

Regulation respecting gratuitous transfer of land for public use

An Act respecting the lands in the domain of the State (R.S.Q., c. T-8.1, s. 71, subpars. 3 and 6)

1. This Regulation applies to lands in the domain of the State and to buildings, improvements and movables located on those lands that come under the authority of the Minister of Natural Resources under section 3 of the Act respecting the lands in the domain of the State (R.S.Q., c. T-8.1).

2. The Minister may gratuitously transfer land or grant a servitude to a municipality where it is required for the purposes of a public highway, municipal administrative services, port installations or airport facilities, a waste elimination site such as a sanitary landfill site or an incinerator, waste water treatment, protection of a drinking water reservoir or for water supply or sewer systems.

3. The Minister may gratuitously transfer land or grant a servitude to a local municipality where it is required for the development of roads or public transport, public housing, public security, social services, municipal parks, gardens, green spaces, for heritage preservation and for cultural or non-profit recreational purposes.

In this section, “local municipality” excludes the James Bay Regional Zone Council.

4. A metropolitan community and the Kativik Regional Government may benefit from sections 2 and 3 within the jurisdiction assigned to them by law.

5. The Minister may gratuitously transfer land or grant a servitude to a non-profit organization that takes over the management of port installations and airport facilities following a retrocession granted by the Government of Canada to the Gouvernement du Québec.

6. Where the transfer or servitude is granted to a local municipality, the land must be located within its territorial boundaries or within those of a neighbouring local municipality to the extent permitted by law.

7. The Minister may gratuitously transfer land to an intermunicipal board where it is required for the development of a park, garden or green space, or for non-profit recreational purposes.

8. The Minister may gratuitously transfer land where it is required for the non-profit operation of a cemetery.

9. The transferee or the acquirer of a servitude shall pay the registration fees prescribed by the Regulation respecting fees for attestation, registration and research in the Terrier made by Order in Council 235-89 dated 22 February 1989, the administration fees and the fees for the preparation and deposit of survey plans and documents prescribed for the sale of land or granting of a servitude by the Regulation respecting the sale, lease and granting of immovable rights on lands in the public domain made by Order in Council 231-89 dated 22 February 1989, as they read at the time of their application, and the fees for the notarial deed.

10. This Regulation replaces the Regulation respecting gratuitous transfer of land for uses of public utility made by Order in Council 232-89 dated 22 February 1989.

11. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

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Gouvernement du Québec

O.C. 1261-2001, 24 October 2001

An Act respecting the remuneration of elected municipal officers (R.S.Q., c. T-11.001)

Elected municipal officers — Maximum annual remuneration

Regulation to amend the Regulation respecting the maximum annual remuneration of elected municipal officers

WHEREAS under section 32 of the Act respecting the remuneration of elected municipal officers (R.S.Q., c. T-11.001), amended by section 194 of Chapter 25 of the Statutes of 2001, the Government may, by regulation, fix the maximum amount of the total remuneration which any member of the council of a local municipality is entitled to receive for all duties performed by him within the municipality, a mandatory body of the municipality or a supramunicipal body;

WHEREAS that Regulation may create classes of municipalities, bodies or positions and fix a different maximum for each of them;

WHEREAS the Government made the Regulation respecting the maximum annual remuneration of elected municipal officers by Order in Council 1672-92 dated 25 November 1992;

WHEREAS it is expedient to amend the regulation;

WHEREAS, in accordance with sections 10 and 12 of the Regulations Act (R.S.Q., c. R-18.1), the draft Regulation to amend the Regulation respecting the maximum annual remuneration of elected municipal officers was published in the *Gazette officielle du Québec* of 3 October 2001 on pages 5643 and 5644 with a notice that it could be made by the Government upon the expiry of 10 days following that publication and that any interested person could send his comments in writing to the Minister of Municipal Affairs and Greater Montréal before the expiry of such 10-day period;

WHEREAS comments justifying amendments to that draft Regulation were received within that deadline;

WHEREAS under section 18 of the Regulations Act, a regulation may come into force on the date of its publication in the *Gazette officielle du Québec* where the authority that has made it is of the opinion that the urgency of the situation requires it;

WHEREAS in November 2001, the first general elections will be held in the several new cities including Montréal, Québec, Longueuil, Gatineau, Lévis, Sherbrooke, Saguenay and Trois-Rivières and because of the impact of the remuneration on the budgets of the new cities, which should be adopted in November 2001, it is necessary that the new municipalities know the maximum remuneration applicable as soon as possible before they fix the remuneration of their elected municipal officers;

WHEREAS the Government is of the opinion that the urgency due to these circumstances justifies the coming into force of the Regulation on the date of its publication in the *Gazette officielle du Québec*;

WHEREAS it is expedient to make the Regulation with amendments;

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

THAT the Regulation to amend the Regulation respecting the maximum annual remuneration of elected municipal officers, attached to this Order in Council, be made.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting the maximum annual remuneration of elected municipal officers*

