

Gouvernement du Québec

**O.C. 841-2001, 27 June 2001**

An Act respecting municipal territorial organization  
(R.S.Q., c. O-9)

Amalgamation of Ville de Chicoutimi, Ville de Jonquière, Ville de La Baie, Ville de Laterrière and the municipalities of Lac-Kénogami and Shipshaw

WHEREAS the Minister of Municipal Affairs and Greater Montréal published on 25 April 2000 the White Paper entitled *Municipal Reorganization: Changing Ours Ways to Better Serve the Public*;

WHEREAS municipal restructuring has started in the metropolitan regions of Montréal, Québec and the Outaouais with the passage of the Act to reform the municipal territorial organization of the metropolitan regions of Montréal, Québec and the Outaouais (2000, c. 56);

WHEREAS Ville de Chicoutimi, Ville de Jonquière, Ville de La Baie, Ville de Laterrière and the municipalities of Lac-Kénogami and Shipshaw form part of the Chicoutimi-Jonquière census metropolitan area;

WHEREAS Mtre Pierre Bergeron produced on 30 January 2001 a report on municipal reform in the Saguenay region as mandated by the Minister of Municipal Affairs and Greater Montréal;

WHEREAS, on 28 February 2001, the Minister required that these municipalities file a joint application for amalgamation at the latest on 15 April 2001 and appointed a conciliator, Bernard Angers, to assist them in this endeavour;

WHEREAS the Minister did not receive within the prescribed time limit the joint application for amalgamation;

WHEREAS the Minister received the conciliation report;

WHEREAS it is expedient to include part of the territory of Canton de Tremblay in the city;

WHEREAS, under section 125.11 of the Act respecting municipal territorial organization (R.S.Q., c. O-9), enacted by section 1 of chapter 27 of the Statutes of 2000, it is expedient to decree the constitution of a local municipality;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Municipal Affairs and Greater Montréal:

**CHAPTER I**  
**CONSTITUTION OF THE MUNICIPALITY**

1. Local municipality shall be constituted on 18 February 2002 under the name “Ville de Saguenay”.

The Minister of Municipal Affairs and Greater Montréal may change the name of the city, upon application by the city council.

2. The description of the territory of the city is the description drawn up by the Minister of Natural Resources on 22 June 2001; that description is attached as Schedule A to this Order in Council.

The description includes part of the territory of Canton de Tremblay.

3. The city shall be governed by the Cities and Towns Act (R.S.Q., c. C-19).

4. In this Order in Council, the “municipalities subject to this amalgamation” are the cities of Chicoutimi, Jonquière, La Baie, Laterrière and the municipalities of Lac-Kénogami and Shipshaw. That expression also designates Canton de Tremblay, in respect of the part of its territory described in Schedule A, in the following provisions, adapted as required: paragraph *j* of section 101 and sections 103, 114, 120, 121, 123, 124, 126, 128, 147, 149, 150 to 152, 159 and 164.

**CHAPTER II**  
**ORGANIZATION OF THE MUNICIPALITY**

**DIVISION I**  
**DIVISION OF THE TERRITORY**

5. The territory of the city is, for the exercise of certain of its fields of jurisdiction, divided into three boroughs described in Schedule B.

**DIVISION II**  
**CITY COUNCIL AND BOROUGH COUNCILS**

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

7. The borough council is, as regards the exercise of its fields of jurisdiction, subject to the rules provided for in the Cities and Towns Act, with respect to a municipal council, in particular, the rules pertaining to the public nature of the council’s meetings.

### §1. City council

8. The city council is composed of the mayor and 19 councillors.

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

10. 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 B in its regard.

### §2. Borough council

11. A borough council is made up of the councillors who represent the borough on the city council.

12. The borough council shall designate a chair of the borough from among its members.

13. 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 shall make that designation at its next regular meeting. 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.

14. The city council may, in a 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.

Section 2 of the Act respecting the remuneration of elected municipal officers (R.S.Q., c. T-11.001) is deemed to apply to the additional remuneration referred to in the first paragraph.

## DIVISION III EXECUTIVE COMMITTEE

15. The executive committee of the city is composed of the mayor and four council members designated by the mayor.

The mayor shall designate at least one member from each borough.

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

16. 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.

17. 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.

18. 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 chair.

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

20. 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.

21. 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 participating in or attending the meeting, whether by means of the equipment or in person, 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.

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

However, the executive committee sits in public

(a) in the cases provided for in the internal management by-laws; and

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

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

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

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

26. The executive committee exercises the responsibilities as provided in section 70.8 of the Cities and Towns Act 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.

27. The council may, in internal management by-laws, determine any act within its jurisdiction which it has the power or the duty to perform, or which it delegates to the executive committee, and may prescribe the terms and conditions of the delegation.

However, the following powers may not be delegated :

(a) 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., c. A-19.1), Chapter IV of the Cultural Property Act (R.S.Q., c. B-4), the Act respecting municipal courts (R.S.Q., c. C-72.01), the Act respecting elections and referendums in municipalities (R.S.Q., c. E-2.2) or the Act respecting municipal territorial organization (R.S.Q., c. O-9);

(b) the power to designate a person to a position that may only be held by a member of the council ;

(c) the power to appoint the director general, the clerk, the treasurer and their assistants ;

(d) 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

(e) the power to dismiss, suspend without pay or reduce the salary of an officer or employee who is referred to in the second and third paragraphs of section 71 of the Cities and Towns Act.

The council may also, in 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.

28. 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, provide for the delegation of any power of the executive committee to any officer or employee of the city and determine the terms and conditions under which such power may be exercised.

29. 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**

30. Subject to this Order in Council, the Act respecting elections and referendums in municipalities, adapted as required, shall apply to the office and election of the mayor and any councillor of the city.

31. Every borough shall be divided into districts. There must be one district per councillor.

32. For the purposes of section 47 of the Act respecting elections and referendums in municipalities, the domicile of a person, the immovable of which the person is the owner or the business establishment of which the person is the occupant must be located within the territory of the borough where the person exercises his right to vote.

33. For the purposes of section 57 of the Act respecting elections and referendums in municipalities, the list formed by the lists of electors of all the boroughs constitutes the list of electors of the municipality.

34. 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**

35. 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.

The city council shall determine the staff required for the management of each borough.

Subject to the fourth paragraph, the city council shall define the staffing methods used to fill positions and fix the procedures for the identification, placing on reserve and assignment of officers 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 upon by the parties to a collective agreement.

#### **DIVISION VI ARTS COUNCIL**

36. The city council may, in a by-law, establish an arts council.

37. The arts council has the following functions :

(a) 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 ;

(b) to harmonize, co-ordinate and promote artistic or cultural initiatives in the territory of the city ;

(c) 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, in a 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 reach its objectives.

38. The city council shall determine, by the by-law referred to in section 36, 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.

39. The members of the arts council must 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.

40. 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.

41. 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 *ex officio* officers or employees of the city.

The treasurer of the city or such assistant as the treasurer may designate is *ex officio* the treasurer of the arts council.

42. 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 end of the fiscal year, make a report of that audit to the city.

43. A special fund is established for the arts council and the treasurer of the arts council has custody of the fund.

44. The fund is constituted of

(a) the gifts, legacies and grants made to the arts council ;

(b) the sums voted annually for that purpose out of the city's budget ; and

(c) 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, in a by-law, prescribe the minimum amount that must be allocated every year for the purposes of subparagraph *b* 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.

45. The fund shall be used exclusively to pay grants, on the recommendation of the arts council, and to pay for 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.

### CHAPTER III JURISDICTION

#### DIVISION I GENERAL

46. 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.

The city shall be considered a regional county municipality for the purposes of the following Acts, adapted as required:

- (a) the Fire Safety Act (2000, c. 20);
- (b) the Forest Act (R.S.Q., c. F-4.1);
- (c) the Act respecting the preservation of agricultural land and agricultural activities (R.S.Q., c. P-41.1);
- (d) the Environment Quality Act (R.S.Q., c. Q-2);
- (e) the Act respecting the lands in the domain of the State (R.S.Q., c. T-8.1).

The city shall act through its council if the apportionment of fields of jurisdiction provided for by this Order in Council 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.

Only the city council may submit, within the scope of section 517 of the Act respecting elections and referendums in municipalities, any question within the jurisdiction of the city or of the borough to the qualified voters of the entire territory of the city or a part thereof.

47. 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, except for the power to borrow and the power to levy taxes.

48. 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.

49. 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*

50. The city has special jurisdiction, obligations and powers in the following fields:

- (a) land use planning and development;
- (b) community, economic, social and cultural development;
- (c) removal, recovery, recycling and elimination of waste;
- (d) culture, recreation and parks;
- (e) social housing;
- (f) the road network;
- (g) tourist promotion and hospitality;
- (h) the municipal court;

(i) the production and distribution of electricity;

(j) the powers conferred on Ville de Chicoutimi by the Act to amend the charter of the city of Chicoutimi (1978, c. 109);

(k) the powers conferred on Ville de Jonquière by the Act respecting the city of Jonquière (1989, c. 85) and the Act respecting Ville de Jonquière (1995, c. 78);

(l) the powers conferred on Ville de La Baie by the Act respecting Ville de La Baie (1995, c. 75).

