meaning of that Code.

64. A resolution dismissing, suspending without pay or reducing the salary of an employee referred to in section 63 shall be served on the employee in the same manner as a summons under the Code of Civil Procedure (R.S.Q., chapter C-25).

A person who believes that a measure described in the first paragraph has been imposed without good and sufficient cause may, within 30 days following service of the resolution, file a complaint in writing with the labour commissioner general who shall appoint a labour commissioner to make an inquiry and decide the complaint.

65. The provisions of the Labour Code (R.S.Q., chapter C-27) respecting the labour commissioner general, the labour commissioners, their decisions and the exercise of their jurisdiction, and section 100.12 of the Code apply with the necessary modifications, except sections 15 to 19 and 118 to 137.

66. Where the labour commissioner considers that a measure described in the first paragraph of section 64 has been imposed on an employee without good and sufficient cause, the labour commissioner may

(1) order the Community to reinstate the employee ;

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

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

67. The decision of the labour commissioner must state the grounds on which it is based and be rendered in writing. The decision shall bind both the Community and the employee.

The labour commissioner must file the original of the decision at the office of the labour commissioner general.

The clerk shall send forthwith a true copy of the decision to the parties.

68. Sections 63 to 67 do not apply to a suspension without pay unless

(1) the suspension is for more than 20 working days, or

(2) the suspension, whatever its duration, occurs within 12 months after the expiry of a suspension without pay for more than 20 working days.

69. No employee may, on pain of forfeiture of office, have any direct or indirect interest in an enterprise causing the employee's personal interest to conflict with the duties of the employee's department or function.

If such an interest devolves by succession or gift, the employee must renounce or dispose of it with all possible dispatch.

70. No member of the council of a municipality whose territory is situated within the territory of the Community may hold regular or permanent employment with the Community, under pain of forfeiture of office.

Such a member who holds temporary or casual employment cannot sit on the council.

71. The director general shall direct the personnel of the Community.

The director general has authority over the employees of the Community. With respect to an employee whose duties are provided for by law, the authority of the director general is exercised only within the framework of the director general's duty to manage the human, material and financial resources of the Community and may in no case hinder the carrying out of duties provided for by law.

The director general may suspend an employee. The director general shall immediately report the suspension to the council. The council shall decide the case of the suspended employee, after making an inquiry.

72. The director general is responsible for the administration of the Community and, for that purpose, plans, organizes, directs and supervises its activities.

73. For the purposes of sections 71 and 72, the director general shall, in particular,

(1) ensure communication between the council, the executive committee and any other committee, and the employees of the Community; for that purpose, the director general shall have access to every document of the Community and may require any document or information from any employee;

(2) prepare the budget and the Community's program of capital expenditures and the plans, programs and projects needed to ensure the orderly functioning of the Community, with the collaboration of the heads of departments and the other employees of the Community;

(3) examine the complaints and claims against the Community;



(4) examine the draft by-laws of the Community;

(5) submit, to the council, the budgets, programs of capital expenditures, plans, programs and projects the director general has prepared, together with observations and recommendations concerning the complaints, claims and draft by-laws examined by the director general;

(6) report, to the council, on any matter the director general believes should be brought to its attention to ensure the sound management of public funds, the progress of the Community and the welfare of its citizens; the director general shall, where expedient, add his or her personal opinions or recommendations to the record of any matter submitted to the council, the executive committee or any other committee;

(7) attend the meetings of the council, the executive committee and any committee and, with the permission of the chair of the meeting, give advice and present recommendations on the matters debated, without having the right to vote;

(8) ensure that the by-laws and decisions of the Community are implemented and, particularly, ensure that funds are used for the purposes for which they were voted;

(9) exercise any other power relating to the direction of the affairs and activities of the Community and the management of its personnel that is assigned to the director general in the internal management by-laws.

74. The secretary of the Community shall have custody of the seal and records of the Community, and shall direct the secretary's department.

The secretary shall attend every meeting of the council and of the executive committee.

75. The treasurer shall direct the treasury department.

76. The department heads and their assistants may, in performing their duties, administer the same oath as a commissioner for oaths appointed under the Courts of Justice Act (R.S.Q., chapter T-16).

## **DIVISION V**

### **BY-LAWS, RESOLUTIONS, MINUTES AND OTHER DOCUMENTS OF THE COMMUNITY**

77. Where the various matters dealt with in a single by-law require approval before coming into force, approval need not be given separately for each matter, but may be given to the by-law as a whole.

78. Where any provision of this schedule or of an Act provides that a by-law must receive approval, the by-law may not be published or come into force until it has received that approval.

In such a case, a certificate signed by the chair of the Community and the secretary, attesting the date of each approval given, must accompany and forms part of the original of such by-law.

79. The approval of a by-law or other proceeding of the council by the Government or the Minister, body or person whose approval is required has no other effect than that of rendering such by-law or proceeding executory from its coming into force. Authorization may be given in place of approval.

Approval may be partial or qualified.

80. The original of every by-law in its entirety shall be registered in a special book entitled “Book of the by-laws of the Communauté métropolitaine de Québec”.

The secretary shall also enter in such book, at the end of every by-law registered therein, a copy of the notice of publication of such by-law, certified by the secretary.

The secretary is the custodian of the by-laws of the Community.

81. To be official, the original of a by-law or resolution must be certified by the chair of the Community and by the secretary.

82. Except where otherwise provided by law, every by-law of the Community shall come into force, if not otherwise provided for in the by-law, on the date of publication.

83. Every by-law shall be published, after being passed or receiving final approval in the case where it has been submitted for one or more approvals, by a public notice, signed by the secretary, posted up at the office of the Community and by insertion in a newspaper circulated in the territory of the Community, mentioning the object of the by-law, the date on which it was passed, and the place where communication thereof may be had.

If the by-law has received one or more approvals, the notice of publication shall mention the date and the fact of each approval.

84. Every by-law passed by the Community is considered to be a public law and it shall not be necessary to allege it specially.

85. A copy of a by-law or resolution is authentic when certified by the secretary or the person responsible for access to the documents of the Community.

86. The minutes of the council and of the executive committee, approved and certified by the chair of the Community, the vice-chair or the secretary, or by another member of the personnel of the Community authorized to do so, are official. The same applies to documents emanating from the Community or forming part of its records, when certified by such a person.

A copy of a minute or other official document is authentic when certified by the secretary or by the person responsible for access to the documents of the Community.

87. The facsimile of the signature of the director general, the secretary or the treasurer of the Community on a document that such a person is authorized to sign has the same effect as the signature itself, if the use of a facsimile is authorized by the council.

The first paragraph does not apply to the certification of a by-law or a resolution passed by the council or, as the case may be, by the executive committee.

88. The books, registers and documents forming part of the records of the Community may be consulted, during regular working hours, by any person requesting to do so.

89. The person in charge of access to the documents of the Community must deliver copies or extracts of the books, registers or documents forming part of the records of the Community to any person who so requests.

## **CHAPTER II**

### **POWERS OF THE COMMUNITY**

90. The Community may, subject to the applicable legislative provisions, make agreements respecting the exercise of its jurisdiction with a person, a government, a government department, an international organization, an agency of a government or international organization, or any other public body. It may then carry out such agreements and exercise the rights and fulfil the obligations arising therefrom, even outside its territory.

However, to make an agreement with a municipality of Québec, the Community shall proceed in accordance with sections 114 to 116.

91. The Community may make an agreement with the Government under which certain responsibilities, defined in the agreement, that are assigned by an Act or regulation to the Government, to a Minister or to a government body, are transferred to the Community on an experimental basis.

The agreement shall set out the conditions governing the exercise of the responsibility to which it applies, including the duration thereof, and, where

applicable, provide for the renewal of the agreement and determine the rules relating to the financing required for its implementation.

92. The Community may join with any municipality or any other community for the purposes of an agreement with the Government under section 91.

93. An agreement under section 91 shall prevail over any inconsistent provision of a general law or special Act or of any regulation thereunder.

94. The Community may acquire by expropriation any immovable, within or without its territory, which it may require for the attainment of its objects.

95. For the purposes of the Act respecting municipal taxation (R.S.Q., chapter F-2.1), an immovable is deemed to belong to the Community upon the Community's taking possession of it in accordance with the Expropriation Act (R.S.Q., chapter E-24).

96. When the council of the Community adopts a resolution stating its intention to expropriate an immovable or establish a reserve for public purposes on an immovable, the secretary of the Community shall send forthwith to the local municipality concerned a true copy of the resolution.

After receiving the resolution and for a period of six months following the adoption of the resolution, the municipality shall not, except where urgent repairs are required, issue a permit or certificate for a structure, alteration or repair in respect of the immovable.

97. No indemnity may be granted for buildings erected on or improvements or repairs, other than authorized urgent repairs, made to the immovable, for the duration of the prohibition. However, the Administrative Tribunal of Québec may grant an indemnity in the manner provided in Title III of the Expropriation Act (R.S.Q., chapter E-24).

