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Bill 33

(2003, chapter 28)

An Act to amend the Charter of Ville de Montréal

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EXPLANATORY NOTES

This bill amends the Charter of Ville de Montréal with respect to various aspects of that city's administration.

The bill stipulates that the city council and the council of any borough concerned may submit a joint request to the Government to change the boundaries of a borough. A public consultation meeting must be held in every borough whose boundaries are the subject of the request.

The bill replaces the position of borough chair by that of borough mayor. It states that a borough mayor must be elected to that position by the electors in the borough, beginning with the next general election. The bill grants the borough mayor the powers of the mayor of a municipality in the fields of jurisdiction under the authority of the borough council. The bill also stipulates that a borough council may appoint an acting borough mayor.

The bill amends the rules governing the remuneration of elected municipal officers of Ville de Montréal, making the borough council responsible for setting additional remuneration amounts for positions held on the borough council.

The bill also grants the borough council new powers related to personnel management, particularly with respect to the hiring and dismissal of officers and employees assigned to the borough. The bill grants the borough council the power to create various borough departments and to appoint department heads and assistant heads. It increases the responsibilities of the borough council in the negotiation of the collective agreements of officers and employees assigned to the borough.

The bill enables the city council and each borough council to agree on the content of a resolution called a "borough contract", which, among other things, sets rules for establishing and updating the allotment made to the borough council.

The bill further grants a borough council, under certain conditions, the capacity to sue and be sued in any matter under its jurisdiction. It allows a borough council to hold a consultative referendum under the Act respecting elections and referendums in municipalities.

The bill makes changes affecting land use planning and development in order to enable a borough council to initiate certain changes in the planning program.

The bill makes changes affecting fiscal and financial matters in order to enable a borough council to prepare a budget and a program of capital expenditures for the borough. It empowers the borough council to create a working fund, make certain borrowings and levy certain taxes.

The bill also allows the borough council to exercise the jurisdiction of the city as regards the adoption and application of a by-law on nuisances and one on the use of pesticides.

Lastly, the bill enables the city council to delegate to a borough council the passing or application of any by-law the city council decides or, if the monies for that purpose are provided for in the borough council's allotment, any power related to the exercise of a field of jurisdiction under the authority of the city council.

Bill 33

AN ACT TO AMEND THE CHARTER OF VILLE DE MONTRÉAL

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. The Charter of Ville de Montréal (R.S.Q., chapter C-11.4) is amended by inserting the following section after section 10:

“10.1. Any request made to the Government to have the boundaries of a borough modified shall be made by the city council and the council of any borough whose boundaries are the subject of the request.

In any borough whose boundaries are the subject of the request, a public consultation meeting shall be conducted by the borough mayor or any other member of the borough council designated by the mayor.

The secretary of the borough shall give public notice of the public meeting at least eight clear days before the meeting is held. The notice shall indicate the place, date, time and subject of the meeting. The notice shall also indicate that a copy of the request to change the boundaries of the borough is available for consultation at the borough office.

During the public meeting, the person conducting the meeting must explain the request to change the boundaries of the borough and hear the persons and organizations that wish to express themselves.”

2. Section 17 of the said Charter is amended

(1) by replacing “chair” in the first line by “mayor”;

(2) by adding the following paragraph at the end:

“The borough council shall hold at least ten regular meetings each year.”

3. Section 18 of the said Charter is amended

(1) by replacing “chair” in the first line of the first paragraph by “mayor”;

(2) by striking out “, until the first general election following the general election of 4 November 2001,” in the third and fourth lines of the second paragraph.

4. Sections 19 and 20 of the said Charter are replaced by the following sections:

“19. The borough mayor shall be elected by all the electors of the borough. The borough mayor is a city councillor.

“20. The borough mayor has, with respect to the fields of jurisdiction of the borough council, the powers, rights and obligations assigned to the mayor of a local municipality by the Cities and Towns Act (chapter C-19) or any other Act.”

5. Section 20.1 of the said Charter is amended by replacing “chair” in the second line by “borough mayor”.

6. The said Charter is amended by inserting the following section after section 20.1:

“20.2. A borough council may designate an acting mayor of the borough from among its members.

Section 56 of the Cities and Towns Act (chapter C-19) applies, with the necessary modifications.”

