

Municipal Affairs

Gouvernement du Québec

O.C. 591-2002, 22 May 2002

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

Corrections to Order in Council 1044-2001 dated 12 September 2001 respecting the Amalgamation of Ville de Saint-Jérôme, Ville de Bellefeuille, Ville de Saint-Antoine and Ville de Lafontaine

WHEREAS, under Order in Council 1044-2001 dated 12 September 2001, Ville de Saint-Jérôme was constituted on 1 January 2002;

WHEREAS the Order in Council was made 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;

WHEREAS, under section 81 of the Order in Council, the polling for the first general election took place on 25 November 2001;

WHEREAS, under section 125.30 of the Act respecting municipal territorial organization, the Government may, within six months following the first general election in the new municipality, amend any order made under section 125.27 of the Act;

WHEREAS the Government amended Order in Council 1044-2001 by Order in Council 1171-2001 dated 3 October 2001, Order in Council 1355-2001 dated 14 November 2001 and Order in Council 1540-2001 dated 19 December 2001;

WHEREAS the municipal council requested that new powers be granted to the city;

WHEREAS it is expedient, as provided for in section 176.10 of the Act respecting municipal territorial organization, to increase to 21 months the period during which no application for certification in respect of a group of municipal employees may be made;

WHEREAS it is expedient to correct errors in writing that occurred in the text of Order in Council 1044-2001;

WHEREAS, under section 62 of Order in Council 1044-2001, the transition committee had to enter into an agreement, no later than 15 November 2001, with Municipalité régionale de comté de La Rivière-du-Nord on the transfer to the city of part of the public servants and employees assigned to the assessment service of the regional county municipality, on the conditions governing that transfer and on the partition of the related assets and liabilities;

WHEREAS, under section 41 of Order in Council 1044-2001, the Minister of Municipal Affairs and Greater Montréal extended the mandate of the transition committee to 31 January 2002;

WHEREAS the agreement provided for in section 62 of Order in Council 1044-2001 was entered into only on 31 January 2002 and the Government may thus impose the rules for the transfer of personnel and partition of the related assets and liabilities;

WHEREAS it is expedient to amend Order in Council 1044-2001;

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

THAT Order in Council 1044-2001 dated 12 September 2001, amended by Order in Council 1171-2001 dated 3 October 2001, Order in Council 1355-2001 dated 14 November 2001 and Order in Council 1540-2001 dated 19 December 2001, be further amended:

(1) by inserting the following after section 10:

“10.1. 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.

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

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

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

10.5. 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 grant any contract involving an expenditure that does not exceed \$100 000.

The executive committee shall give the council its opinion on any matter, where required to do so under a provision of the by-laws, at the request of the council or on its own initiative.

The opinion of the executive committee does not bind the council. Failure to submit an opinion required under the internal management by-laws or requested by the council does not limit the council's power to consider and vote on the matter.

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

However, the following powers may not be delegated:

(1) the power to adopt a budget, a three-year program of capital expenditures or a document required under the Act respecting land use planning and development (R.S.Q., 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);

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

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

(4) the power to create the various departments of the city, determine the scope of their activities and appoint the department heads and assistant heads; and

(5) the power to dismiss, suspend without pay or reduce the salary of an officer or employee who is referred to in the second and third paragraphs of section 71 of the Cities and Towns Act (R.S.Q., c. C-19).

The council may also, in its 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 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.

10.7. The executive committee may adopt an internal management by-law concerning its meetings and the conduct of its affairs. The by-law may also, to the extent 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.

10.8. 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.”;

(2) by substituting the words “of this Chapter” for the words “of this Division” in the first paragraph of section 14.1;

(3) by substituting “1 January” for “29 June” in paragraph 4 of section 30;

(4) by substituting the word “October” for the word “September” in paragraph 7 of section 30; and

(5) by substituting the following for section 62:

“62. The rules for the transfer of the personnel of the assessment service of *Municipalité régionale de comté de La Rivière-du-Nord* and for the partition of the related assets and liabilities shall be the rules provided for in the agreement entered into on 31 January 2002 between the regional county municipality and the transition committee.”.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

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