98. The secretary shall publish every month, in a newspaper circulated in the territory of the Community, a notice describing each property of a value greater than \$10,000 that was alienated by the Community during the preceding month otherwise than by auction or by public tender. The notice shall mention the price of alienation and the identity of the purchaser.

99. Any contract involving an expenditure of more than \$20,000 must be awarded by the Community in accordance with the applicable provisions of sections 100 and 101, in particular,

- (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, subject to the second paragraph of section 101.

The first paragraph does not apply to a contract

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

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

(3) whose purpose is to obtain energy savings for the Community and whose object is both the providing of professional services and the performance of work or the supply of materials, equipment or non-professional services;

(4) 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;

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

(6) whose object is the providing of services by a single supplier or by a supplier in a monopoly position in the field of communications, electricity or gas;

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

(8) whose object is the supply of bulk trucking services, entered into through the holder of a brokerage permit issued under the Transport Act (R.S.Q., chapter T-12).

A contract which, as a result of an exception provided for in subparagraph 2 or 3 of the third paragraph of section 101, is not a supply contract or a services contract for the purposes of the second paragraph of that section, is not a contract for the supply of equipment or materials or for the supply of services, as the case may be, for the purposes of subparagraphs 3 and 4 of the first paragraph of this section.

100. Any contract involving an expenditure of less than \$100,000, from among the contracts to which the first paragraph of section 99 applies, 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.

101. Any contract involving an expenditure of \$100,000 or more, from among the contracts to which the first paragraph of section 99 applies, may be awarded only after a call for tenders by way of an advertisement published in a newspaper circulated in the territory of the Community.

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 Community and in a newspaper that is circulated in the territory of the Community or, if it is not circulated therein, that is a publication specialized in the field and sold mainly in Québec. In the case of a supply or services contract, the electronic tendering system to be used for the publication of the call for public tenders shall be the system approved by the Government.

For the purposes of the second paragraph,

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

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

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

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

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

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

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

Subject to section 102, the Community may not, without the prior authorization of the Minister, award the contract to any person other than the person who submitted the lowest tender within the prescribed time. However, where it is necessary, to comply with the conditions for a government grant, that the contract be awarded to a person other than the person who submitted the lowest tender within the prescribed time, the Community may, without the authorization of the Minister, award the contract to the person whose tender is the lowest among the tenders submitted within the prescribed time that fulfil the conditions for the grant.

102. The Community may choose to use a system of bid weighting and evaluating whereby each bid obtains a number of points based on the price as well as on the quality or quantity of goods, services or work, the delivery procedure, servicing, the experience and financial capacity required of the insurer, supplier or contractor or on any other criteria directly related to the procurement.

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

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

For the purposes of the last sentence of the eighth paragraph of section 101, the bid having obtained the highest score shall be considered to be the lowest tender.

103. The Community may establish a qualification process which shall not discriminate on the basis of the province or country of origin of the goods, services, insurers, suppliers or contractors.

However, where the Community establishes a qualification process solely for the purpose of awarding a contract referred to in the second paragraph of section 101, the process may discriminate as permitted in the case of a call for public tenders in relation to such a contract under the fifth paragraph of section 101.

The Community shall invite the interested parties to obtain their qualification or the qualification of their goods or services, by causing the secretary to publish a notice to that effect in accordance with the rules set out in the second paragraph of section 101.

104. A call for tenders may stipulate that the goods, services, insurers, suppliers or contractors concerned by or able to satisfy the call for tenders must first be certified, qualified or registered by an organization accredited by the Standards Council of Canada or first be certified or qualified under the process provided for in section 103.

The first paragraph does not apply where, under the process provided for in section 103, only one insurer, supplier or contractor has become qualified.

105. Subject to the fifth and eighth paragraphs of section 101, no call for public tenders or document to which it refers shall discriminate on the basis of the province or country of origin of the goods, services, insurers, suppliers or contractors.

106. The Minister may, on the conditions determined by the Minister, allow the Community to award a contract without calling for tenders, or allow the Community to award a contract after a call for tenders made by written invitation rather than by advertisement in a newspaper.

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

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

To the extent that the terms of any intergovernmental agreement on the opening of public procurement applicable to the Community are observed, section 99 does not apply to contracts entered into by the Community with or



through the General Purchasing Director in accordance with the regulations under the Financial Administration Act (R.S.Q., chapter A-6).

108. Notwithstanding section 99, the chair of the council or, if the chair is absent or unable to act, the director general may, in a case of irresistible force which might endanger the life or health of the population or seriously damage or seriously interfere with the operation of the equipment of the Community, order such expenditure as the chair or the director general considers necessary and award any contract necessary to remedy the situation.

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

109. Notwithstanding section 99, the council may, without being required to call for tenders, renew any insurance contract awarded following a call for tenders, provided that the total of the period covered by the original contract and the period covered by the renewal and, where applicable, by any previous renewal, does not exceed five years.

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

110. The Community may enter into a leasing contract in respect of movable property that must be acquired by tender in accordance with section 99, provided it discloses in the call for tenders that it has the option to enter into a leasing contract in respect of the property.

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

111. Notwithstanding any inconsistent provision of a general law or special Act, the Community and any municipality or other supramunicipal body whose territory is situated within the territory of the Community may make a joint call for public tenders for the purpose of awarding an insurance contract or a contract for the supply of equipment or materials or the providing of services other than professional services.

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

The call for public tenders is made by the Community.

Section 101 applies to the call for public tenders, except that it is not necessary that the contract involve an expenditure of \$100,000 or more.

Where a municipality or a body is a party to the call for public tenders, it may not make a call for tenders or award a contract in respect of the object of the call unless the Community decides not to give effect to the call.

Acceptance of a tender by the Community also binds, as regards the successful tenderer, each municipality or body that is a party to the call for tenders.

### **CHAPTER III**

#### **JURISDICTION OF THE METROPOLITAN COMMUNITY**

##### **DIVISION I**

###### **GENERAL PROVISIONS**

112. The Community has jurisdiction, as provided in this schedule, over the following matters:

- (1) land use planning;
- (2) economic development;
- (3) artistic or cultural development;
- (4) the development of tourism;
- (5) equipment, infrastructures, services and activities of metropolitan scope;
- (6) metropolitan public transportation;
- (7) residual materials management planning.

113. The Government or a minister or body of the Government may delegate any non-discretionary power to the Community.

The Community may accept the delegation and exercise the power.

114. Where municipalities whose territory is situated within the territory of the Community enter into an agreement, the municipalities may, with the consent of the Community, provide in the agreement for the Community to act as an intermunicipal committee or intermunicipal board, as the case may be.

A certified true copy of the resolution under which the Community agrees to act as an intermunicipal board shall be appended to the copies of the resolutions under which the municipalities authorize the making of the agreement, when such copies are transmitted to the Minister together with the agreement that is submitted for approval.

If the agreement comes into force, the Community has the powers and obligations of an intermunicipal committee or intermunicipal board, as the case may be.

115. The Community and a municipality whose territory is situated within the territory of the Community may enter into an agreement, in accordance with the Act governing the municipality, in which the Community undertakes to supply the municipality with a service or receives from the latter a delegation of jurisdiction.

In such a case, the Community is deemed to be a municipality for the purposes of the provisions of the said Act concerning intermunicipal agreements on the supply of services or the delegation of jurisdiction.

116. Except for the passing of a resolution under which the Community agrees to act as an intermunicipal committee or intermunicipal board, as the case may be, or of a resolution authorizing the making of an agreement under section 115, only the representatives of the municipalities that are parties to the agreement are entitled to vote on the council on any matter relating to the carrying out of the agreement.

The rules regarding the division of the votes among such representatives and the other rules on the decisions to be taken by the council shall be provided in the agreement.

117. The Community may make by-laws to take a census of the inhabitants of its territory in order to ascertain their number and to obtain statistics respecting their age and their social and economic condition.

## **DIVISION II**

### **METROPOLITAN LAND USE AND DEVELOPMENT PLAN OF THE COMMUNAUTÉ MÉTROPOLITAINE DE QUÉBEC**

#### *§1. — Adoption and coming into force of the plan*

118. The Communauté métropolitaine de Québec shall prepare, adopt and maintain in force, at all times and throughout its territory, the development plan provided for in the Act respecting land use planning and development (R.S.Q., chapter A-19.1).

The plan of the Community is referred to as the metropolitan land use and development plan; the plan shall ensure the harmonious economic development of each of the component parts of the territory of the Community.

For the purposes of this division and section 227, Ville de Québec and Ville de Lévis shall be considered to be a regional county municipality, the territory of the Community includes the unorganized territory situated within the territory of Municipalité régionale de comté de La Jacques-Cartier and the

territory of Municipalité régionale de comté de La Côte-de-Beaupré, and the territory of the latter two regional county municipalities is deemed to be situated entirely within the territory of the Community.