7. Section 21 of the said Charter is repealed.

8. Section 33 of the said Charter is amended by striking out subparagraph 10 of the first paragraph.

9. Section 34 of the said Charter is amended by replacing “, determine the scope of their activities and appoint the department heads and assistant heads” in the first, second and third lines of subparagraph 4 of the second paragraph by “and determine the scope of their activities”.

10. Section 34.1 of the said Charter is amended

(1) by inserting “except where matters referred to in section 49.2 are concerned” at the end of subparagraph *a* of paragraph 5;

(2) by inserting “and in sections 47 to 49” at the end of subparagraph *b* of paragraph 5;

(3) by adding the following paragraph at the end:

“The resolution by which the executive committee exercises the power provided for in subparagraph *c* of subparagraph 7 of the first paragraph must be sent to the Minister of Municipal Affairs, Sports and Recreation within 30 days after the adoption of the resolution.”

11. The said Charter is amended by inserting the following section after section 34.1:

“34.2. The executive committee must, at least once a year, invite each borough council to submit advice and recommendations on the administration of the affairs of the city.

On the same occasion, the borough council shall report on the administration of the affairs of the borough.”

12. Section 37 of the said Charter is amended by replacing “chair” in the fourth line by “mayor”.

13. Section 38 of the said Charter is replaced by the following section:

“38. Every borough whose council is composed exclusively of city councillors besides the mayor of the borough shall be divided into districts.”

14. Section 39 of the said Charter is amended

(1) by striking out the first paragraph;

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

“In every borough whose council includes only one borough councillor, all the councillors shall be elected by all the electors of the borough.”;

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

“Every borough whose council includes two or more borough councillors must be divided into districts for the purposes of those offices of borough councillor.”

15. Section 39.1 of the said Charter is replaced by the following section:

“39.1. Not later than 1 December 2004 or any other date set by the Government, the city council shall report to the Minister of Municipal Affairs, Sports and Recreation on the number of borough councillors each borough council should include, the division of the borough territories for the purposes of the first general election to be held after that of 4 November 2001, and the manner in which city councillors and borough councillors should be elected in that election.

To provide for the application of a proposal made by the city council in its report, the Government may, by order, make a rule derogating from a provision of this Charter, an Act for which the Minister of Municipal Affairs, Sports and Recreation is responsible, a special Act that applies to the city or an instrument made under any of those Acts.

An order of the Government made under the second paragraph comes into force on the date of its publication in the *Gazette officielle du Québec* or on any later date indicated in the order.”

16. Section 43 of the said Charter is replaced by the following section:

“**43.** The city council shall fix the remuneration and allowance of borough councillors in accordance with the Act respecting the remuneration of elected municipal officers (chapter T-11.001).

It may, in accordance with that Act, fix additional remuneration relating to any special position held by a member of the borough council on that council or on any committee of the council and grant the borough mayor and deputy mayor additional remuneration.

Additional remuneration under this section is deemed to be referred to in the second paragraph of section 2 of the Act respecting the remuneration of elected municipal officers.”

17. Section 45 of the said Charter is amended

(1) by striking out “, and decisions relating to their hiring and dismissal, and negotiation of their conditions of employment are within the authority of the city council” in the fourth, fifth and sixth lines;

(2) by adding the following paragraph at the end:

“Subject to section 49.2, the negotiation of the conditions of employment of officers and employees who are employees within the meaning of the Labour Code (chapter C-27) and the determination of the conditions of employment of officers and employees who are not employees represented by a certified association within the meaning of that Code are within the authority of the city council.”

18. The said Charter is amended by replacing sections 46 to 49 by the following sections:

“**46.** The city council may establish rules relating to the hiring and dismissal of officers and employees.

“**47.** The borough council shall make the decisions relating to the hiring and dismissal of officers and employees who exercise their functions or perform work in connection with the powers of a borough council in a manner consistent with the rules established by the city council under section 46.

It shall also determine the assignment and the responsibilities of the officers and employees.

“48. The borough council shall appoint a borough director on the recommendation of a selection committee of which the director general of the city is a member.

The borough director shall report directly to the borough council as regards matters under the jurisdiction of the borough council.

Subject to section 57.1, the borough director has, in respect of the officers and employees who exercise their functions or perform work in connection with the powers of a borough council, the powers and obligations assigned to the director general of a municipality by the Cities and Towns Act (chapter C-19), with the necessary modifications.