An Act respecting the remuneration of elected municipal officers
(R.S.Q., c. T-11.001, s. 32; 2001, c. 25, s. 194)

1. Section 1 of the Regulation respecting the maximum annual remuneration of elected municipal officers is amended

(1) by inserting the words “or the council of a borough” after the words “of a municipality” in the part preceding paragraph 1;

(2) by inserting the words “or borough council” after the words “within the municipality” in the part preceding paragraph 1;

(3) by substituting the amount “\$137 000” for the amount “111 915 \$” in paragraph 1;

(4) by substituting the following for paragraphs 2 to 4:

“(2) for the mayor of a municipality of 500 000 people or more: \$130 000;

(3) for the mayor of a municipality whose population ranges from 300 000 to 499 999: \$125 500;

(4) for the mayor of a municipality whose population ranges from 100 000 to 299 999: \$118 000;

(4.1) for the mayor of a municipality whose population ranges from 50 000 to 99 999: \$97 000;

(4.2) for any member of the executive committee or chairman or vice-chairman of a select committee of a metropolitan community: \$103 135;

(4.3) for any member of the executive committee or chairman or vice-chairman of a select committee of a municipality of 50 000 people or more: 90% of the maximum annual amount payable to the mayor of the municipality;

(4.4) for any warden elected in accordance with section 210.29.2 of the Act respecting municipal territorial organization (R.S.Q., c. O-9): \$65 000;”;

* The Regulation respecting the maximum annual remuneration of elected municipal officers, made by Order in Council 1672-92 dated 25 November 1992 (1992, *G.O.* 2, 5081) has not been amended since it was made.

(5) by striking out the word “other” in paragraph 5;

(6) by inserting the words “, the council of a borough or the council of a metropolitan community” after the word “municipality” in paragraph 5;

(7) by adding the following paragraph after paragraph 5:

“Where a person is governed by more than one subparagraph of the first paragraph, the highest remuneration shall apply.”.

2. The following is inserted after section 1:

“1.1. The maximum annual amount of the total remuneration which any member of the council of the Communauté urbaine de Montréal or a member of the council of the Communauté urbaine de Québec who is not governed by any of subparagraphs 1 to 4.2 of the first paragraph of section 1 shall be \$103 135 and \$94 350, respectively.”.

3. The following is substituted for section 3:

“3. Section 1 has effect as of 1 January 2001 in respect of any person who is a member of the council of the Communauté urbaine de Montréal on the date of coming into force of this Regulation, or who has been a member of the council of that community since 1 January 2001.”.

4. This Regulation comes into force on the day of its publication in the *Gazette officielle du Québec*.

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M.O., 2001

Order of the Minister of Municipal Affairs and Greater Montréal concerning the Regulation to amend the Regulation respecting the aggregate taxation rate

An Act respecting municipal taxation
(R.S.Q., c. F-2.1)

THE MINISTER OF MUNICIPAL AFFAIRS AND GREATER
MONTRÉAL,

CONSIDERING paragraph 3 of section 263 of the Act respecting municipal taxation (R.S.Q., c. F-2.1) that allows the Minister of Municipal Affairs and Greater Montréal to specify the kinds of taxes, compensations and modes of tariffing that are to be taken into account in establishing the aggregate taxation rate of a local municipality;

CONSIDERING the making by the Minister of Municipal Affairs of the Regulation respecting the aggregate taxation rate by the Minister’s Order dated 30 June 1992;

CONSIDERING that it is expedient to amend the Regulation;

CONSIDERING sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1);

CONSIDERING the publication of the draft Regulation to amend the Regulation respecting the aggregate taxation rate in Part 2 of the *Gazette officielle du Québec* of 6 June 2001;

ORDERS

THAT the Regulation to amend the Regulation respecting the aggregate taxation rate, attached to this Minister’s Order, be made.

Québec, 17 October 2001

LOUISE HAREL,
Minister of Municipal Affairs and Greater Montréal

Regulation to amend the Regulation respecting the aggregate taxation rate*

An Act respecting municipal taxation
(R.S.Q., c. F-2.1, s. 263, par. 3)

1. Section 1 of the Regulation respecting the aggregate taxation rate is amended

(1) by substituting the following for the first paragraph:

“1. For the purposes of establishing the aggregate taxation rate of a local municipality for a fiscal year, where that rate is defined in section 234 or 244.41 of the Act respecting municipal taxation (R.S.Q., c. F-2.1), the receipts taken into account are those provided for in the budget of the municipality for the year concerned and coming from

(1) municipal property taxes imposed or to be imposed for that fiscal year; and

* The Regulation respecting the aggregate taxation rate, made by Minister’s Order dated 30 June 1992 (1992, *G.O.* 2, 3315), was last amended by the Regulation made by Minister’s Order dated 8 May 1995 (1995, *G.O.* 2, 1429).