119. The metropolitan land use and development plan shall, in addition to containing the mandatory and optional elements provided for in sections 5 and 6 of the Act respecting land use planning and development (R.S.Q., chapter A-19.1),

(1) set out, for the future, a strategic vision of economic, social and environmental development to facilitate the coherent exercise of the Community's jurisdiction;

(2) define criteria applicable to the urbanization of the territory of the Community and to urban consolidation, natural resource protection and optimization of public infrastructures and equipment and public services, while meeting the specific needs of the population in each component part of the territory of the Community;

(3) determine the approximate density of occupation of the land for the different parts of the territory of the Community;

(4) define the poles of activity and the parts of the territory of the Community that are of metropolitan interest and determine their vocation;

(5) identify and specify the location of the infrastructures and equipment of metropolitan interest, whether existing or projected, and determine their vocation and capacity; and

(6) define the development potential of the residential, commercial and industrial sectors covered by the plan taking into account the forecast growth in the territory of the Community and the planning of transportation.

120. Before 31 March 2002, the Minister of Municipal Affairs and Greater Montréal shall inform the Community of governmental land use policies in the territory of the Community, including equipment and infrastructure projects.

121. The council of the Community shall initiate the process of preparing a metropolitan plan by passing, before 1 July 2002, a resolution to that effect.

As soon as practicable after the passing of the resolution, the secretary of the Community shall transmit a certified true copy of the resolution to every regional county municipality and local municipality whose territory is situated within the territory of the Community, to the Minister and to the Commission municipale du Québec for registration; the secretary shall also publish a notice of the passing of the resolution in a newspaper circulated in the territory of the Community.

122. Within 45 days after the passing of the resolution provided for in section 121, every regional county municipality whose territory is situated within the territory of the Community must transmit to the Community a certified true copy of its development plan, the plan's complementary document and any interim control by-laws and resolutions in force on the date of the transmission, and every local municipality whose territory is situated within the territory of the Community must transmit to the Community such a copy of its planning program and planning by-laws in force on that date.

The regional county municipalities and the local municipalities referred to in the first paragraph must make available to the Community at all times any document and information the Community considers necessary to examine in the exercise of its functions.

123. Within 12 months after the passing of the resolution referred to in section 121, the Community shall adopt a draft proposal of the strategic vision referred to in paragraph 1 of section 119.

As soon as practicable after the adoption of the draft proposal, the secretary of the Community shall serve on the Minister a certified true copy of the draft proposal, accompanied by a certified true copy of the resolution by which the draft proposal was adopted; the secretary shall, at the same time, transmit a certified true copy of the draft proposal to each regional county municipality and local municipality whose territory is situated within the territory of the Community.

Every regional county municipality or local municipality to which a copy is transmitted under the second paragraph may, within 120 days after the transmission, give its opinion on the draft proposal.

124. The Community shall hold a public meeting in the territory of Ville de Québec, the territory of Ville de Lévis, the territory of Municipalité régionale de comté de L'Île-d'Orléans, the territory of Municipalité régionale de comté de La Côte-de-Beaupré and the territory of Municipalité régionale de comté de La Jacques-Cartier.

125. The Community may hold its public meetings through its council or a committee established under section 41.

126. The council of the Community shall determine the date, time and place of every meeting; it may, however, delegate that power to the secretary.

127. Not later than 15 days before the day a public meeting is to be held, the secretary shall publish a notice of the date, time, place and object of the meeting in a newspaper circulated in the territory of the Community.

The notice shall contain a summary description of the main effects of the draft proposal in the territory mentioned in section 124 in respect of which the meeting referred to in the notice is to be held.

128. At a public meeting, the council or the committee shall explain the draft proposal and hear the persons and bodies wishing to be heard.

129. After the last public meeting, but not later than 31 December 2005, the Community shall adopt a draft metropolitan land use and development plan. Copies of the draft shall be served and transmitted in accordance with the second paragraph of section 123.

The Community shall submit the draft for public consultation in accordance with sections 124 to 128, with the necessary modifications.

Every regional county municipality or local municipality to which a copy under the first paragraph is transmitted may, within 120 days after the transmission, give its opinion on the draft.

130. Within 120 days after receiving a copy of the draft, the Minister shall serve on the Community a notice stating the aims that the Government, its ministers, mandataries of the State and public bodies are pursuing or intend to pursue in respect of land use in the territory to which the metropolitan plan applies, including the land use plan provided for in section 21 of the Act respecting the lands in the domain of the State (R.S.Q., chapter T-8.1), as well as the equipment, infrastructure and development projects which they intend to carry out in the territory.

The notice may mention any objections to the draft regarding the stated aims and projects, and specify the reasons for the objections.

131. After the consultation period concerning the draft, but not later than 31 December 2006, the Community shall, by by-law, adopt the metropolitan land use and development plan, with or without changes.

The decision to adopt the plan shall be made by a two-thirds majority of the votes cast; the majority must include a majority of the votes cast by the representatives of Ville de Lévis and a majority of all the representatives of the regional county municipalities referred to in paragraphs 3 to 5 of section 4.

132. As soon as practicable after the adoption of the metropolitan plan, the secretary shall serve on the Minister a certified true copy of the plan. The secretary shall, at the same time, transmit a certified true copy of the plan to every regional county municipality and local municipality whose territory is situated within the territory of the Community.

133. Within six months after receiving a copy of the metropolitan plan, the Minister shall give an opinion on the plan as regards the aims that the Government, its ministers, mandataries and public bodies are pursuing or intend to pursue in respect of land use in the territory of the Community, including the land use plan provided for in section 21 of the Act respecting the lands in the domain of the State (R.S.Q., chapter T-8.1), as well as the equipment, infrastructure and development projects which they intend to carry out in the territory.

An opinion stating that the metropolitan plan is not consistent with those aims and projects must include reasons. In such a case, the Minister shall, in the opinion, request that the Community replace the metropolitan plan.

The Minister shall serve the opinion on the Community. In the case provided for in the second paragraph, the Minister shall transmit a copy of the opinion to each local municipality whose territory is situated within the territory of the Community.

134. If the opinion of the Minister states that the plan is not consistent with the aims and projects referred to in section 133, the Community shall, within 120 days of service of the opinion, replace the metropolitan plan with another which is consistent with those aims and projects.

A new plan which differs from the plan it replaces for the sole purpose of taking the opinion into account need not be preceded by the drafts prescribed in sections 123 and 129; the second paragraph of section 131 and section 132 apply in respect thereof.

Where, in accordance with section 141, the Minister extends the period prescribed in the first paragraph or grants a new period to the Community for replacing the plan, the Minister may give a new opinion, in accordance with section 133, notwithstanding the expiry of the period prescribed therein. In such a case, the Community shall replace the metropolitan plan by another, which takes the new opinion into account, before the end of the later of the following days :

(1) the 120<sup>th</sup> day after service of the new opinion ;

(2) the last day of the period established by having the extension period or the new period granted by the Minister begin on the date of service of the new opinion.

135. Where, on the expiry of the period provided for in section 134, the Community has not passed a by-law adopting a new plan, the Government may, by order, amend the plan which was the subject of the opinion provided for in section 133 so that the plan is consistent with the aims and projects referred to in that section.

Where, before the expiry of that period, the council has passed a by-law adopting a new plan which is not consistent with those aims and projects, the Minister may either make the request provided for in the second paragraph of section 133 or recommend that the Government exercise the power provided for in the first paragraph.

The plan, as amended by the Government, is considered to be a plan adopted in its entirety by a by-law of the Community.

As soon as practicable after the making of the order, the Minister shall serve a copy thereof on the Community. For the purpose of the issue of certified true copies of the plan, the copy of the order shall stand in lieu of the original.

136. The metropolitan land use and development plan shall come into force on the day the Minister serves an opinion on the Community declaring that the plan is consistent with the aims and projects referred to in section 133 or, in the absence of an opinion, at the expiry of the period prescribed in that section. However, a plan which has been amended by the Government shall come into force on the date mentioned in the order made under section 135.

As soon as practicable after the coming into force of the plan, the secretary of the Community shall publish a notice of the date of coming into force of the plan in a newspaper circulated in the territory of the Community. The secretary shall transmit, at the same time, a certified true copy of the by-law to each local municipality whose territory is situated within the territory of the Community and, for registration purposes, to the Commission.

137. As soon as practicable after the coming into force of the metropolitan plan, the Community shall develop tools to ensure the follow-up and implementation of the plan and evaluation of the progress made toward attaining its aims and the actions it proposes and shall, not later than two years after the date of coming into force of the plan and every two years thereafter, adopt a report in respect thereof.

## §2. — *Effects of the metropolitan plan*

138. From its coming into force, the metropolitan land use and development plan replaces the development plans of the regional county municipalities whose territory is situated within the territory of the Community, and the Community is a regional county municipality for the purposes of the Act respecting land use planning and development (R.S.Q., chapter A-19.1), except Chapter I of its Title II, subject to the following modifications :

(1) the secretary of the Community or any other officer of the Community designated for that purpose by its executive committee and that committee are, respectively, considered to be the secretary-treasurer and the executive committee of the regional county municipality ;

(2) the period of 120 days provided for in sections 56.4 and 56.14 of that Act is replaced by a period of six months ;

(3) the Community may hold its public consultation meetings through its council or a committee established under section 41.