“49. The borough council may create various departments within the borough, determine the scope of their activities and appoint the department heads and assistant heads.

Despite the third paragraph of section 130, that power may not be delegated to an officer or employee.

“49.1. The city council shall define a plan for the classification of positions and related salaries, as well as for the staffing methods used to fill positions, and determine the conditions and the procedures for the identification, placing on reserve and assignment of officers and employees having permanent tenure who are surplus to requirements.

Borough staffing must be effected in a manner consistent with the rules set out in the first paragraph and give priority to the employees in the borough who meet the criteria set out in those rules and in the provisions of any applicable collective agreement.

“49.2. The borough council shall negotiate and agree to the clauses of a collective agreement that relate to the following matters:

- (1) release for union activities for local purposes, except quantum;
- (2) union posting;
- (3) information to be sent to the union;
- (4) the labour relations or industrial relations committee;
- (5) subject to the rules established by the city council, the filling of positions and the movement of manpower within a borough;
- (6) leave without pay, except parental leave;
- (7) training, advanced training and technological changes;

- (8) overtime work, except remuneration;
- (9) work schedules, except duration of work;
- (10) annual vacation, except quantum and remuneration;
- (11) statutory and floating holidays, except quantum and remuneration;
- (12) acquired rights;
- (13) the terms and conditions relating to parking, except fees;
- (14) contract work;
- (15) statuses not governed by the collective agreement, in particular probationary employees, students and volunteers;
- (16) disciplinary measures;
- (17) local occupational health and safety committees.

The borough council may delegate the powers provided for in the first paragraph to the executive committee.

“49.3. The negotiation by the borough council of the clauses relating to the matters referred to in section 49.2 may not begin before the certified association and the city make an agreement on matters other than those referred to in section 49.2.

The agreement shall be filed at one of the offices of the Commission des relations du travail in accordance with the first paragraph of section 72 of the Labour Code (chapter C-27). The agreement shall take effect in accordance with the second paragraph of that section.”

19. Section 50 of the said Charter is amended by replacing “48” in the second line by “49.2”.

20. Section 52 of the said Charter is amended by replacing “48” in the first line by “49.2”.

21. Section 53 of the said Charter is amended by replacing “48” in the first line by “49.2”.

22. Section 57 of the said Charter is replaced by the following:

“56.1. A borough council and a certified association may, at any time, negotiate and agree on the replacement, amendment, addition or repeal of a clause of the collective agreement relating to a matter referred to in section 49.2.

In no case, however, may a negotiation under the first paragraph give rise to a dispute.

“57. A clause negotiated and agreed on by the borough council is without effect where it alters the scope of a clause negotiated and agreed on by the city council on a matter other than those referred to in section 49.2.

The same rule applies to any decision made by a person appointed to rule on the subject of a disagreement under section 55.

Where a clause ceases to have effect by reason of the application of this section, the parties shall negotiate in order to replace it.

If the parties fail to agree, sections 53 to 56 apply.

“57.1. The authority of the director general of the city is exercised over officers or employees whose job or work is connected with the powers of a borough council only when they are carrying out a function that is under the authority of the city council or the executive committee or is connected with a strategic operation.

“DIVISION VI.1

“COMMISSION DE LA FONCTION PUBLIQUE DE MONTRÉAL

“57.2. A public service commission is hereby established under the name “Commission de la fonction publique de Montréal”.

“57.3. The city council must determine, by by-law, the number of members constituting the public service commission.

“57.4. In addition to the functions that the city council may assign to it, the public service commission must ascertain the impartiality and fairness of staffing rules to fill positions established by the city council under section 49.1 and the impartiality and fairness of the other manpower management policies established by the city.

“57.5. The public service commission, on its own initiative or at the request of the city council, the executive committee or a borough council, may make any recommendation it considers appropriate.

“57.6. The public service commission shall establish its internal management rules.

“57.7. The city council shall appoint the members of the public service commission and designate a chair and one or two vice-chairs from among their number. The city council shall determine the term, the remuneration and the other conditions of employment of the members of the commission.

“57.8. No member of the city council or of a borough council may be appointed a member of the public service commission.”

23. Section 83 of the said Charter is amended

(1) by replacing subparagraph 2 of the first paragraph by the following subparagraph:

“(2) to hold the public consultations required under an applicable provision or requested by the city council on revisions to the city’s planning program, on the complementary document referred to in section 88, and on the changes to the planning program that must be made to carry out a project referred to in the first paragraph of section 89;”;

(2) by striking out the second paragraph.