## §2. *Land use planning and development*

51. For the purposes of paragraph 7 of section 119 of the Act respecting land use planning and development, the city shall assign to each borough an officer responsible for the issuing of permits and certificates.

The city shall be subject to both the provisions of that Act that concern regional county municipalities and the provisions concerning local municipalities, adapted as required. The powers and responsibilities conferred by that Act on the warden, the council and the secretary-treasurer of a regional county municipality shall be exercised, respectively, by the mayor, the city council and the clerk.

However, for the purposes of examining the conformity of the planning program or a planning by-law with the development plan, sections 59.5 to 59.9 and 137.10 to 137.14 of the said Act shall apply, adapted as required, as a substitute for sections 109.6 to 110 as regards the planning program and sections 137.2 to 137.8 as regards by-laws.

The development plan of the city shall be the part of the development plan of the regional county municipality of Fjord-du-Saguenay that is applicable to the city's territory and that is in force on 17 February 2002; the planning program and the planning by-laws of the city shall be the aggregate of the programs and by-laws in force on that date in the municipalities subject to this amalgamation and the part of the programs and by-laws in force in the applicable part of Canton de Tremblay.

## §3. *Community, economic, social and cultural development*

52. 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, social and cultural development and may provide for rules relating to

the financial support the city may grant to a body carrying on its activities in the borough and whose mission is local economic, community, social or cultural development.

53. The city may promote, particularly at the international level, activities that arise from the part of the development plan referred to in section 52 respecting economic development, particularly with respect to technology, tourism and industry.

## §4. *Recovery and recycling of waste materials*

54. The city may establish, own and operate waste materials disposal sites in or outside its territory and regulate their use.

55. The city may, in or outside its territory,

(a) establish, own and operate

i. a waste materials recovery and recycling establishment;

ii. premises for the disposal of waste from the operation of that establishment and waste owned by the city for purposes of recovery or recycling that cannot be used for such purposes;

iii. premises for the disposal of waste from the operation of a waste water treatment plant of the city;

iv. a site for burying sludge from septic installations;

(b) regulate the use of an establishment or premises referred to in paragraph a.

## §5. *Culture, recreation and parks*

56. The city shall, in a by-law, identify the parks and cultural or recreational facilities to be managed by the city council or by the borough council.

57. The city may, in a by-law, determine the location of a park, whether or not the city is the owner of the right-of-way of the park.

Such a by-law is without effect as regards third persons as long as the city is not the owner of the right-of-way or has not entered into an agreement allowing it to operate the park with the owner or, in the case of land in the domain of the State, with the person having authority over the land.

58. From the coming into force of the by-law provided for in section 57, the city may make an agreement

with any person holding the right of ownership or any other right in respect of an immovable located in the park in question.

Such an agreement may provide

(a) that the person retains the right for a certain period of time or with certain restrictions;

(b) that the person grants the city a right of pre-emption;

(c) that the person agrees not to make improvements or changes to the immovable except with the consent of the city; and

(d) 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.

59. The city may, in a by-law, in respect of a park

(a) establish rules governing the protection and preservation of the natural environment and its elements;

(b) determine the extent to which and the purposes for which the public is to be admitted;

(c) prescribe the conditions on which a person may stay, travel or engage in an activity in the park;

(d) prohibit or regulate the carrying and transport of firearms;

(e) prohibit or regulate the use or parking of vehicles;

(f) prohibit the transport and possession of animals or prescribe the conditions with which a person having custody of an animal must comply;

(g) prohibit or regulate posting;

(h) establish rules for maintaining order and for ensuring the cleanliness of the premises and the well-being and tranquillity of users;

(i) prohibit certain recreational activities or prescribe conditions governing participation in such activities;

(j) prohibit or regulate the operation of businesses;

(k) determine cases where a person may be kept out or expelled; and

(l) determine powers and obligations of employees.

60. The city may operate accommodation, restaurant or commercial establishments, or parking lots, for the benefit of users, or cause such establishments or lots to be operated.

61. The city, a regional county municipality or a local municipality may enter into an agreement with respect to parks in accordance with the provisions of Division XXV of Chapter II of Title XIV of the Municipal Code of Québec.

62. For the purposes of sections 57 to 61, a natural area or a corridor developed for recreational and sports activities is considered to be a park.

#### §6. Social housing

63. 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. Road networks

64. 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, those that form its road network and those that form the network under the responsibility of the boroughs.

It shall also establish minimum standards for the management of those networks.

The city council shall, in respect of the city's road network, exercise the jurisdiction of the city as regards roadwork, traffic signs and signals and the control of traffic and parking; the city council may prescribe standards for the harmonization of the rules governing roadwork, traffic signs and signals and the control of traffic and parking in respect of all the networks referred to in the first paragraph.

### §8. *Tourist promotion and hospitality*

65. The city has jurisdiction to promote tourism and provide for tourist hospitality on 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 field of jurisdiction provided for in the first paragraph or of any aspect thereof. Where the person or body has jurisdiction on a territory other than that of the city, the latter may, in carrying out the agreement, also promote tourism and provide for tourist hospitality on that other territory.

## **DIVISION III** **JURISDICTION OF THE BOROUGH COUNCIL**

### §1. *General provisions*

66. 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.

67. The borough council may, subject to the conditions it determines, provide another borough council with a service related to a field of jurisdiction of the borough council. The resolution for the provision of service shall take effect on passage of a resolution accepting the provision of services.

Every decision under the first paragraph shall be made by a two-thirds majority of the votes cast.

68. The borough council has, for the borough, jurisdiction, powers and duties in the following fields:

- (a) urban planning;
- (b) the prevention aspect of fire safety;
- (c) removal of waste materials;
- (d) local economic, community, social and cultural development;
- (e) culture, recreation and borough parks; and
- (f) local roads.

The borough council has, in the exercise of such jurisdiction, and adapted as required, all the powers and is subject to all the obligations assigned to or imposed on a local municipality by the Cities and Towns Act or

any other Act, other than the power to borrow and the power to levy taxes.

The borough council may, in an internal management by-law, delegate to any officer or employee hired by the city for the borough any power related to the exercise of its jurisdiction in the approval of expenditures, the making of contracts and personnel management and may determine the terms and conditions of the exercise of the delegated power.

The borough council shall maintain a borough office, for the purposes of issuing permits and affording the population access to all information on matters within the authority of the city council or of the borough council.

### §2. *Urban planning*

69. For the purposes of sections 123 to 137 of the Act respecting land use planning and development,

(a) a public consultation meeting shall be held in each borough referred to in the draft by-law;

(b) 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 a;

(c) every public consultation meeting shall be presided by the chair of the borough council;

(d) the notice required by section 126 of that Act shall be posted not only at the office of the city but also at the office of each borough referred to in 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;

(e) the summary referred to in section 129 of that Act may be obtained at the office of the borough; and

(f) 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 affect the borough referred to in the notice.

70. The borough council may, in accordance with Chapter V of Title I of the Act respecting land use planning and development, adapted as required, establish an advisory land use planning committee.

71. A borough council having an advisory land use 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, adapted as required. In particular, the notice referred to in section 145.6 of that Act shall be published in accordance with the Cities and Towns Act and be posted at the office of the borough.

**§3. Prevention aspect of fire safety**

72. The borough council shall participate, by its recommendations, in the preparation of the city's fire safety plan and its amendments and revisions, and promote the implementation in the borough of the measures contained in it.

**§4. Removal of waste materials**

73. The borough council may make recommendations to the city council respecting the operation of the waste removal service on its territory and the appropriate fees to be charged for that service.

**§5. Local economic, community, social and cultural development**

74. Notwithstanding the Municipal Aid Prohibition Act (R.S.Q., c. I-15), the borough council may, in accordance with the rules established in the development plan prepared by the city pursuant to section 52, provide financial support to a body carrying on its activities in the borough and whose mission is local economic, community, social or cultural development.

**§6. Culture, recreation and borough parks**

75. The borough council exercises the city's powers in respect of the parks and the cultural and recreational facilities under its jurisdiction pursuant to the by-law under section 56, except for the power referred to in section 61.

The borough council is also responsible for the organization of recreational sports and sociocultural activities. It may, in particular, for that purpose provide financial support to bodies whose goal is to organize and foster physical or cultural activity.

**§7. Local roads**

76. The borough council exercises the city's jurisdiction over roadwork, traffic signs and signals and the control of traffic and parking, in respect of the streets and roads under its jurisdiction pursuant to the by-law adopted by the city council under section 64, in a manner consistent with the rules established under the second and third paragraphs of that section.