The coming into force of the metropolitan plan has the effects, provided for in sections 59 to 60 of the Act respecting land use planning and development, of the coming into force of a by-law adopting a revised plan.



§3. — *Interim control*

139. Subdivisions 2, 3 and 4 of Division VII of Chapter I of Title I of the Act respecting land use planning and development (R.S.Q., chapter A-19.1) apply to the Community from the adoption by its council of the resolution provided for in section 121, and for the purpose of determining the time at which a by-law adopted by the Community under section 64 of that Act ceases to have effect, the by-law adopting the metropolitan plan is considered to be a by-law adopting a revised plan.

A decision under any of the subdivisions referred to in the first paragraph shall be made by a two-thirds majority of the votes cast; the majority must include a majority of the votes cast by the representatives of Ville de Lévis and a majority of all the representatives of the regional county municipalities referred to in paragraphs 3 to 5 of section 4.

§4. — *Failure to act*

140. If the Community fails to perform an act within a time period or before a deadline set out in this division or in a notice given under this division, the Minister of Municipal Affairs and Greater Montréal may act in the stead of the Community. Any act performed by the Minister has the same effect as if performed by the Community.

For the purposes of the first paragraph, the Minister may appoint a representative.

A notice of every decision of the Minister made under the first or second paragraph must be published within 15 days in the *Gazette officielle du Québec* and be registered within that time with the Commission municipale du Québec.

141. The Minister may extend, on the Minister's own initiative or at the request of the Community or the Commission municipale du Québec, a time period or deadline set out in this division or in a notice given under this division if the time period has not expired or the deadline has not passed.

Where the Minister considers it expedient, the Minister may grant a further extension or fix a new deadline at the request of the Community or the Commission in default, subject to the conditions the Minister determines.

The decision made under the first or second paragraph takes effect immediately; a notice of the decision must be published in the *Gazette officielle du Québec* and be registered with the Commission municipale du Québec.

§5. — *Agricultural advisory committee*

142. The Community shall establish an agricultural advisory committee as required under Chapter V.1 of Title I of the Act respecting land use planning and development (R.S.Q., chapter A-19.1), and the Community is a regional county municipality for the purposes of that chapter.

### **DIVISION III**

#### **ECONOMIC DEVELOPMENT**

143. Not later than one year after the adoption of the draft proposal of the strategic vision provided for in section 123, the Community shall adopt a general economic development plan for its territory.

The decision to adopt the plan shall be made by a two-thirds majority of the votes cast; the majority must include a majority of the votes cast by the representatives of Ville de Lévis and a majority of all the representatives of the regional county municipalities referred to in paragraphs 3 to 5 of section 4.

The Community shall, before adopting the plan referred to in the first paragraph, submit it for public consultation in accordance with sections 124 to 128, with the necessary modifications.

If the Community fails to adopt the plan within the time provided for in the first paragraph, the Minister of Municipal Affairs and Greater Montréal may act in the Community's place. Every decision made by the Minister has the same effect as if it were made by the Community.

144. The Community has exclusive jurisdiction to promote its territory internationally so as to stimulate economic growth and diversification.

The Community may, for that purpose,

(1) support the establishment of businesses in and the inflow of capital to its territory and promote the implementation of projects having significant economic impact;

(2) promote the goods and services produced within its territory on markets outside its territory;

(3) establish links with organizations whose mission is to promote its territory, and, notwithstanding the Municipal Aid Prohibition Act (R.S.Q., chapter I-15), support them financially;

(4) establish sectoral joint action groups to define intervention priorities.

The Community may, on the conditions it determines, entrust to an existing body or to a body it establishes for that purpose the exercise of all or part of

the jurisdiction assigned to it by the first and second paragraphs. The Community shall, on the conditions it determines, grant the body the sums required to exercise that jurisdiction.

Every decision of the Community relating to the exercise of all or part of its jurisdiction provided for in this section shall be made by a two-thirds majority of the votes cast; the majority must include a majority of the votes cast by the representatives of Ville de Lévis.

Local municipalities whose territory is situated within the territory of the Community lose their jurisdiction to promote their territory internationally as soon as the Community exercises the jurisdiction provided for in this section.

#### **DIVISION IV**

##### **ARTISTIC OR CULTURAL DEVELOPMENT**

145. The Community may take any measure for the purpose of promoting artistic or cultural development in its territory.

To that end, the Community may in particular

(1) provide financial support for any event related to artistic or cultural fields that takes place in its territory;

(2) foster the establishment and maintenance of equipment related to artistic or cultural fields;

(3) establish links with organizations whose mission is artistic or cultural promotion or development, and support them financially.

This section applies notwithstanding the Municipal Aid Prohibition Act (R.S.Q., chapter I-15).

146. The Community may, on the conditions it determines, entrust to an existing body or to a body it sets up for that purpose the exercise of all or part of the jurisdiction assigned to it by section 145. The Community shall, on the conditions it determines, grant the body the sums required to exercise that jurisdiction.

#### **DIVISION V**

##### **DEVELOPMENT OF TOURISM**

147. The Community may take any measure for the purpose of ensuring the harmonization of the action plans of the promotion or tourism development agencies in its territory.

Every decision of the Community relating to the exercise of the jurisdiction provided for in the first paragraph shall be made by a two-thirds majority of the votes cast; the majority must include a majority of the votes cast by the representatives of Ville de Lévis.

## **DIVISION VI**

### **EQUIPMENT, INFRASTRUCTURES, ACTIVITIES AND SERVICES OF METROPOLITAN SCOPE**

148. The Community may acquire or build equipment and infrastructures of metropolitan scope.

The Community may also provide financial support for events of metropolitan scope, notwithstanding the Municipal Aid Prohibition Act (R.S.Q., chapter I-15).

149. The Community may, in respect of equipment belonging to a local municipality whose territory is situated within the territory of the Community or to a mandatary of that local municipality and designated in a by-law of the Community as being of metropolitan scope, establish in the by-law the rules applicable to the management of the equipment, the financing of the expenditures related thereto and the sharing of the income it generates.

Every intermunicipal agreement relating to equipment, in force on the date of coming into force of the by-law of the Community designating the equipment as being of metropolitan scope, ends on the date determined by the Community. Where the agreement provided for the constitution of an intermunicipal board, that board shall, not later than three months after that date, apply for its dissolution to the Minister, and section 468.49 of the Cities and Towns Act (R.S.Q., chapter C-19) applies, with the necessary modifications, to the application.

The first and second paragraphs apply, with the necessary modifications, in respect of an infrastructure, service or activity.

Where the activity is carried on or the service is provided in relation to an event, it makes no difference whether the event is organized by one of the local municipalities whose territory is situated within the territory of the Community or by a third person.

## **DIVISION VII**

### **PUBLIC TRANSPORTATION**

150. The Community has jurisdiction to plan and coordinate metropolitan public transportation, and to finance it, taking into account government policies on transportation.

**DIVISION VIII****RESIDUAL MATERIALS MANAGEMENT PLANNING**

151. The Community has, throughout its territory except the territory of Ville de Lévis, jurisdiction over the planning of residual materials management in accordance with the provisions of the Environment Quality Act (R.S.Q., chapter Q-2).

The representatives of Ville de Lévis shall not take part in the deliberations and the vote relating to the exercise of the jurisdiction referred to in the first paragraph, and every decision relating to the exercise of that jurisdiction requires the majority of the votes cast by the representatives of Ville de Québec and the majority of the votes cast by all the representatives of the regional county municipalities referred to in paragraphs 3 to 5 of section 4.

**CHAPTER IV****FINANCIAL PROVISIONS**

152. The fiscal year of the Community ends on 31 December.

153. The Community must prepare and adopt a budget each year.

The budget shall consist of as many parts as there are categories of functions exercised by the Community. A category is the aggregate of the functions in respect of which the representatives of the same municipalities are qualified to take part in the deliberations and to vote according to an identical decision-making rule.

154. Not later than the day the budget of the Community is submitted to the council, the chair of the executive committee shall report on the financial situation of the Community at a meeting of the council.

The chair shall deal with the latest financial statements, the latest report of the auditor and the latest three-year program of capital expenditures, with preliminary indications regarding the financial statements for the fiscal year preceding the year for which the next budget is made, and outline the new budget orientations and the next three-year program of capital expenditures.

The report by the chair shall be published in a newspaper circulated in the territory of the Community.

155. The secretary shall give public notice of the meeting at which the budget or the three-year program of capital expenditures must be submitted to the council, not later than eight days before it takes place.

At the meeting, the deliberations of the council and the question period shall deal exclusively with the budget or the three-year program.