24. Section 84.1 of the said Charter is repealed.

25. The said Charter is amended by inserting the following sections after section 85.2:

“85.3. The city council may submit opinions and make recommendations to a borough council on any matter within the latter’s authority.

“85.4. The city council may adopt a resolution setting out rules governing the establishment and updating of the allotment referred to in section 143 and rules governing the establishment of a development fund through which the city shall ensure, for a 10-year period, that the borough council receives 50% of the additional revenue generated as a result of new development projects carried out in the borough.

This resolution shall take effect as of the date on which the borough council adopts a resolution expressing its agreement with the city council resolution. It may not be amended or repealed without the agreement of the borough council.

Once the city council resolution takes effect, it is called a “borough contract”.”

26. Section 87 of the said Charter is amended by replacing paragraph 2 by the following paragraph:

“(2) economic promotion and community, cultural, economic, social, environmental and transportation development;”.

27. The heading of Subdivision 3 of Division II of Chapter III of the said Charter is replaced by the following heading:

“§3. — *Economic promotion and community, cultural, economic, social, environmental and transportation development*”.

28. Section 91 of the said Charter is replaced by the following sections:

“**91.** The city must draw up a plan for the development of its territory that encompasses the environmental, transportation and community, cultural, economic and social development objectives pursued by the city.

The plan may also include objectives related to any other matter under municipal jurisdiction.

“**91.1.** Subject to section 137, the city council shall exercise the jurisdiction of the city as regards economic promotion and development.”

29. Section 94 of the said Charter is replaced by the following section:

“**94.** The city council shall exercise the jurisdiction of the city as regards the parks and cultural, sports and recreational facilities listed in Schedule D.

The city council may decide by by-law that it will exercise the jurisdiction of the city as regards any other park or cultural, sports or recreational facility acquired or built by the city or a body under its authority after 18 December 2003 and identified in the by-law.”

30. Section 105 of the said Charter is replaced by the following section:

“**105.** The city shall identify by by-law from among the streets and roads for whose management it is responsible under section 467.16 of the Cities and Towns Act (chapter C-19) those that form the arterial road system and those that form the system under the authority of the borough councils.

The city council shall exercise the jurisdiction of the city as regards roads, traffic signs and signals, traffic control and parking in the arterial road system. It may set standards by by-law for the harmonization of the rules governing roads, traffic signs and signals and traffic control in all the road systems referred to in the first paragraph.”

31. Section 130 of the said Charter is amended

(1) by replacing subparagraph 4 of the first paragraph by the following subparagraph:

“(4) the environment;”;

(2) by striking out “, other than the power to borrow, the power to levy taxes and the power to sue and be sued” in the sixth and seventh lines of the second paragraph;

(3) by replacing “assigned by the city to the borough” in the first and second lines of the third paragraph by “who performs work in connection with the powers of a borough council”.

32. The said Charter is amended by inserting the following sections after section 130:

“**130.1.** Where, for the implementation of a development plan referred to in section 91, the borough council acquires, disposes of or leases an immovable, it must do so in conformity with the objectives of the plan.

“**130.2.** The borough council may sue and be sued in connection with any matter under its jurisdiction relating to an event which took place after 17 December 2003.

However, the borough council does not have that capacity

(1) where the dispute also concerns a matter under the authority of the city council; or

(2) where the executive committee considers that it is in the general interest of the city that that capacity be given to the executive committee.”

33. The said Charter is amended by inserting the following section after the heading of Subdivision 2 of Division III of Chapter III:

“**130.3.** The borough council shall exercise the jurisdiction of the city provided for in sections 109.1 to 109.4 of the Act respecting land use planning and development (chapter A-19.1) as regards an amendment to the planning program other than an amendment to the complementary document provided for in section 88 or an amendment to the planning program required to carry out a project referred to in the first paragraph of section 89, with the necessary modifications, in particular, the following modifications:

(1) the second paragraph of section 109.1 is replaced by the following paragraph:

“As soon as practicable after the adoption of the draft by-law amending the planning program, the secretary of the borough shall send the secretaries of every contiguous borough and the clerk of the city a certified copy of the draft by-law and of the resolution under which it is adopted.”;

(2) the term “office of the municipality” in section 109.3 is replaced by “borough office”;

(3) the terms “in its territory” and “in the territory of the municipality” in section 109.3 are replaced by “in the borough”.