**CHAPTER IV  
SPECIAL FINANCIAL AND FISCAL PROVISIONS**

**DIVISION I  
FINANCIAL PROVISIONS**

77. 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.

78. The borough council is responsible for the management of its budget.

It must, however, administer its allotment in conformity with the minimum standards fixed in a by-law of the city council regarding the level of services to be offered by each borough council.

79. 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.

80. 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, either require compensation from the owners or occupants of immovables located in the borough, or levy a tax on all or part of the taxable immovables located in the borough.

81. Every agreement entailing commitment of the city's credit 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, in a by-law, provide for exceptions to the rule set out in the first paragraph.

82. A loan by-law need not be submitted for approval to the qualified voters if the subject of the by-law is the carrying out of permanent work on waste water treatment works, drinking water supply systems, underground conduits, road surfacing, curbs, sidewalks, lighting and traffic signs and signals, and the acquisition by mutual agreement or expropriation of land or servitudes required for the carrying out of such work.

## **DIVISION II** **FISCAL PROVISIONS**

### *§1. Interpretation and general provisions*

83. For the purposes of this Division, the territory of each municipality named in section 4 and of the part of Canton de Tremblay described in Schedule A shall constitute a distinct sector.

84. The city is subject to the rules provided for in the Act with respect to local municipalities, particularly the rules that prohibit the setting of different rates for the general property tax for different parts of the municipal territory and the rules that provide for the use of specific sources of revenue to finance debt-related expenses.

The city may derogate from these rules only if required to do so for the purposes of one of the provisions of this division or of section 152.

### *§2. Ceiling on any increase in the tax burden*

85. The city must avail itself of the power conferred on it under section 86 and, if it imposes a business tax, of the power conferred under section 87, or of the power conferred under section 92.

86. The city may, for a fiscal year, set any rate of the general property tax so that, with respect to the previous fiscal year, the increase in the tax burden for all the assessment units located in a sector to which part of the rate or the full rate applies, is limited to 5%.

The following shall constitute the tax burden :

(a) revenues from the general property tax as a result of applying the full rate or a part thereof;

(b) revenues from other taxes, including the taxes based on the rental value of immovables or compensation deemed to be taxes under the law, particularly those used to finance services such as drinking water supply, waste water treatment, snow removal, garbage removal and the recycling of waste materials ;

(c) revenues from sums payable in lieu of taxes for immovables, either by the Government, in accordance with the second paragraph of section 210 of the Act respecting municipal taxation (R.S.Q., c. F-2.1), or by the Government, in accordance with section 254 and the first paragraph of section 255 of the Act, or by the Crown in right of Canada or one of its mandataries ;

(d) revenues from which the city was deprived by granting a credit, with respect to any source of revenue referred to in subparagraphs a to c, for the purposes of applying section 147 concerning the use of a surplus.

However, the revenues referred to in the second paragraph used to finance debt-related expenses are not included in the tax burden.

87. The city may, for a fiscal year, set the business tax rate so that, with respect to the previous fiscal year, the increase in revenues arising from the tax for all the business establishments located in a sector is limited to 5%.

These revenues include any sums in lieu of the business tax payable by the Government, in accordance with the second paragraph of section 210 of the Act respecting municipal taxation, or the second paragraph of section 254 and the first paragraph of section 255 of the Act.

88. If the city avails itself of one of the powers provided for in sections 86 and 87, it may replace the maximum increase provided for in those sections by another, which must be the same for all the sectors in question and be less than 5%.

89. In the event that the increase referred to in section 86 or 87 does not result solely from the constitution of the city, the maximum shall apply only with respect to the portion of the increase that is a result of its constitution.

90. If the city avails itself of one of the powers provided for in section 86 or 87, it must, subject to any by-law made under the second paragraph, provide for the rules that will allow to determine whether the increase referred to in this section is a result solely of the constitution of the city, and, if not, to determine the portion of the increase that is a result thereof.

The Government, may, by regulation, provide for cases where the increase is not deemed a result of the constitution of the city.

If the city does not avail itself of the power provided for in section 244.29 of the Act respecting municipal taxation and imposes a surtax or a tax on non-residential immovables or the surtax on vacant land, it must, if it is to avail itself of the power provided for in section 86, provide for the necessary rules of concordance to obtain the same results, for the purposes of this section, as if the city were to impose a general property tax with rates specific to the categories that include the assessment units subject to each tax or surtax imposed.

91. For the purposes of determining the percentage of increase referred to in section 86 for the 2002 fiscal year, where the local municipality the territory of which constitutes the sector referred to has appropriated as revenue for the 2001 fiscal year all or a portion of the surplus from previous fiscal years, for an amount that exceeds the average amount so appropriated for the 1996 to 2000 fiscal years, shall be included in the fiscal burden of all the assessment units located in the sector, for the 2001 fiscal year, the difference obtained by subtracting from the excess amount the sum that the municipality did not have to pay as a result of the application of sections 90 to 96 of chapter 54 of the Statutes of 2000, for the special fund for the financing of local activities.

92. The city may establish the rules enabling it to grant an abatement for a given fiscal year, with respect to the previous fiscal year, in order to limit to 5% the increase in the tax burden for a unit of assessment or a business establishment.

The second and third paragraphs of section 86 and sections 87 to 91 shall apply, adapted as required, for the purposes of the increase ceiling provided for in the first paragraph.

If the city avails itself of the power provided for in this paragraph, it shall provide for rules enabling it to adapt to each individual unit of assessment or business establishment the provisions of the second paragraph, which take into account all the units or establishments.

### §3. *Ceiling on any reduction in the tax burden*

93. The city may, for a given fiscal year, set any rate for the general property tax so that, with respect to the previous fiscal year, the reduction in the tax burden for all the units of assessment located in a sector and to which all or a portion of the rate applies shall not exceed the percentage that the city shall set for all the sectors.

The second and third paragraphs of section 86, the third paragraph of section 90 and section 91 shall apply, adapted as required, for the purposes of the reduction ceiling provided for in the first paragraph.

94. The city may, for a given fiscal year, set the rate for the business tax so that, with respect to the previous fiscal year, the reduction in revenues from that tax for all the business establishments located in a sector shall not exceed the percentage that the city shall set for all the sectors.

These revenues include revenues from the sums payable in lieu of the business tax that shall be paid by the Government, in accordance with the second paragraph of section 210 of the Act respecting municipal taxation, or with section 254 and the first paragraph of section 255 of the Act.

95. If the city does not avail itself of the power provided for in section 93 or 94, it may provide for rules enabling it to require a supplement for a given fiscal year so that, with respect to the previous fiscal year, the reduction in the tax burden for a unit of assessment or business establishment does not exceed the percentage that the city shall set for the entire territory.

The second and third paragraphs of section 86, the third paragraph of section 90 and section 91 shall apply to a unit of assessment, and the second paragraph of section 94 to a business establishment, adapted as required, for the purposes of the reduction ceiling provided for in the first paragraph.

If the city avails itself of the power provided for in this paragraph, it shall provide for rules enabling it to adapt to each individual unit of assessment or business establishment the provisions of the second paragraph, which take into account all the units or establishments.

### §4. *Miscellaneous*

96. The city may avail itself of the powers provided for in Division III.1 of Chapter XVIII of the Act respecting municipal taxation with respect to one sector and not to another or vary their use in different sectors.

97. Where, for a fiscal year prior to the year in which the first assessment roll drawn up specifically for the city comes into force, the city sets, under section 244.29 of the Act respecting municipal taxation, a rate for the general property tax that is specific to one of the categories provided for in sections 244.34 and 244.35 of the Act, the coefficient referred to in sections 244.44 and 244.47 of the Act shall be the coefficient that is established on the basis of the comparison of the two last property assessment rolls of the municipalities subject to this amalgamation whose population in 2001 was the highest.

98. For the 2002 fiscal year, the city shall impose a business tax on the sector where the tax was imposed for the 2001 fiscal year and shall not impose it on any other sector.

For the following fiscal years, if the city does not impose the business tax on its entire territory, it may impose the tax on a sector where the tax was imposed for the 2001 and 2002 fiscal years.

For the purposes of the two first paragraphs, the roll of rental values in effect in the sector for the 2001 fiscal year shall continue to apply until the end of the first fiscal year for which it was drawn up. The city may, if required for these purposes, have a roll of rental values drawn up, in accordance with the Act respecting municipal taxation for one sector rather than the entire territory.

99. The city may establish a program under which it may grant, in the circumstances provided for in the second paragraph, a credit applicable to the amount of the general property tax that is imposed, for any fiscal year from the one referred to in paragraph *a* of this paragraph, on any unit of assessment that is located in a sector and belongs to the group provided for in section 244.31 of the Act respecting municipal taxation.