The parts of the budget or of the three-year program shall be adopted separately.

156. The adopted budget and three-year program, or an explanatory document, shall be published in a newspaper circulated in the territory of the Community.

157. The executive committee shall draw up the budget of the Community. The executive committee shall file the budget in the office of the secretary of the Community with its recommendations not later than 1 October of the fiscal year preceding the fiscal year for which the budget is to apply. The secretary shall forward a copy of each document so filed to each municipality whose territory is situated within the territory of the Community and to every member of the council not later than the following 15 October.

Not later than 15 September each year, the treasurer shall determine in a certificate the appropriations the treasurer considers necessary for the next fiscal year for payment of the interest on securities issued or to be issued by the Community, for repayment or redemption of such securities and for the requirements of their sinking funds and any other charge related to the debt of the Community, except however, the amounts required in principal, interest and accessories in relation to the issue of treasury bills, loans contracted in anticipation of revenue and renewable loans falling due during the fiscal year covered by the budget. The treasurer shall also determine in the certificate the appropriations necessary to meet, during the next fiscal year, the obligations undertaken by the Community during previous fiscal years. The treasurer may amend the certificate until 31 December preceding the fiscal year to which it applies if the appropriations mentioned therein have not been adopted by the council. The treasurer shall file the certificate and any amendment in the office of the secretary. The secretary shall notify the council of the filing at the first sitting held after the filing.

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

The amounts shown in the certificate shall be included in the budget of the Community for the fiscal year covered by the budget.

The budget shall also appropriate an amount of at least 1% of the expenses of the Community to cover expenditures not provided for in its budget, the settlement of claims and the payment entailed by court sentences.

158. The budget of the Community shall be submitted to the council not later than 15 November, at a special meeting convened for that purpose.

The meeting shall be adjourned as often as necessary and shall not be closed until the budget has been adopted. If there is no quorum, the meeting shall be automatically adjourned to 8:00 p.m. on the following juridical day.

The council may, on its own initiative, amend the budget.

The council is not bound to adopt simultaneously all the appropriations of the budget or of a part of the budget and thus may adopt an appropriation separately.

The council may also, before 1 January, adopt temporarily, for a period of three months, one-quarter of an appropriation provided for in the budget or in a part of the budget. The same applies before each period beginning on 1 April, 1 July and 1 October. The council may thus adopt at the same time

- (1) three-quarters of an appropriation if it does so before 1 April; and
- (2) two-quarters of an appropriation, if it does so before 1 July.

If, on 1 January, the budget of the Community or a part of the budget has not been adopted, one-quarter of each appropriation provided for in the budget of the preceding fiscal year or in the corresponding part of that budget, with the exception of the appropriations mentioned in the seventh paragraph, is deemed to be adopted and shall come into force. The same rule applies on 1 April, 1 July and 1 October if on each of those dates the budget or the part has not been adopted.

The presumption of adoption and the coming into force provided for in the sixth paragraph do not apply to the appropriations provided for in the budget of the preceding fiscal year or in the corresponding part of that budget, which correspond

- (1) to those mentioned in the certificate of the treasurer referred to in section 157;
- (2) to those then adopted separately under the fourth paragraph; and
- (3) to those one-quarter of which have then been adopted under the fifth paragraph for the same period of three months.

In the hypothesis mentioned in the sixth paragraph, the appropriations mentioned in the certificate of the treasurer referred to in section 157 and included in the budget under study are deemed to be adopted on 1 January and shall then come into force.

The adoption, after 1 January, of the budget, a part of the budget or one of its appropriations in accordance with the fourth paragraph is retroactive to that date. The same rule applies to the by-laws and resolutions arising therefrom.

A certified true copy of the budget of the Community shall be transmitted to the Minister within 30 days of its adoption.

The Minister may order that the budget be transmitted by means of a form furnished by the Minister for that purpose.

159. The head of each department shall be responsible for the management of the budget of that department, according to the provisions of this schedule, under the supervision of the council.

The council shall authorize the payment of any amounts owed by the Community.

160. During a fiscal year, the Community may adopt a supplementary budget.

The supplementary budget shall be prepared, filed and forwarded according to the rules, modified as necessary, applicable to the annual budget. A copy of the budget must be sent to the municipalities and the members of the council not less than 15 days before it is submitted to the council.

The supplementary budget shall be submitted to the council at a special meeting convened for that purpose. The meeting may close without the budget being adopted.

The council may, on its own initiative, amend the supplementary budget.

If the supplementary budget is not adopted within 15 days from the day it is submitted, the appropriations mentioned in the certificate of the treasurer referred to in section 157 and included in the budget are nevertheless deemed to be adopted and shall come into force on the expiry of that period.

161. Every transfer of an appropriation within the budget requires the approval of the council.

162. No by-law or resolution providing for the expenditure of moneys shall have effect before the filing of a certificate of the treasurer attesting that there are sufficient appropriations for the purposes for which the expenditure is proposed.

Where the proposed expenditure covers several fiscal years, a separate certificate attesting to the available appropriations must be issued for each fiscal year.

The first two paragraphs do not apply in respect of a by-law or resolution that allocates to the proposed expenditure an amount of money from a source other than the general fund.



163. The council may, by by-law, delegate to the chair or to an employee of the Community, on the conditions it determines, the power to authorize or pay expenditures and to enter into contracts on behalf of the Community.

The by-law must, in particular, indicate the field of competence to which the delegation applies, the maximum amount of the expenditures that the chair or employee may authorize or pay and the other conditions to which the delegation is subject.

Neither the chair nor the employee may authorize an expenditure that entails a financial commitment by the Community for a period extending beyond the current fiscal year. For the purposes of section 162, the authorization is considered to be a resolution providing for the expenditure.

If, pursuant to section 101, the authorization of the Minister must be obtained to allow the chair or employee to award a contract to a person other than the person who submitted the lowest tender, the authorization must be applied for by the council.

164. The funds appropriated by a budget during a fiscal year for specified work shall remain available during the ensuing fiscal year for the carrying out of such work, whether it has commenced or not.

165. During a fiscal year, the Community on report of the treasurer may appropriate an estimated budget surplus for the current fiscal year, or a surplus for the preceding fiscal year, to expenditures for the current fiscal year or for a subsequent fiscal year it shall determine.

The appropriation of a surplus to expenditures for a fiscal year amends the budget for that fiscal year accordingly.

Any surplus that has not been appropriated to a specific purpose, or any deficit for a fiscal year shall be entered in the revenues or expenditures for the fiscal year following that in which the auditor makes a report for the first mentioned fiscal year.

166. The treasurer shall be personally responsible for all moneys paid out by the treasurer and which, to the treasurer's knowledge, exceed the amount appropriated for such purpose.

The treasurer or any person authorized by a resolution of the council shall sign the cheques issued by the Community. The facsimile of the treasurer's or person's signature shall have the same effect as if the signature itself had been affixed thereto.

167. The payment of the expenses of the Community, including the payment of interest on and amortization of its loans, is guaranteed by its general fund.

168. Subject to the third and fourth paragraphs, the expenses of the Community, including those resulting from payment of interest on and accessories and amortization of its loans, shall be charged to the municipalities whose territories are situated within the territory of the Community.

Except the expenses relating to a service governed by a special tariff or those otherwise governed by this schedule or by other Acts, those expenses shall be apportioned among the municipalities in proportion to their respective fiscal potentials, within the meaning of section 261.5 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1).

However, the Community may, by by-law, provide

(1) that all or part of its expenditures are to be apportioned on the basis of another criterion;

(2) that a municipality does not contribute to the payment of part of its expenditures.

A municipality whose representative is not qualified to take part in the deliberations and vote of the council of the Community shall not contribute to the payment of the expenditures related to the exercise of the functions that are the subject of the deliberations and vote.

169. The Community shall prescribe, by by-law, the terms and conditions for determining the aliquot shares of the expenses of the Community and payment thereof by the municipalities.

The by-law may, in particular, prescribe for each situation set out in section 158 or 160,

(1) the date on which the data used to provisionally or finally establish the basis of apportionment of the expenses of the Community are to be considered;

(2) the time limit for determining each aliquot share and for informing each municipality of it;

(3) the obligation of a municipality to pay its aliquot share in a single payment or its right to pay it in a certain number of instalments;

(4) the time limit within which each instalment must be paid;

(5) the rate of interest payable on an outstanding instalment;

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

Instead of fixing the rate of interest payable on an outstanding instalment, the by-law may provide that such rate shall be fixed by resolution when the budget of the Community is adopted.

The Community may, in the by-law, prescribe that the rate of interest it fixes in the by-law or in the resolution provided for in the third paragraph applies to every amount payable to the Community that is or becomes payable.

170. Not later than one year after the coming into force of the regulation of the Government made under section 206, the Community shall, by by-law, establish a program to share the growth in its tax base in accordance with the rules determined in the regulation.

The program must, in particular, include rules to determine the amount that the Community must pay into the fund established under section 171.