Every notice of motion, prior to the adoption by the city council of a by-law amending the planning program following the adoption of a draft by-law by the borough council in accordance with the first paragraph, must be given to the borough council.

A copy of the notice of motion must be sent to the city clerk as soon as possible.”

34. The said Charter is amended by replacing the heading of Subdivision 5 of Division III of Chapter III by the following heading:

“§5. — *The environment*”.

35. Section 136 of the said Charter is amended by adding the following paragraph at the end:

“It shall also exercise the jurisdiction of the city as regards the transportation of residual materials and their deposit at a treatment or elimination site or at a transfer station determined by the city council.”

36. The said Charter is amended by inserting the following section after section 136:

“**136.1.** The borough council shall exercise the jurisdiction of the city as regards the passage and application of a by-law relating to nuisances and as regards the application of a by-law relating to the use of pesticides.”

37. Section 137 of the said Charter is amended by striking out “, in accordance with the rules established in the development plan prepared by the city pursuant to section 91,” in the second and third lines.

38. Section 141 of the said Charter is amended

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

“**141.** The borough council shall exercise the jurisdiction of the city in respect of the parks and the cultural, sports and recreational facilities situated in the borough, except those identified in Schedule D or in a by-law under the second paragraph of section 94.”;

(2) by striking out “and in accordance with the rules established in the development plan prepared by the city pursuant to section 91” in the second, third and fourth lines of the second paragraph.

39. Section 142 of the said Charter is amended by replacing “rules prescribed under the second and third paragraphs” in the third and fourth lines by “standards prescribed under the second paragraph”.

40. The said Charter is amended by inserting the following sections after section 143:

“143.1. The annual budget that the executive committee draws up and submits to the city council shall include a borough budget in respect of each borough.

“143.2. The borough council shall draw up a borough budget that provides for revenues at least equal to the expenditures provided for therein and send it to the executive committee within the time fixed by the executive committee.

The borough budget shall provide for an amount to cover claim settlements and the payments entailed by court sentences.”

41. Section 144 of the said Charter is replaced by the following sections:

“144. The borough council is responsible for the management of the borough budget adopted by the city council in compliance with the minimum standards determined by by-law of the city council regarding the level of services to be offered by each borough council.

The borough council may authorize a transfer of moneys. It may also amend the budget to take into account any unexpected sums received for the carrying out of work or sums derived from a gift made by a person for a specific purpose or a subsidy granted by the Government or a minister or agency of the Government and already paid or payment of which is assured.

In such a case, the borough council shall inform the treasurer of the city and the executive committee of the amendment within five days so that the executive committee may amend the budget of the city to take the amendment into account.

“144.1. The amount, if any, by which revenues exceed the expenditures provided for in the borough budget adopted by the city council shall be for the exclusive use of the borough council.

“144.2. The borough council shall draw up a supplementary budget to make up any anticipated deficit and send it to the executive committee for submission to the city council and adoption.

To raise the revenues provided for in the supplementary budget, the borough council shall adopt, with the supplementary budget, a by-law imposing a special tax on all taxable immovables in the borough, on the basis of their value. The by-law shall come into force on the day on which the city council adopts the supplementary budget.

The city council may not adopt the supplementary budget if a tax account covering the special tax only and identifying it as a consequence of the

supplementary budget cannot be sent at least 30 days before the end of the fiscal year.

In such a case, the deficit shall be carried over to the borough budget for the next fiscal year and the borough council must adopt a by-law imposing the special tax described in the second paragraph to raise the revenues required to make up the deficit. The by-law comes into force at the same time as the city budget.

“144.3. Where the funds provided for in the borough budget adopted by the city council are insufficient to provide for the payment of the amount awarded by judgment in a proceeding referred to in the first paragraph of section 130.2, the borough council, immediately after service of the judgment, shall impose a special tax by resolution on all taxable immovables in the borough, on the basis of their value, to raise the revenues required to pay the amount awarded.

The borough council may also proceed by way of a loan by-law requiring only the approval of the Minister of Municipal Affairs, Sports and Recreation. The repayment of the loan is to be borne by all the owners of immovables in the borough.

“144.4. The executive committee shall prepare the programme of capital expenditures referred to in section 473 of the Cities and Towns Act (chapter C-19) and submit it to the city council. The programme shall include a programme of capital expenditures for each borough.