The credit may be granted where all the following conditions have been met:

(*a*) for a given fiscal year, the business tax is not imposed on the sector, neither distinctly nor within the entire territory of the city, or, if it is, the revenues provided for the sector are less than those of the previous fiscal year;

(*b*) the business tax has been imposed on the sector, for the fiscal year preceding that referred to in subparagraph *a*, without it having been imposed on the entire territory of the city;

(*c*) the revenues of the general property tax for the sector for the fiscal year referred to in subparagraph *a*, which are a product of the application in whole or in part of one of the specific rates for the categories specified in sections 244.33 and 244.34 of the Act respecting municipal taxation, exceed the revenues that would have been produced had there been no loss or reduction in revenues from the business tax.

The credit shall reduce the amount payable in general property tax imposed on any units of assessment referred to in the first paragraph and in respect of which applies in whole or in part the rate referred to in subparagraph *c* of the second paragraph. The amount of credit shall be determined according to the rules of the program.

The cost of the entire credits granted for the units of assessment located in the sector is payable by all the units located in that sector and that belong to the group referred to in the first paragraph.

If the city does not avail itself of the power provided for in section 244.29 of the Act respecting municipal taxation and imposes a surtax or a tax on non-residential immovables, it must, if it avails itself of the power provided for in the first paragraph, provide for the necessary rules of concordance to obtain the same results, for the purposes of the first four paragraphs, as if the city were to impose a general property tax with rates specific to the categories that include the assessment units subject to the surtax or tax imposed on non-residential immovables.

100. Where a local municipality subject to this amalgamation has availed itself, with respect to its assessment roll in effect on 1 January 2001, of the power provided for in section 253.27 of the Act respecting municipal taxation, the city may, no later than the date on which the budget for the 2002 fiscal year is adopted, provide that the averaging of the variation in the taxable values resulting from the coming into force of a roll be extended for that fiscal year and for the sector concerned.

## CHAPTER V EFFECTS OF AN AMALGAMATION ON LABOUR RELATIONS

101. Subject to this section, sections 176.1 to 176.22 of the Act respecting municipal territorial organization, the third paragraph of section 176.23, and sections 176.24 to 176.26 apply, adapted as required, to the amalgamations and transfers provided for in paragraph *a* in accordance with the rules set out in paragraphs *b* to *l*

(*a*) 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;

(*b*) 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";

(*c*) 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;

(*d*) the labour commissioner's decision must, in the cases provided for in sections 176.5 and 176.9, be rendered no later than 29 June 2002;

(e) the period for making an agreement under section 176.2 ends on 14 February 2002;

(f) the reference date for the purposes of the second paragraph of section 176.5 is 18 February 2002;

(g) the period for filing an application under sections 176.6 and 176.7 begins on 15 March 2002 and ends on 16 April 2002;

(h) the provisions of the first paragraph of section 176.10 become effective on 18 February 2002;

(i) 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, begins on 18 February 2002 and terminates on 17 March 2002; as regards the suspension of the other provisions of section 22, the suspension begins on 18 February 2002 and terminates on 1 September 2003;

(j) the exercise of the right to strike of the employees of the municipalities subject to this amalgamation is suspended from 18 February 2002 to 30 April 2003;

(k) every collective agreement binding a municipality subject to this amalgamation expires on the date provided for its expiry or on 1 January 2003, whichever is earlier; and

(l) the notice of negotiation referred to in section 176.14 may not be given before 1 January 2003.

## CHAPTER VI TRANSITION COMMITTEE

### DIVISION I COMPOSITION AND ORGANIZATION OF THE TRANSITION COMMITTEE

102. A transition committee composed of the members designated by the Minister of Municipal Affairs and Greater Montréal is hereby constituted, effective on the date of coming into force of this Order in Council. The number of members of the committee shall not be fewer than three or more than seven.

The Minister shall designate a chair from among the committee members.

103. No person who is a member of the council of a municipality amalgamated under this amalgamation 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 until the expiry of a period of two years from the end of the person's term as member of the committee.

104. The transition committee is a legal person and a mandatary of the State.

The property of the transition committee forms part of the domain of the State, but the execution of the obligations of the agency may be levied against its property.

The transition committee binds only itself when it acts in its own name.

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 2.

105. Every member of the transition committee shall be paid the remuneration and expense allowance determined by the Minister of Municipal Affairs and Greater Montréal. The Minister may determine any other condition of employment of a member, in particular with respect to the reimbursement of expenses in the performance of a member's duties.

106. No deed, document or writing binds the transition committee unless it is signed by the chair or, to the extent determined in an internal management by-law 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 an internal management by-law, that a signature be affixed by means of an automatic device or that a facsimile of a signature be engraved, lithographed or printed. The facsimile has the same force as the signature itself only if the document is countersigned by a person authorized by the chair.

107. 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.

108. The Minister of Municipal Affairs and Greater Montréal 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.

109. 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.

110. 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 discharge of their duties. Sections 604.6 to 604.10 of the Cities and Towns Act apply, adapted as required, 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.

111. The Minister of Municipal Affairs and Greater Montréal may, under the conditions and on the terms it determines, grant the transition committee any sum it considers necessary for its operation.

The Minister of Municipal Affairs and Greater Montréal shall approve any decision to contract a loan taken by the transition committee. The loan shall be contracted, if applicable, at the rate of interest and on the other conditions set out in the approval.

112. 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., c. A-2.1).

113. Unless otherwise provided in an order of the Minister of Municipal Affairs and Greater Montréal, 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**

114. The mission of the transition committee is to participate, together with the administrators and employees of the municipalities subject to this amalgamation, and of any body thereof, in the establishment of the conditions most conducive to facilitating the transition, for the citizens of the city, from the existing administrations to the city.

## **DIVISION III**

### **OPERATION, POWERS AND RESPONSIBILITIES OF THE TRANSITION COMMITTEE**

#### *§1. Operation and powers of the committee*

115. 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.

116. Subject to the second paragraph of section 122, the transition committee shall, during its term, provide the citizens of the municipalities subject to this amalgamation 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.

117. The transition committee may adopt internal management by-laws establishing its rules of operation.

118. 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.

119. 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.

120. The transition committee may require any municipality subject to this amalgamation, 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.

The first paragraph also applies with respect to information, records or documents relating to the pension plan referred to in section 145, held by any administrator of such plan or any public body that holds such responsibility for such plan under the law.

121. The transition committee may require any municipality subject to this amalgamation 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.

122. Sections 120 and 121 apply notwithstanding the Act respecting Access to documents held by public bodies and the Protection of personal information.

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 120 and 121.

123. 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 subject to this amalgamation or a body thereof. The committee may designate the employee whose services are necessary. The committee and the employer shall agree on the amount to be paid by the committee for the use of the services. The employer shall make the designated employee available to the committee from the time indicated by the committee, despite the absence of an agreement relating to the cost 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, and section 469 of that Act applies in that case, adapted as required.

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.

124. Every member of the council and every officer or employee of a municipality subject to this amalgamation or a body thereof must cooperate with the transition committee members, employees and representatives acting in the performance of their duties.

## §2. *Responsibilities of the committee*

125. 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 subject to this amalgamation. The transition committee may submit to the advisory committee any matter on which it seeks the opinion of the mayors of the municipalities. 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.

126. Every decision by which a municipality subject to this amalgamation or a body thereof makes a financial commitment for a period extending beyond 17 February 2002 must be authorized by the transition committee if the decision is made on or after the date of coming into force of this Order in Council.

Every collective agreement or contract of employment entered into or amended after the coming into force of this Order in Council by a municipality subject to this amalgamation must be authorized by the transition committee if the effect of the agreement or contract is to increase the remuneration and fringe benefits of the officers and employees.

Until the transition committee is formed, an application must be made to the Minister of Municipal Affairs and Greater Montréal for every authorization required under this section.

The transition committee may, at any time, approve a decision, collective agreement or work contract for which authorization is required under the first, second or third paragraphs. The committee's approval is deemed to be appropriate authorization.

127. The transition committee shall hire and remunerate the election officers prescribed by the Act respecting elections and referendums in municipalities for the purposes of the city's first general election.

Subject to any other provision of this Order in Council, 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.

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 division shall comply with the distribution shown in Schedule D.

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.

The division prepared by the transition committee in collaboration with the chief electoral officer must be submitted to the Minister of Municipal Affairs and Greater Montréal by the transition committee, and has effect only if adopted by an order of the Government.

128. The transition committee may examine the circumstances of the hiring of officers and employees by a municipality subject to this amalgamation after the date of coming into force of this Order in Council and the situation of any intermunicipal board employee whose employment is not maintained under the intermunicipal agreement in one of the municipalities that is a party to the agreement when it expires.

The transition committee may make any recommendations to the Minister of Municipal Affairs and Greater Montréal in their regard.

129. The transition committee shall, on or before 30 September 2001, agree with all the certified associations within the meaning of the Labour Code (R.S.Q., c. C-27) representing the employees in the employment of the municipalities subject to this amalgamation 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 applicable conditions of employment nor increase the staff.

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.

130. If an agreement has not been reached on all the matters referred to in the first and second paragraphs of section 122 within the time prescribed by this section, 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 shall apply, adapted as required.