The by-law of the Community referred to in the first paragraph shall be adopted by a two-thirds majority of the votes cast; the majority must include a majority of the votes cast by the representatives of Ville de Lévis and a majority of all the representatives of the regional county municipalities referred to in paragraphs 3 to 5 of section 4.

171. The Community may, by by-law, establish a fund to provide financial support for the development projects it determines, in particular, among the projects submitted by municipalities whose territories are situated within its territory.

The by-law must indicate the nature of the development projects that are to be financed by the fund and the costs that may be charged to the fund.

The fund is comprised of the amount determined in accordance with the second paragraph of section 170 and the interest it generates.

172. Contestation by a municipality of a sum claimed by the Community does not exempt the municipality from paying the amount while the contestation is pending.

If there is no payment within 90 days after the receipt of a formal notice, the Commission municipale du Québec may, at the request of the Community, file a petition to have the said municipality declared in default in accordance with Division VI of the Act respecting the Commission municipale (R.S.Q., chapter C-35).

173. For the purpose of paying its aliquot share under this schedule of the expenses of the Community or its contribution to the program established under section 170, a municipality may, in addition to its power to use a mode of tariffing under section 244.1 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1), levy a special property tax based on the assessment of the taxable immovables in its territory.

174. Subject to the regulation of the Government made under paragraph 8.2 of section 262 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1), the Community may, by by-law, provide that all or part of the property, services or activities of the Community shall be financed by means of a tariff involving a fixed amount, exigible on an *ad hoc* basis, in the form of a subscription or under terms similar to those of a subscription, for the use of a property or service or in respect of a benefit derived from an activity.

Sections 244.3 to 244.6 and the first and third paragraphs of section 244.8 of the Act respecting municipal taxation apply, with the necessary modifications, to the tariff referred to in the first paragraph.

175. The Community shall adopt each year, for the next three fiscal years, a program of capital expenditures.

The program shall consist of as many parts as there are categories of functions exercised by the Community. A category is the aggregate of the functions in respect of which the representatives of the same municipalities are qualified to take part in the deliberations and to vote according to an identical decision-making rule.

The program shall be divided into annual phases. It shall describe, in respect of the period coincident therewith, the object, the amount and the mode of financing of the capital expenditures that the Community plans to make or to incur and for which the financing period exceeds 12 months. The program shall also mention the capital expenditures that the Community plans to make beyond the period covered by the program, if those expenditures result from commitments made during that period.

To the extent that they are consistent with this section, the provisions applicable to the procedure prior to the adoption of the budget of the Community also apply, with the necessary modifications, to the procedure prior to the adoption of the program of capital expenditures.

176. The Community may amend its program of capital expenditures. Section 175, with the necessary modifications, applies to such an amendment.

177. The Community may, with the approval of the Minister, order, by by-law, a loan for a purpose within its jurisdiction, and contract it on the terms and conditions approved by the Minister. In no case may the term of such a loan exceed 20 years.

178. Part of the loan, not exceeding 5% of the amount of the expenditure authorized by the loan by-law in force, may be reserved for repayment to the general fund of the Community of all or part of the sums expended, before the passage of the loan by-law, in connection with the object of the by-law.

That part of the loan must be specified in the by-law.

179. The Community may, by a by-law requiring the approval of the Minister, constitute a working fund the purpose, constitution and administration of which must be consistent with the following rules :

(1) To constitute the working fund, the Community may borrow, through the issue and sale of treasury bills, notes or other securities, the amounts which the treasurer considers necessary, provided the nominal value of such treasury bills, notes or other securities does not at any time exceed 10% of the appropriations provided for in its budget.

The Community may also establish the fund or contribute to an existing fund by allocating to it all or part of the accumulated surplus of its general fund. The total amount so allocated and the nominal value of the treasury bills, notes or other securities referred to in the first paragraph may not exceed 10% of the appropriations provided for in its budget.

(2) Such treasury bills, notes or other securities may bear no nominal interest rate, shall be payable to bearer, and shall mature no more than 365 days after the date of their issue. They may bear the mention that they are redeemable in advance and must indicate that they are issued for the purposes of the working fund.

(3) The sale of the treasury bills, notes or other securities shall be carried out by agreement or by tender. Sale by agreement shall be made on behalf of the Community by the treasurer with the approval of the Community.

In the case of sale by tender, the tenders shall not be subject to section 99, but they shall be addressed to and opened by the treasurer in the presence of the chair, the secretary and the treasurer, or their assistants. The treasurer, on behalf of the Community, shall make the sale to the tenderer or tenderers who submitted the tender which the treasurer considers the most advantageous to the Community, although the treasurer is not bound to accept any tender.

(4) A loan may be granted from such working fund only for a term not to exceed five years

(a) for a purpose for which the Community is authorized to borrow temporarily in anticipation of the sale of bonds ;

(b) for the purposes of capital expenditures ;

(c) in anticipation of the collection of revenue for the current fiscal year ; or

(d) in anticipation of the collection of tax arrears.

(5) Moneys out of the working fund may be invested in treasury bills or in other short-term bonds or securities provided for in paragraphs 2, 3 and 4 of article 1339 of the Civil Code. Such moneys may also be invested on a short-term basis in a chartered bank or other financial institution authorized to receive deposits.

(6) At the end of a fiscal year of the Community, any operating surplus of the working fund shall be transferred to the general fund of the Community, and any deficit shall be made good out of such fund if need be.

180. The Community may, by by-law, establish a financial reserve for any purpose within its jurisdiction to finance expenditures other than capital expenditures.

The by-law must set out

(1) the purpose for which the reserve is established;

(2) the projected amount of the reserve;

(3) the mode of financing of the reserve;

(4) in the case of a reserve of specified duration, the duration of existence of the reserve;

(5) the allocation of the amount, if any, by which revenue exceeds expenditures at the end of the existence of the reserve.

The duration of existence of a reserve must be determined, unless such determination is inconsistent with the purpose for which the reserve is established.

181. A financial reserve shall be made up of the sums allocated to it each year and interest earned on the sums.

The sums allocated to the reserve may derive only from the amounts taken out of the part of the general fund of the Community allocated to that purpose by the council or from the excess amount referred to in section 244.4 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1), derived from a tariff established by the Community under section 174.

182. A by-law establishing a financial reserve must be approved by the Minister.

183. All expenditures necessary for the carrying out of the purpose for which the reserve was established must have been made on or before the date on which the reserve ceases to exist.

The treasurer must file, not later than at the last meeting of the council before that time, a statement of the revenue and expenditures of the reserve.

The council shall allocate the amount, if any, by which the reserve's revenue exceeds its expenditures in accordance with the provisions of the by-law under which the reserve was established. If there is no such provision, any amount in excess shall be paid into the general fund.

184. A by-law establishing a financial reserve may not provide for a projected amount that, if added to the projected amounts of reserves already established by by-law and still in existence, results in an amount exceeding 15% of the other appropriations provided for in the budget of the fiscal year during which the by-law establishing the reserve is adopted.

185. The sums allocated to a financial reserve established under section 180 must be invested in accordance with section 192.

186. The Community may, by resolution, order temporary loans for the payment of current administration expenses and contract them on the conditions and for the term it determines.

The Community may also contract loans under the first paragraph for the payment of the expenses made under a loan by-law.

187. The Community may fix the rate of interest on its loans and the dates on which they become due, determine the other conditions of the bonds, inscribed stock, treasury bills or other negotiable securities issued or to be issued, designate any place inside or outside the country where a register may be kept for the registration or transfer of the securities enumerated above and the persons authorized to keep such register, and determine the conditions for their issue and sale.

The Community, with the authorization of the Minister, may issue and sell, in its own name, bonds, notes or other securities either for its own account or for that of one or more municipalities whose territories are situated within its territory, or in part for its own account and in part for that of one or more of the municipalities.

Bonds, notes or other securities issued by the Community constitute, for their holders, direct and general obligations of the Community. Moreover, bonds, notes or other securities issued by the Community for the account of a municipality, or, as the case may be, any part thereof issued for the account of the latter, constitute, for their holders, direct and general obligations of that municipality.

188. Sections 7 and 8 and Divisions V to X and XII of the Act respecting municipal debts and loans (R.S.Q., chapter D-7) apply to the Community.

189. Where a loan by-law provides that the Community may contract a loan in Canadian dollars or in any other currency, the total loan amount authorized is the amount expressed in Canadian dollars.

In establishing the amount in Canadian dollars of a loan contracted in another currency, depending on whether or not the proceeds of the loan are converted into Canadian dollars before being paid to the Community, the value used is the prevailing value of the unit of the other currency in relation

to the Canadian dollar either at the time of the conversion or at noon on the day of payment.

Where all or part of the proceeds of a loan are used to renew a loan previously contracted by the Community, for all or part of the unexpired term of the latter loan, the amount used for the renewal is not subtracted from the balance of the loan amount authorized by the by-law, irrespective of the value of the unit of the currency in which the loan is contracted.

190. The securities issued by the Community are investments presumed sound as if they were mentioned in paragraph 2 of article 1339 of the Civil Code.

The commitments included in the securities issued by the Community constitute direct and general obligations of the Community and of the municipalities whose territories are situated within the territory of the Community, and rank concurrently and *pari passu* with all other general obligations of the Community and of the municipalities.

191. The municipalities whose territories are situated within the territory of the Community are solidarily liable towards the holders of bonds, notes or other securities issued by the Community for the account of the Community, for the repayment of such bonds, notes and other securities, in principal, interest, costs and other accessories, and for all other obligations contracted by the Community towards such holders.

The municipality for the account of which the Community issued bonds, notes or other securities is alone liable towards the Community for the repayment of such bonds, notes and other securities or any part thereof issued for its account, in principal, interest, costs and other accessories, and for all other obligations contracted by the Community towards such holders for the account of the municipality if the Community makes the repayment to the holders and executes its other obligations towards them. Any amount owing to the Community by the municipality under this paragraph is added to and forms part of its share of the expenses.

192. The Community may invest the moneys belonging to it by purchasing shares in a mutual fund referred to in the third paragraph of section 99 of the Cities and Towns Act (R.S.Q., chapter C-19).

The Minister may, by regulation, determine other securities in which the Community may invest the moneys belonging to it through a mutual fund referred to in the first paragraph.

193. The bonds, notes and other securities of the Community shall be signed by the chair or vice-chair and by the treasurer or, if the treasurer is absent or unable to act, by the person designated for such purpose by the council.



The facsimile of the signature of the chair and the treasurer on the bonds may be engraved, lithographed or printed and shall have the same effect as if the signature itself had been affixed thereto.

The certificate of the Minister or of the authorized person, mentioned in section 12 of the Act respecting municipal debts and loans (R.S.Q., chapter D-7), may be affixed to the bonds issued by the Community under the facsimile of the signature of the Minister or of the authorized person. However, the presumption of validity provided for in that section applies only if the bonds also bear the handwritten signature of the chair, the treasurer or a financial officer who is a mandatary of the Community.

Although a person whose signature or a facsimile thereof has been affixed to a bond, a note, another security of the Community or a coupon in that person's capacity as chair, vice-chair or treasurer of the Community or as person designated for such purpose by the council, has ceased to act in such capacity before the bond, note, security or coupon is issued and delivered, the signature shall nevertheless be valid and shall bind the Community in the same manner as if such person had continued to act in such capacity on the date of the issue and delivery, and the signature or facsimile of the signature of the persons acting in such capacity on the date on which the signature or facsimile was affixed to a bond, note, coupon or other security of the Community shall bind the Community even though the person was not acting in such capacity on the date of such bond, coupon, note or security.

194. At the end of the fiscal year, the treasurer shall draw up the financial report for the past fiscal year, and certify that it is accurate.

The financial report shall be drawn up on the forms furnished by the Minister, if such is the case. It shall include the financial statements and any other information required by the Minister.

195. The treasurer shall, at a meeting of the council, file the financial report and the auditor's report transmitted under section 202.

196. After the filing referred to in section 195 and not later than 1 May, the secretary shall transmit the financial report and the auditor's report to the Minister and to each municipality whose territory is situated within the territory of the Community.

197. The secretary shall transmit to the Minister and to each municipality whose territory is situated within the territory of the Community, before 1 June each year, a summary report of the activities of the Community during the preceding fiscal year.

198. The Community may request the treasurer, at any time during the year, to produce a detailed account of the revenues and expenditures of the Community.

199. During the period extending from 1 December to 1 May, the Community shall appoint an auditor for the fiscal year beginning during that period. The Community may provide that the appointment is also valid for the following fiscal year or for the two following fiscal years.

If the auditor appointed for a fiscal year is not the auditor in office for the preceding fiscal year, the secretary of the Community shall inform the Minister of the name of the new auditor as soon as possible after the appointment.

200. If the office of auditor becomes vacant before the expiry of the auditor's term, the Community shall fill the vacancy at the first meeting of the council held after the vacancy occurred.

201. The auditor shall, for the fiscal year for which the auditor was appointed, audit the financial statements and any other document the Minister determines by regulation.

The auditor shall prepare an audit report in which the auditor shall state, in particular, whether the financial statements faithfully represent the financial position of the Community on 31 December and the results of its operations for the fiscal year ending on that date.

202. The auditor shall transmit the audit report to the treasurer not later than 31 March following the expiry of the fiscal year for which the auditor was appointed.

203. The Community may require any other audit it considers necessary and require a report.

204. In no case may the following persons act as auditor of the Community :

- (1) a member of the council ;
- (2) an employee of the Community ;
- (3) the associate of a person mentioned in paragraph 1 or 2 ;

(4) a person who, during the fiscal year for which the audit is carried out, has, directly or indirectly, personally or through an associate, any participation, interest or commission in or under a contract with the Community or in relation to such a contract, or who derives any benefit from the contract, unless the person's connection with the contract arises from the practice of the person's profession.

205. The Minister may, if necessary, order the appointment of an auditor other than the auditor appointed under section 199 and require the auditor to make a report.

**CHAPTER V****REGULATORY POWER**

206. The Government shall determine, by regulation, the rules that the Community must observe in establishing a program under section 170.

**CHAPTER VI****PENAL PROVISIONS**

207. Every person who contravenes section 222 is guilty of an offence and is liable, for each offence, to a fine not exceeding \$1,000.

208. The Community may institute penal proceedings for an offence under a provision of this schedule.

209. Every municipal court in the territory of the Community has jurisdiction in respect of an offence under a provision of this schedule.

210. The fine belongs to the Community if it instituted the penal proceedings.

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

**CHAPTER VII****MISCELLANEOUS PROVISIONS**

211. The provisions of Division XIII.1 of the Cities and Towns Act (R.S.Q., chapter C-19) apply, with the necessary modifications, to the Community.

212. The Minister may, on the conditions determined by the Minister, extend a time period prescribed in this schedule or set a new time period.

No act or document shall be rendered illegal by the sole fact that it has been performed or adopted after the expiry of a time period prescribed in this Act or, as the case may be, set or extended by the Minister under the first paragraph.

213. If the Community fails to pass a resolution or by-law within the time prescribed by this schedule, the by-law or resolution may be adopted by the Government and shall be binding upon the Community.

A resolution or by-law so adopted by the Government may be repealed or amended only with the approval of the Minister.

214. Nothing in this schedule shall be construed as preventing the Community from passing a resolution or by-law after the time prescribed by this schedule, but before such resolution or by-law is adopted by the Government.

215. The Community shall, as soon as possible after a by-law has been passed under this schedule transferring to it the ownership of any immovable in a municipality, register in the office of the registration division concerned a declaration signed by the director general and secretary stating that the Community is now the owner of the immovable described therein following the passing of a by-law of which the number, date of coming into force and reference to the provisions of this schedule authorizing the passing thereof must be mentioned in the declaration.

216. No objection made to the form or based upon the omission of any formality, even peremptory, shall be admitted in any action, suit or procedure respecting a matter to which this schedule applies, unless a real injustice results from the dismissal of such objection or the omission of the formality entails nullity under an express provision of this schedule.

No person who has complied with a notice or has become sufficiently acquainted in any way regarding the content or object of the notice shall subsequently invoke insufficiency or defect in the form of the notice, or the failure to publish, to send or to serve the notice.

217. The clerk or secretary-treasurer of any municipality whose territory is situated within the territory of the Community must forward to the Community, upon a request by the Community, any document forming part of the records of the municipality or, at its option, a certified true copy of any such document relating directly or indirectly to the exercise by the Community of any jurisdiction assigned to it by this schedule.

218. No by-law of a municipality whose territory is situated within or without the territory of the Community may be considered to operate to prevent the Community from occupying any immovable in the territory of the municipality which it is entitled to occupy in the exercise of the jurisdiction assigned to it by this schedule, subject, however, to the right of the municipality to apply to the Commission municipale du Québec to obtain an order from the Commission enjoining the Community not to commence the occupation, or to cease it.

Such an application to the Commission municipale du Québec shall be made by a motion served upon the Community, and the Commission municipale du Québec, after hearing or calling the parties, may make any order it considers appropriate.

219. The Community is a municipality within the meaning of the Labour Code (R.S.Q., chapter C-27), the Act respecting the Commission municipale (R.S.Q., chapter C-35), the Municipal Aid Prohibition Act (R.S.Q., chapter I-15), the Act respecting the Ministère des Affaires municipales et de la Métropole (R.S.Q., chapter M-22.1) and the Public Health Protection Act (R.S.Q., chapter P-35).

The Acts mentioned in the first paragraph apply, with the necessary modifications, to the Community.

220. The Community is dispensed from the obligation of contracting the insurance under section 84 of the Automobile Insurance Act (R.S.Q., chapter A-25), and section 103 of that Act applies to the Community.