However, the Minister of Labour may, if applicable and if deemed expedient, designate a mediator-arbitrator per dispute or group of disputes relating to the determination of the assignment procedure for a given employment category or group of employees.

131. The transition committee shall also prepare any plan for the reassignment of the officers and employees of the municipalities subject to this amalgamation 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 17 February 2002.

Subject to the rules provided for in sections 137 and 138, the transition committee shall draw up the plan prescribed in the first paragraph with respect to the employees of Municipalité régionale de comté du Fjord-du-Saguenay who will be transferred to the city and, if applicable, those of Canton de Tremblay.

132. 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, as well as the other officers and employees not represented by a certified association, and define their functions.



133. 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 borough councils, by establishing, among other things, elements of equalization among the boroughs and taking into account the services provided in 2001 by each of the municipalities subject to this amalgamation.

The transition committee shall prepare a draft with respect to any resolution, among those that the provisions of Division II of Chapter IV empowers it to adopt, on which the draft budget is based.

134. The transition committee shall, within the scope of its mandate, list the organizations involved in economic development that have their head office or a business establishment on the territory of the city.

The object of the study shall be the mission or mandate of such organizations. The committee may make recommendations to the Minister in their regard.

135. In accordance with the Act respecting the municipal and intermunicipal transit corporations (R.S.Q., c. S-30.1), the transition committee must undertake steps with the Minister of Transport to change the status of the Corporation intermunicipale de transport du Saguenay into a public transit operating authority.

136. In accordance with the Police Act (2000, c. 12), the transition committee shall pursue the steps undertaken with the Minister of Public Security with a view to setting up a unified city police force on 18 February 2002.

137. The transition committee shall conclude an agreement with Municipalité régionale de comté du Fjord-du-Saguenay on the conditions relating to the transfer of all or part of its officers and employees and part of its territory to Ville de Saguenay as well as the conditions pertaining to the apportionment of the assets and liabilities related to the transfers. The agreement must be entered into by 15 November 2001.

The agreement shall concern Route des Bâisseurs and the loan contracted by the regional county municipality under By-law 97-138 respecting the Fonds de développement des terres publiques intramunicipales, the transfer of its administrative building and the transfer to the city of the application of the intermunicipal agreement concerning the joint refuse disposal service authorized by Resolution C-97-313 adopted by the regional county municipality on 16 September 1997 and the transfer of property of which the regional county

municipality is the owner under that agreement. The agreement also concerns the exercise by the city of its jurisdiction acquired by the regional county municipality with respect to the collection and transport of household waste under resolution C-92-183 adopted on 9 September 1992.

The agreement may not however cause Ville de Saguenay to acquire a portion of the benefits that Municipalité régionale de comté du Fjord-du-Saguenay will be entitled to receive for its participation in the limited partnership referred to in the General Agreement entered into with Hydro-Québec on 27 September 1999 on the production of electrical power linked to the partial diversion of the rivers Boucher, Portneuf, Sault-aux-Cochons and Manouane.

The Minister of Municipal Affairs and Greater Montréal may appoint a conciliator to help the parties reach an agreement, which must be approved by the Government.

The Minister may grant a postponement upon request from the committee or a municipality referred to in the first paragraph.

Failing agreement, the Government shall impose the rules concerning those transfers and the ones governing the apportionment of the assets and liabilities related thereto.

138. The transition committee shall conclude an agreement with Canton de Tremblay and Municipalité de Saint-Honoré with respect to

(a) the transfer to Municipalité de Saint-Honoré et Ville de Saguenay of all or part of the personnel of Canton de Tremblay;

(b) integrating the part of Canton de Tremblay that is not included in Ville de Saguenay under section 2 of this Order in Council into the territory of Municipalité de Saint-Honoré;

(c) the conditions of the transfers referred to in subparagraphs *a* and *b* and the apportionment of the assets and liabilities related thereto.

The agreement shall be concluded by 15 November 2001.

The Minister of Municipal Affairs and Greater Montréal may appoint a conciliator to help the parties reach an agreement, which must be approved by the Government.

The Minister may grant a postponement upon request from the committee or a municipality referred to in the first paragraph.

Failing agreement, the Government shall impose the rules concerning those transfers and the ones regarding the apportionment of the assets and liabilities related thereto.

139. 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.

140. The transition committee shall report to the Minister of Municipal Affairs and Greater Montréal 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.

141. The transition committee shall also provide the Minister of Municipal Affairs and Greater Montréal with any information the Minister may require on its activities.

## **CHAPTER VII SUCCESSION**

142. The city succeeds to the rights, obligations and charges of the municipalities subject to this amalgamation as they existed on 17 February 2002.

As provided for in the rules of transfer and apportionment of the assets and liabilities determined under sections 137 and 138, the city also succeeds to the rights, obligations and charges of *Municipalité régionale de comté du Fjord-du-Saguenay* and of *Canton de Tremblay*.

As provided for in the rules of transfer and apportionment of the assets and liabilities determined under section 138, *Municipalité de Saint-Honoré* succeeds to the rights, obligations and charges of *Canton de Tremblay* as it existed on 17 February 2002.

The city and *Municipalité de Saint-Honoré* become, without continuance of suit, a party to every suit, in the place of every municipality to which it succeeds.

143. The by-laws, resolutions, minutes, assessment rolls, collection rolls and other acts of each of the municipalities subject to this amalgamation and of *Municipalité régionale de comté du Fjord-du-Saguenay*

with respect to the territory of the city that are consistent with the provisions of this Order in Council shall remain in force in the territory for which they were made until their purposes are fulfilled or until they are replaced or repealed. 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 located.

144. The by-laws, resolutions, minutes, assessment rolls, collection rolls, and other acts adopted by *Canton de Tremblay* that are compatible with the provisions of this Order in Council shall continue to apply to the territory for which they were made until their purposes are fulfilled or until they are replaced or repealed.

145. The officers and employees of the municipalities subject to this amalgamation and those of *Municipalité régionale de comté du Fjord-du-Saguenay* and *Canton de Tremblay*, listed in the agreements referred to in sections 137 and 138, or if applicable, in the Order in Council made under those articles, shall become, without reduction in salary, officers and employees of the city, and shall retain their seniority and fringe 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 referred to in this section, other than the officers and employees whose employment with one of the municipalities begins after the date of coming into force of this Order in Council, may not be laid off or dismissed solely by reason of the constitution of the city.

146. The debts and any category of surplus of each of the municipalities subject to this amalgamation shall continue to burden or be credited to the immovables that were taxable in their respect on 17 February 2002 and are located in the part of the territory of the city that corresponds to the territory of that municipality.

The amounts required after 17 February 2002, with respect to the amount determined pursuant to subparagraph 4 of the second paragraph of section 137 of the *Supplemental Pension Plans Act* (R.S.Q., c. R-15.1) with respect to a pension plan of a municipality subject to this amalgamation or to the amortization of any unfunded actuarial liability of any such plan shall continue to burden the immovables located in the part of the territory of the city that corresponds to the territory of that municipality. The contributions paid after 17 February 2002, with respect to the commitments arising from a pension plan not subject to the *Supplemental Pension Plans Act* to which a municipality referred to in the first paragraph was a party, for the years of service before

18 February 2002 shall continue to burden the immovables located in the part of the territory of the city that corresponds to the territory of that municipality.

The date of determination of the amount pursuant to subparagraph 4 of the second paragraph of section 137 of the Supplemental Pension Plans Act or of the unfunded actuarial liability referred to in the second paragraph must be prior to 21 June 2001. Furthermore, with respect to an unfunded liability amendment, the amendment must have been made before 18 February 2002. However, if a pension plan has such an amount or unfunded actuarial liability outstanding on the date of its division, its merger or cancellation, the contributions paid by the city for that purpose after that date shall be deemed paid with respect to any amount or the amortization of any liability referred to in the second paragraph.

147. Any intermunicipal agreement that provides for the constitution of an intermunicipal board formed exclusively of municipalities subject to this amalgamation shall be terminated on 17 February 2002, notwithstanding any provision in the agreement that is inconsistent therewith.

Notwithstanding sections 468.48 and 468.49 of the Cities and Towns Act, the intermunicipal board referred to in the first paragraph shall cease its activities and be dissolved on the date provided for in that paragraph.

148. The city succeeds to the rights, obligations and charges of the board referred to in section 147. In that respect, the fourth paragraph of section 145 and sections 147 and 95 shall apply, adapted as required, and with respect to section 146, in regard to debts, the apportionment determined by the agreement constituting the board as regards capital expenditures.

149. With respect to an intermunicipal agreement providing for the constitution of an intermunicipal board formed in part of municipalities subject to this amalgamation, the city may request that the Minister of Municipal Affairs and Greater Montréal approve the termination of the agreement on a date other than that provided for by the agreement, so as to allow for the dissolution of the board. If the Minister approves the request, sections 468.48 and 468.49 of the Cities and Towns Act shall apply, adapted as required, from the date that a copy of the Minister's approval is sent to the intermunicipal board and to the member municipalities.

Section 146 shall apply to the debts arising from the agreement referred to in the first paragraph given the apportionment established in the agreement constituting the board with respect to capital expenditures.

150. An intermunicipal agreement providing for an operating procedure other than an intermunicipal board and concluded exclusively by the municipalities subject to this amalgamation shall be terminated on 17 February 2002. Any such agreement concluded by one of those municipalities and another municipality shall be terminated on 17 February 2002.

151. The sums of money derived from the operation or rental of an industrial immovable by the city, after deduction of the administration and maintenance costs related thereto, or from the alienation of such immovable shall be used to discharge the commitments made in respect of that immovable by any municipality subject to this amalgamation.

If the immovable referred to in the first paragraph was the object of an agreement under section 13.1 of the Act respecting municipal industrial immovables (R.S.Q., c. I-0.1), which provided for terms and conditions for the apportionment of expenses between the municipalities, the discharge of any commitments referred to in the first paragraph must comply with those terms and conditions for the taxable immovables located in any part of the territory of the city which corresponds to the territory of any such municipality.

152. The city may provide that the expenses related to debts incurred by any municipality subject to this amalgamation shall be financed, for one part, by the revenues derived exclusively from the territory of that municipality and for the other part, by the revenues derived from the entire territory of the city.

The following expenses may not be subject to any such decision and shall continue to be financed as in the 2001 fiscal year, subject to any other provision, provided that, for that fiscal year

(a) they were not charged to the ratepayers of the municipality, namely because they were financed by the contributions derived from other public bodies or by subsidies;

(b) they are financed by revenues derived from

i. a special tax imposed on the taxable immovables located in only one part of the territory of the municipality or imposed solely on the ratepayers of the territory to benefit from the work;

ii. a sum payable in lieu of taxes referred to in subparagraph *a* either by the Government, in accordance with the second paragraph of section 210 of the Act respecting municipal taxation, or in accordance with the first paragraph of sections 254 and 255 of the Act, or by the Crown in right of Canada or one of its mandataries;

iii. a source of revenue that, under section 244.9 of the Act respecting municipal taxation, will serve specifically for that purpose.

To determine which portion of the expenses subject to the decision provided for in the first paragraph must be financed in one of the ways provided for in the fourth paragraph, the total revenue referred to in subparagraphs *a* to *d* of the fifth paragraph shall be divided by the total revenue of the municipality for the 2001 fiscal year referred to in that paragraph.

The product obtained by multiplying the expenses by the quotient established above shall constitute the portion of expenses to be financed by the use of any source of revenue specified for that purpose imposed on the part of the territory that corresponds to that of the municipality. The balance shall constitute the part of the expenses referred to which may be financed by the use of any source of revenue specified for that purpose imposed on the entire territory of the city or of all other revenues derived from it and not reserved for other purposes.

The revenues that will serve for the purposes of the division provided for in the third paragraph are

(*a*) the revenues derived from the general property tax, except for those not taken into consideration when establishing the global taxation rate of the municipality and those that the latter would have made from the surtax on vacant lands if it had imposed it rather than setting a general property tax rate specific to the category provided for in section 244.36 of the Act respecting municipal taxation;

(*b*) the revenues derived from any special tax imposed, based on their taxable value, on all the immovables of the municipality;

(*c*) the revenues derived from any sum payable in lieu of a tax referred to in subparagraphs *a* and *b*, either by the Government, in accordance with the second paragraph of section 210 of the Act respecting municipal taxation, or in accordance with the first paragraph of sections 254 and 255 of the Act, or by the Crown in right of Canada or one of its mandataries, except for the revenues that would be exempted under subparagraph *a* if they arose from the tax, where the sum is payable in lieu of the general property tax;

(*d*) the revenues derived from the source provided for in section 244.1 of the Act respecting municipal taxation, except for those that, under section 244.9 of the Act, will serve specifically to finance the expenses related to debts;

(*e*) the revenues derived from the surtax on vacant lands, the surtax or the tax on non-residential immovables, the business tax and any other tax imposed according to the rental value of an immovable;

(*f*) the revenues subject to the exception provided for either in subparagraph *a* or *c*;

(*g*) the revenues derived from any sum payable in lieu of taxes, other than a sum referred to in subparagraph *c*, either by the Government, in accordance with the second paragraph of section 210 of the Act respecting municipal taxation, or in accordance with sections 254 and 255 of that Act, or by the Crown in right of Canada or one of its mandataries;

(*h*) the revenues derived from any unconditional government transfer.

153. 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 18 February 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.

154. Notwithstanding section 569.1 of the Cities and Towns Act, a working fund shall be constituted from 18 February 2002, the amount of which shall correspond to the amount that the municipalities subject to this amalgamation had borrowed from their respective working funds on 17 February 2002.

The sums of money that the municipalities had borrowed from their working fund shall be repaid by the city in accordance with the terms of the resolution authorizing the loan.

The sums of money that were available on 17 February 2002 in the working fund of each of the municipalities subject to this amalgamation shall be considered a surplus accrued on behalf of that municipality and shall be used for the benefit of the sector formed of the territory of that municipality.

155. The city of Ville de Saguenay shall succeed to the rights and obligations of Ville de Jonquière with respect to the Hydro-Jonquière hydroelectric plant.

However, any revenue in excess of the operating expenses and debts shall be used for the benefit of the taxable immovables of the sector formed of the territory of Ville de Jonquière as it existed on 17 February 2002 until the debt that that city contracted in regard to Hydro-Jonquière is discharged.

The value of Hydro-Jonquière at 17 February 2002 shall be determined by a certified assessor selected by the transition committee and the value of the long-term debt shall be confirmed by a certified accountant selected by the committee.

Should Hydro-Jonquière be sold before the long-term debt concerning it is repaid, the amount corresponding to the value determined in the third paragraph shall be used for the benefit of the taxable immovables of the sector formed of the territory of Ville de Jonquière as it existed on 17 February 2002.

From 18 February 2002, any investment in the distribution system or production of electrical power shall be charged to the city and the revenue in excess of the operating expenses for the new investments shall continue to be used for the benefit of the city.

156. A municipal housing bureau shall be incorporated under the name of "Office municipal d'habitation de la Ville de Saguenay." The name of the bureau may initially be changed by a simple resolution of the board of directors in the year following its constitution. A notice regarding the change of name shall be sent to the Société d'habitation du Québec and published in the *Gazette officielle du Québec*.

That municipal bureau shall succeed, on 18 February 2002, to the municipal housing bureaus of the former Ville de Chicoutimi, Ville de Jonquière, Ville de La Baie, Ville de Laterrière and Municipalité de Shipshaw, which are dissolved. The third and fourth paragraphs of section 58 of the Act respecting the Société d'habitation du Québec (R.S.Q., c. S-8) shall apply to the municipal housing bureau as though it had been incorporated by letters patent under section 57 of that Act.

The bureau shall be administered by a board of directors formed of five members. Three members shall be appointed by the council of Ville de Saguenay, two elected by all the lessees of the bureau, in accordance with the Act respecting the Société d'habitation du Québec and two shall be appointed by the Minister of Municipal Affairs and Greater Montréal, after consultation, from among the most typical socio-economic groups of the bureau's territory.

Until the city designates the first directors in accordance with the third paragraph, their duties shall be carried out by persons designated by the Minister of Municipal Affairs and Greater Montréal; should the city council fail to designate them as provided in third paragraph before 1 July 2002, their term shall end on that date.

The directors shall elect from among themselves a chair, vice-chair and any other officer they deem necessary to appoint.

The term of the board of directors is for three years and is renewable. Despite the expiry of their term, the board members shall remain in office until reappointed or replaced.

The quorum shall be the majority of the members in office.

The directors may, from the coming into force of this Order in Council

(a) secure loans on behalf of the bureau;

(b) issue debentures or other securities of the bureau and use them as a guarantee or dispose of them for the price and amount deemed appropriate;

(c) hypothecate or use as collateral the present or future immovables or movables of the bureau, to ensure the payment of such debentures or other securities, or give only part of the guarantees for those purposes;

(d) hypothecate the immovables and movables of the bureau or otherwise affect them, or give various types of surety, to ensure the payment of loans secured other than by the issue of debentures, as well as the payment or execution of other debts, contracts and commitments of the bureau;

(e) subject to the compliance with the Act respecting the Société d'habitation du Québec, the regulations made under that Act and the directives issued by the Société, pass any by-law deemed necessary or useful for the internal management of the bureau.

The employees of the bureaus that have been dissolved shall become without reduction in salary, employees of the bureau, and shall retain their seniority and fringe benefits.

Within fifteen days of their adoption, the bureau shall send to the Société d'habitation du Québec a certified true copy of the by-laws and resolutions appointing or dismissing a member or director.