221. If any appointment or designation under this schedule has not been made within the time prescribed, or within a time that the Minister considers reasonable, it may be made by the Minister without the Minister being required to select the person appointed or designated from among the persons eligible; however, with the permission of the Minister, the appointment or designation may be made even after the expiry of the time, by the persons to whom this schedule assigns such duty.

222. No person may, except with the authorization of the Community, use in any manner whatever the name “Communauté métropolitaine de Québec”, the name of any of its departments, its emblem or its graphic symbol.

223. For the purposes of this schedule, the population of the territory of the Community is the sum of the populations of all the municipalities whose territory is situated within the territory of the Community.

224. The Minister of Municipal Affairs and Greater Montréal is responsible for the administration of this schedule.

#### AMENDING PROVISION

#### ACT RESPECTING LAND USE PLANNING AND DEVELOPMENT

225. Section 264.2 of the Act respecting land use planning and development (R.S.Q., chapter A-19.1) is repealed.

#### TRANSITIONAL AND FINAL PROVISIONS

226. The Community shall appoint the members of the agricultural advisory committee established under section 142 before 1 July 2002.

227. Until the coming into force of the metropolitan land use and development plan, the Minister of Municipal Affairs and Greater Montréal shall, before giving an opinion under any of sections 51, 53.7, 56.4, 56.14 and

65 of the Act respecting land use planning and development (R.S.Q., chapter A-19.1) to a regional county municipality whose territory is situated entirely or partially within the territory of the Communauté métropolitaine de Québec, obtain the opinion of the Community.

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

228. The adoption under section 56.13 of the Act respecting land use planning and development (R.S.Q., chapter A-19.1) of a by-law adopting a revised development plan, must take place

(1) not later than 1 June 2001 in the case of Municipalité régionale de comté de La Jacques-Cartier;

(2) not later than 31 December 2001 in the case of Municipalité régionale de comté de Desjardins and Municipalité régionale de comté des Chutes-de-la-Chaudière;

(3) not later than 1 June 2002 in the case of Ville de Québec.

The Government may prohibit, in any part of the territory of a regional county municipality or within the territory of Ville de Québec, in the case of a failure to comply with the time limits provided for in the first paragraph, any new industrial, commercial or residential structure having regard to government policies or the strategic vision proposed by the Communauté métropolitaine de Québec in respect of that part of territory.

No building or subdivision permit may be issued under a by-law of a municipality in respect of a structure that is prohibited under the second paragraph.

An order made under the second paragraph shall have precedence over any interim control resolution or by-law applicable to the same territory and shall cease to have effect, if not repealed previously, on the date of coming into force of a revised plan applicable to the territory concerned.

229. No officer or employee of a regional county municipality whose territory is situated entirely or partially within the territory of the Communauté métropolitaine de Québec, other than an officer or employee having entered into employment with the regional county municipality after 20 December 2000, may be laid off or dismissed solely by reason of the coming into force of the revised development plan of the regional county municipality or in anticipation or as a result of the regional county municipality's loss of jurisdiction in respect of land use development owing to the coming into force of the metropolitan land use and development plan of the Communauté métropolitaine de Québec.

The secretary-treasurer of a regional county municipality referred to in the first paragraph shall, in a document transmitted to the Communauté métropolitaine de Québec, identify the officers and employees whose services will no longer be required for a reason mentioned in the first paragraph.

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

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

The document referred to in the second paragraph shall be sent to the Communauté métropolitaine de Québec not later than 30 days before the date on which, according to the document, the services of the officers and employees identified in the document are no longer required. Different documents may be successively sent, according to the different dates on which the services of the various officers or employees concerned will no longer be required.

From 20 December 2000, the regional county municipalities referred to in the first paragraph may not, without the authorization of the Minister of Municipal Affairs and Greater Montréal, increase expenditures relating to the remuneration and employee benefits of the officers or employees to whom the document referred to in the second paragraph is likely to apply, unless the increase results from the application of a clause of a collective agreement or a contract of employment in force on that date.

Any officer or employee laid off or dismissed by a regional county municipality referred to in the first paragraph who is not identified in a document referred to in the second paragraph may, if the officer or employee believes that the document should apply, file a complaint in writing within 30 days of being laid off or dismissed with the labour commissioner general who shall designate a labour commissioner to make an inquiry and decide the complaint. The provisions of the Labour Code (R.S.Q., chapter C-27) relating to the labour commissioner general, the labour commissioners, their decisions and the exercise of their jurisdictions shall apply, with the necessary modifications.

For the purposes of this section, the non-renewal of a contract of employment is considered to be a layoff or dismissal, and Ville de Québec and Ville de Lévis shall be considered to be a regional county municipality.

This section ceases to have effect on the date occurring one year after the coming into force of the metropolitan land use and development plan of the Communauté métropolitaine de Québec.

230. The Community and a regional county municipality referred to in section 229 may, before a document referred to in the second paragraph of that section becomes effective in respect of an officer or employee, enter into an agreement with a view to sharing the services of the officer or employee.

If the agreement contains the particulars mentioned in the third paragraph of section 229, it may specify the date on which the officer or employee shall become an officer or employee of the Community in accordance with the fourth paragraph of that section.

231. The roll of every local municipality whose territory is situated within the territory of the Community must contain the entries referred to in section 57.1 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1).

Every assessor is required to make those entries on any roll that comes into force after 1 January 2001.

In the case of a roll in force on 1 January 2001, the assessor is required to alter the roll not later than 1 September 2001 to make such entries, as if it were an updating provided for in paragraph 13.1 of section 174 of the Act respecting municipal taxation or, if the entries are used only for the purpose of establishing the aliquot share of the local municipality in the expenses of the Community, by means of a global certificate for all the alterations.

Where the assessor amends the roll by means of a global certificate, the clerk or the secretary-treasurer of the local municipality is not required to send the notices of alteration, and no application for review may be filed nor any action to quash or set aside be brought with regard to those entries.

This section has effect until 31 December 2001.

232. The budget of the Community shall, for the fiscal year ending on 31 December 2002, be submitted to the council, in accordance with section 158, not later than 1 April 2002.

Sections 153 to 158 apply, with the necessary modifications, to the budget; in particular, the dates of 15 September and 15 October referred to in section 157 are replaced by the dates of 1 February and 1 March.



233. The functions of the secretary of the Community shall, until the Community appoints its secretary, be exercised by such person as the Minister may appoint.

The person appointed under the first paragraph shall convene the members to the first meeting of the council of the Community, at the time and place specified in the notice of meeting sent to each member at least seven days before the meeting is to be held, and shall give public notice of the holding of the meeting within the same time in a newspaper circulated in the territory of the Community. At that first meeting, the council shall establish the schedule of its meetings for the year 2002.

234. The Minister shall, not later than 16 June 2006, report to the Government on the implementation of this Act and on the jurisdictions of the Communauté métropolitaine de Québec. The Community may, not later than 15 December 2005, make any recommendations it considers appropriate in that respect to the Minister.

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

235. The Minister shall, as soon as possible after the publication by Statistics Canada of the official results of the decennial census of 2006 and as soon as possible after the publication of the official results of each such census taken thereafter, report to the Government on the advisability of modifying the territory of the Communauté métropolitaine de Québec to reflect the results.

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

236. The Community shall, within three months of the publication by Statistics Canada of the official results of the quinquennial census of 2006, and within three months of the publication of the official results of each such census taken thereafter, report to the Minister on the advisability of modifying its territory to reflect the results.

As soon as possible, the Minister shall report to the Government; the report shall be tabled within the next 15 days in the National Assembly or, if the Assembly is not in session, within 15 days of resumption.

## SCHEDULE VI-A

*(section 2)*MUNICIPALITIES WHOSE TERRITORIES FORM THE TERRITORY  
OF THE COMMUNITY

Ville de Beaupré, Municipalité de Boischatel, Ville de Château-Richer, Ville de Fossambault-sur-le-Lac, Municipalité de Lac-Beauport, Ville de Lac-Delage, Ville de Lac-Saint-Joseph, Paroisse de L'Ange-Gardien, Ville de Lévis, Ville de Québec, Ville de Sainte-Anne-de-Beaupré, Municipalité de Sainte-Brigitte-de-Laval, Municipalité de Sainte-Catherine-de-la-Jacques-Cartier, Paroisse de Sainte-Famille, Village de Sainte-Pétronille, Municipalité de Saint-Ferréol-les-Neiges, Paroisse de Saint-François, Municipalité de Saint-Gabriel-de-Valcartier, Paroisse de Saint-Jean, Paroisse de Saint-Joachim, Municipalité de Saint-Laurent-de-l'Île-d'Orléans, Paroisse de Saint-Louis-de-Gonzague-du-Cap-Tourmente, Municipalité de Saint-Pierre-de-l'Île-d'Orléans, Municipalité de Saint-Tite-des-Caps, Municipalité de Shannon, Cantons-Unis de Stoneham-et-Tewkesbury.