The time limit provided for in section 137 of the Pay Equity Act (R.S.Q., c. E-12.001) shall no longer apply with respect to the bureaus constituted by the second paragraph. The time limit within which to comply with this section, for any succeeding bureau, shall be 36 months from the date of determination of the last bargaining unit.

## CHAPTER VIII FINAL PROVISIONS

157. The first general election shall be held on 25 November 2001. The second general election shall be held in 2005.

158. To determine whether a person is an eligible elector, candidate or a qualified voter at an election or referendum held on the territory of the city, any period during which the person, before the coming into force of section 1, resided continuously or not in the territory of one of the municipalities subject to this amalgamation or the part of the territory of Canton de Tremblay included in the city, or was the owner of an immovable or the occupant of a business establishment located within the territory is considered the same as if that time had been spent on the territory in which the person must be eligible.

159. At the first general election, a council member of one of the municipalities subject to this amalgamation may be a candidate, elected or appointed a member of the city council and hold both positions.

160. The officers or employees of the municipalities subject to this amalgamation and those of Canton de Tremblay and Municipalité régionale de comté du Fjord-du-Saguenay transferred to the city, except for those providing occasional fire-fighting services and are usually referred to as volunteer fire-fighters, and except for persons who are not considered under the Act to be officers or employees of those municipalities, are not eligible to hold office as a member of the city council or borough council.

An officer or employee referred to in the first paragraph, other than one who is not eligible under this paragraph, may not engage in partisan work with respect to the election of city council members or borough council members, as applicable.

That prohibition also covers any association representing the interests of these officer or employees.

161. In accordance with section 396 of the Act respecting elections and referendums in municipalities, any party may request an authorization upon the coming into force of this Order in Council.

162. Unless the leader requests its withdrawal, any authorization granted before the date of coming into force of this Order in Council by the chief electoral officer to a party carrying out its activities on the territory of one of the municipalities subject to this amalgamation shall be maintained and cover the entire territory

of the city constituted under section 1 of this Order in Council.

A party that wishes to change its name may have its leader make a written request to the chief electoral officer, to reserve a name for a period not exceeding six months. The second paragraph of section 398 of the Act respecting elections and referendums in municipalities shall apply, adapted as required, to the reservation.

163. For the purposes of the first general election, the chief electoral officer may authorize the merger of authorized parties that do not carry out their activities on the same territory provided that, except for the provisions of section 417 of the Act respecting elections and referendums in municipalities, they carry them out on the territory of a municipality to which the city will succeed and on the territory of the municipality where the merged party intends to carry out its activities and for which council that party will present candidates.

164. For the purposes of the provisions of the Act respecting elections and referendums in municipalities and of the first general election, which do not concern the elections, namely in matters of party financing, a "municipality" means all the municipalities subject to this amalgamation.

165. The returning officer for the first general election shall be Ms. Hélène Savard, clerk of Ville de Chicoutimi. She shall also carry out, for the purposes of Chapter XIII of Title I of the Act respecting elections and referendums in municipalities and until 17 February 2002, the duties of treasurer within the meaning of section 364 of that Act.

166. The Minister of Municipal Affairs and Greater Montréal shall determine the time, place and date for the first meeting of the city council. If the meeting is not held, the Minister shall set another date.

The meeting may be set for a date earlier than 18 February 2002.

167. At the first meeting, the council shall adopt, with or without amendments, the city's budget for the 2002 fiscal year as drawn up by the transition committee.

The city's budget shall be sent to the Minister of Municipal Affairs and Greater Montréal within 30 days of its adoption by the council.

If, on 18 February 2002, the budget has not been adopted, one quarter of each of the credits provided for in the budget drawn up by the transition committee shall

be deemed adopted. This shall also stand for 1 April, 1 July and 1 October, if on each of these dates, the budget has not been adopted.

168. The council of the city or of a borough, the mayor and the executive committee of the city may, from the time the majority of candidates elected at the first general election of 25 November 2001, to the office of councillor has taken the oath, take any decision, with respect to the organization and operation of the city, the borough or executive committee, to the sharing of powers by the city and the boroughs or to the delegation of any power to the executive committee or to officers, that comes under the responsibility or belongs to the field of jurisdiction of the council, mayor or executive committee, except for decisions, with respect to that responsibility or field of jurisdiction, that the law attributes to the transition committee, as of 18 February 2002.

Unless they deal with the designation of any borough chair or any member of the executive committee, as the case may be, the decisions referred to in the first paragraph shall take effect on 18 February 2002.

169. The city council may, by virtue of the first by-law on remuneration that it passes under the Act respecting the remuneration of elected municipal officers, fix the remuneration of the mayor, chairs of the boroughs, the other members of the city council and borough councils that the city shall pay for the duties they will have performed between the date of the beginning of their term and 17 February 2002. The method for fixing the remuneration may differ, with respect to that period, from that applicable from the date of the constitution of the city.

The remuneration paid to an elected officer under the first paragraph shall be reduced by an amount equal to that of any remuneration received from another local municipality during the same period of time. For the purposes of the pension plan established under the Act respecting the Pension Plan of Elected Municipal Officers (R.S.Q., c. R-9.3), only the part of the remuneration received for that elected officer from the municipality that was party to the pension plan may be considered admissible earnings.

170. Any member of the council of one of the local municipalities subject to this amalgamation and Canton de Tremblay whose term ends for the sole reason that the municipality ceased to exist on 17 February 2002, may receive compensation and maintain participation in the pension plan for elected municipal officers in accordance with sections 171 to 175.

Any entitlement referred to in the first paragraph shall cease to apply to a person in a period in which, from 18 February 2002, that person held the office of member of the council of a municipality on the territory of Québec.

171. The amount of the compensation referred to in section 170 shall be based on the remuneration fixed on 15 November 2000 under the Act respecting the remuneration of elected municipal officers in respect of the position that the person referred to in the first paragraph of section 170 held on 17 February 2002 to which applies, if applicable, any indexing of the remuneration provided for by a by-law of the council of one of the municipalities subject to this amalgamation or Canton de Tremblay that came into force on or before 15 November 2000.

The amount of the compensation shall also be based on the remuneration that the person referred to in the first paragraph of section 170 received on 15 November 2000, directly from a mandatory body of the municipality or a supramunicipal body within the meaning of sections 18 and 19 of the Act respecting the Pension Plan of Elected Municipal Officers.

The compensation established in accordance with the first and second paragraphs, except for the part referred to in the fourth paragraph, may not exceed annually the maximum referred to in section 21 of the Act respecting the remuneration of elected municipal officers.

The compensation shall, if applicable, also include any amount corresponding to the provisional contribution provided for in section 26 of the Act respecting the Pension Plan of Elected Municipal Officers that the local municipality, mandatory body or supramunicipal body should have paid with respect to the remuneration provided for in the first and second paragraphs for the person referred to in the first paragraph of section 170.

172. The compensation shall be paid by the city by bi-monthly instalments during the period commencing on 18 February 2002 and ending on the date on which would have been held the first general election following the expiry of the term under way on 17 February 2002.

A person who is eligible for the compensation may enter into an agreement with the city on any other mode of payment of the compensation.

173. The Government shall participate in the financing of one-half of the expenses that the payment of the portion of the compensation referred to in section 171 represents, based on the basic remuneration, or as the

case may be, on the minimum annual remuneration, provided for by the Act respecting the remuneration of elected municipal officers, of the person eligible for the program and on the amount of the provisional contribution payable with respect to that part of the compensation.

The Government shall send the city, whose territory includes that of the former municipality of which the eligible person was a council member, any amount corresponding to the portion of the expenses to which it must contribute.

174. The balance of the expenses that the payment of compensation represents, including, if applicable, the provisional contribution, constitutes a debt charged to the taxable immovables located in the part of the territory of the city that corresponds to that of the municipality referred to in the first paragraph of section 170, and of which the eligible person was a council member.

175. Any person referred to in section 170, who, on 17 February 2002, was a member of the pension plan for elected officers established under the Act respecting the Pension Plan of Elected Municipal Officers shall continue to participate in the plan during the period referred to in the first paragraph of section 172. However, the participant may, before 15 April 2002, give notice to the city in which he states that he has decided to cease to participate in the plan. He must send, as soon as possible, to the Commission administrative des régimes de retraite et d'assurances a copy of that notice. The termination of membership in the plan shall take effect for that person on 18 February 2002.

The eligible earnings for the person who continues to participate in the plan in accordance with section 170 shall correspond to the amount of the compensation paid during the period referred to in the first paragraph of section 172, less the amount of the compensation payable as a provisional contribution. In that case, the provisional contribution shall be paid by the city to the Commission administrative des régimes de retraite et d'assurances at the same time as the member's contribution that the city must withhold on each compensation payment.

A person who elects to terminate his participation in the pension plan referred to in the first paragraph shall be entitled to receive the portion of the compensation that concerns the provisional contribution.

176. No municipality subject to this amalgamation nor Canton de Tremblay may pass a by-law provided for in section 31 of the Act respecting the remuneration of elected municipal officers.

177. Ville de Saguenay shall pay to the Zone d'appartenance touristique (ZAT) Société touristique du Fjord, for each of the 2002, 2003, 2004, 2005 and 2006 fiscal years, an annual subsidy of \$226 384.

The obligation referred to in the first paragraph shall be charged to the taxable immovables located in La Baie borough.

178. Sections 85 to 92 have effect until 31 December 2011.

179. Subject to paragraphs *j*, *k* and *l* of section 50, the specific provisions governing the municipalities subject to this amalgamation and Canton de Tremblay, except for any provision whose object is, with respect to any such municipality, to validate or ratify a document or an act or to clarify a title of ownership or to confirm or grant the power to acquire or alienate a particular immovable, are repealed from the date of the constitution of Ville de Saguenay.

## SCHEDULE A

### OFFICIAL DESCRIPTION OF THE LIMITS OF THE TERRITORY OF VILLE DE SAGUENAY, MUNICIPALITÉ RÉGIONALE DE COMTÉ DE SAGUENAY

The current territory of the municipalities of Lac Kénogami and Shipshaw and of Ville de Chicoutimi, Ville de Jonquière, Ville de La Baie and Ville de Laterrière and a part of Canton de Tremblay, in Municipalité régionale de comté du Fjord-du-Saguenay, comprising, in reference to the cadastres of the townships of Bagot, Chicoutimi, Ferland, Jonquière, Kénogami, Laterrière, Otis, Simard and Tremblay, Cité d'Arvida, the parishes of Chicoutimi, Saint-Alexis and Saint-Alphonse, the villages of Bagotville and Sainte-Anne-de-Chicoutimi and Ville de Chicoutimi and Ville de La Baie, the lots or parts of lots, the blocks or parts of blocks and their present and future subdivisions, as well as the roads, routes, streets, railway rights-of-way, islands, lakes, watercourses or parts thereof, the whole within the limits described hereafter, namely: starting from the meeting point of the northeasterly extension of the dividing line between the cadastres of Paroisse de Saint-Alexis and Canton d'Otis with the centre line of Rivière Saguenay; thence, successively, the following lines and demarcations: southwesterly, the said extension and part of the dividing line between the said cadastres to the southwestern limit of the right-of-way of a road shown on the original (Chemin de La Malbaie) bordering to the northwest Lot 1 of Rang A of the cadastre of Canton d'Otis; in reference to that cadastre, southeasterly, the southwestern limit of the right-of-way of the said road to the



southeastern line of Lot 9 of Rang A; southwesterly, the southeastern line of the said lot and its extension in Lac Crève-Cheval and in a non-cadastré part of Canton de Ferland to its meeting point with the southeasterly extension of the southwestern line of Rang D of the cadastre of Canton de Ferland; northwesterly, the said extension and the southwestern line of the said range; southwesterly, part of the dividing line between the cadastres of Paroisse de Saint-Alexis and Canton de Ferland to the apex of the southern angle of Lot 228 of the former cadastre, that line crossing Rivière Ha! Ha! and Route 381 that it meets; northwesterly, the southwestern line of the cadastres of the parishes of Saint-Alexis and Saint-Alphonse and the cadastre of Canton de Bagot to the southeastern line of the cadastre of Canton de Laterrière, that line crossing Rivière à Mars that it meets; successively southwesterly and northwesterly, the southeastern line and the southwestern line of the cadastre of Canton de Laterrière crossing Rivière du Moulin in the first section and Lac Simoncouche, Route 175 and Rivière Cyriac in the second section; northeasterly, part of the northwestern line of the cadastre of Canton de Laterrière to the centre line of Lac Kénogami, the former line crossing Rivière Cyriac that it meets; in a general westerly direction, successively, the centre line of the said lake skirting to the south the islands that are part of the cadastre of Canton de Kénogami, the centre line of the river linking that lake to Lac Ouhiqui, then the centre line of the latter lake to its meeting point with the southerly extension of the dividing line between the cadastres of the townships of Kénogami and Labarre; northerly, the said extension and part of the dividing line between the cadastres of the said townships to the dividing line between Rang 2 Nord Chemin Kénogami and Rang 3 Nord Chemin Kénogami of the cadastre of Canton de Kénogami; in reference to that cadastre, easterly, part of the dividing line between the said ranges and its extension into Baie Cascouia to its meeting point with the southerly extension of the western line of Lot 50 of Rang 3 Nord Chemin Kénogami; northerly, the said extension and the western line of the said lot; easterly, part of the dividing line between Rang 3 Nord Chemin Kénogami and Rang 4 Nord Chemin Kénogami to its meeting point with the southerly extension of the eastern line of Lot 43 of Rang 6; northerly, successively, the said extension into Lot 25 of Rang 4 Nord Chemin Kénogami, then the broken line bordering to the east Lot 43 of Rang 6 and Lot 41 of Rang 5; easterly, part of the dividing line between Rang 5 and Rang 4 to the western line of Lot 13 of Rang 4; northerly, the western line of the said lot, that line extending across the railway right-of-way (Lot 78) and crossing Route 170 that it meets; westerly, part of the dividing line between Rang 3 and Rang 4 to the western

line of Lot 45 of Rang 3; northerly, the western line of Lot 45 in Rang 3, Rang 2, Rang 1 and Rang A Nord, then its extension to the centre line of Rivière Saguenay; easterly, the centre line of the said river downstream to its meeting point with the southerly extension of the dividing line between the cadastres of the townships of Simard and Bourget; northerly, the said extension and part of the dividing line between the cadastres of the said townships to the dividing line between Rang 7 and Rang 8 of the cadastre of Canton de Simard, that first line crossing Route Saint-Léonard, Route Jean, Route des Bouleaux et Route de Portage-Lapointe that it meets; in reference to that cadastre, easterly, part of the dividing line between the said ranges to the centre line of Rivière Shipshaw; in a general southwesterly direction, the centre line of the said river downstream to the dividing line between Rang 6 and Rang 7; easterly, part of the dividing line between the said ranges to the centre line of Rivière aux Vases; in a general southerly direction, the centre line of the said river skirting to the east the islands and islets found there to the dividing line between Rang 3 and Rang 4; easterly, successively, the dividing line between the said ranges, then part of the dividing line between Rang 3 and Rang 4 of the cadastre of Canton de Tremblay to the apex of the southwestern angle of Lot 31 of Rang 4 of the said cadastre; in reference to that cadastre, northerly, the western line of Lot 31 in Rang 4 and Rang 5; easterly, part of the dividing line between Rang 5 and Rang 6 to the apex of the southwestern angle of Lot 21A of Rang 6; northerly, the western line of the said lot; easterly, part of the dividing line between Rang 6 and Rang 7, then its extension to the centre line of Rivière Valin; in a general southerly direction, successively, the centre line of the said river downstream to its mouth, then a line parallel to the dividing line between lots A and B of Rang 5 to the centre line of Rivière Saguenay; finally, in a general southeasterly direction, the centre line of the said river downstream to the starting point.

The said limits define the territory of Ville de Saguenay, Municipalité régionale de comté de Saguenay.

Ministère des Ressources naturelles  
Direction de l'information foncière sur le territoire public  
Division de l'arpentage foncier

Charlesbourg, 22 June 2001

Prepared by: JEAN-FRANÇOIS BOUCHER,  
*Land surveyor*

S-165/1

**SCHEDULE B****Chicoutimi borough**

Bordered on the south by the south boundary of Ville de Saguenay ;

On the west, the west boundary of the former cities of Laterrière and Chicoutimi for the part south of Rivière Saguenay and the west boundary of Canton Tremblay for the part north of Rivière Saguenay ;

On the north, the north boundaries of Ville de Saguenay ;

On the east, the east boundary of Ville de Saguenay for the part north of Rivière Saguenay and the east boundary of the former cities of Chicoutimi and Laterrière for the part south of Rivière Saguenay ;

**Jonquière borough**

Bordered on the south, west and north by the south, west and north boundaries of Ville de Saguenay ;

On the east, the east boundary of the former Municipalité de Shipshaw for the part north of Rivière Saguenay, and the east boundary of the former Municipalité de Lac-Kénogami and the former Ville de Jonquière for the part south of Rivière Saguenay ;

**La Baie borough**

Corresponds to the boundaries of the former Ville de La Baie

**SCHEDULE C****NUMBER OF COUNCILLORS FOR EACH BOROUGH**

Chicoutimi	8
Jonquière	8
La Baie	3

**SCHEDULE D****DISTRIBUTION OF COUNCILLORS IN EACH BOROUGH FOR THE PURPOSES OF THE FIRST GENERAL ELECTION**

	<b>Districts</b>
<b>Chicoutimi Borough</b>	
Chicoutimi	6
Laterrière	1
Tremblay	1
<b>Jonquière Borough</b>	
Jonquière	6
Shipshaw	1
Lac-Kénogami	1
<b>La Baie Borough</b>	3
4412	