“144.5. The borough council shall draw up and send the executive committee a programme of the capital expenditures of the borough, within the time fixed by the executive committee.

“144.6. The secretary of the borough shall give public notice of the meeting at which the borough council is to draw up the borough budget or the programme of capital expenditures at least eight days in advance.

At the meeting, the deliberations of the council and the question period shall deal exclusively with the budget or the programme.

“144.7. At least four weeks before the borough budget is sent to the executive committee pursuant to section 143.2, the mayor of the borough, at a meeting of the council, shall report on the financial position of the city in respect of the borough.

The mayor of the borough shall report more particularly on the latest financial results, the latest programme of capital expenditures, preliminary information regarding the financial results for the fiscal year preceding that for which the next budget will be made and the general orientation of the next budget and the next programme of capital expenditures to be drawn up by the borough council.

The mayor of the borough shall also report on the external auditor's latest report and the auditor general's latest report, only to the extent that they contain elements specifically concerning the borough.

The mayor of the borough shall also table a list of all contracts involving an expenditure exceeding \$25,000 entered into by the borough council since the last meeting of the council at which the mayor of the borough reported on the financial position of the city in respect of the borough in accordance with the first paragraph.

The mayor of the borough shall also table a list of all contracts involving an expenditure exceeding \$2,000 entered into within that period with the same contracting party, if those contracts involve a total expenditure exceeding \$25,000.

The list shall indicate, for each contract, the name of each contracting party, the amount of the consideration and the purpose of the contract.

The borough mayor's report must be distributed free of charge to every civic address in the borough. In addition to or instead of this distribution, the borough council may order that the report be published in a newspaper circulated in the borough.

“144.8. The borough council may constitute a working fund. Section 569 of the Cities and Towns Act (chapter C-19) applies in respect of the fund, with the necessary modifications.”

42. Section 146 of the said Charter is replaced by the following sections:

“146. Despite section 145, and to increase the level of its services, the borough council may, by by-law, require compensation from the owner or occupant of an immovable situated in the borough, or levy a tax on all or any portion of the taxable immovables situated in the borough.

The filing of the notice of motion that must precede the adoption of a by-law referred to in the first paragraph and the adoption of such a by-law must respectively be preceded by a public notice published at least seven days before the holding of the meeting of the borough council at which the notice of motion is to be filed or the by-law adopted, as the case may be.

The public notice shall contain the following information:

(1) the place, date and time of the meeting at which the notice of motion is to be filed or the by-law adopted, as the case may be; and

(2) the subject of the notice or of the by-law, as the case may be.

“146.1. The borough council may adopt a loan by-law for the realization of an item of the programme of capital expenditures of the borough adopted by the city council.

The repayment of the loan is to be borne by all the owners of taxable immovables in all or part of the borough.

The by-law shall be submitted to the qualified electors for approval, except where the subject of the by-law is referred to in subparagraph 2 of the first paragraph of section 148.”

43. Section 147 of the said Charter is repealed.

44. Schedule C to the said Charter is amended by inserting the following section after section 67:

“67.1. The jurisdiction of the city under sections 66 and 67 of this schedule shall be exercised by the borough council, except in the case of an excavation or the occupation of the public domain for the purposes of the installation of electricity, gas, telecommunication or cable distribution networks.”

45. Section 69.1 of Schedule C to the said Charter is replaced by the following section:

“69.1. For the purposes of parades, demonstrations, festivals or special events, the executive committee may prescribe or amend any rule relating to the occupation of the public domain and to any traffic and parking rules that apply to the streets and roads in the city’s arterial road system and to the streets and roads forming the system under the responsibility of the borough councils if

- (1) more than one borough is concerned;
- (2) the streets and roads in both the city’s arterial road system and the systems under the responsibility of borough councils are affected; or
- (3) the parade, demonstration, festival or event is metropolitan in scope.”

46. Schedule C to the said Charter is amended by inserting the following section after the heading of subdivision 19 of Division II of Chapter III:

“185.1. The borough council shall exercise the jurisdiction of the city as regards the passage and application of a by-law relating to

- (1) noise;
- (2) dogs and other house pets;

- (3) the distribution of advertising items;
- (4) public markets, except those designated by the city council; and
- (5) matters referred to in sections 78 and 79 of this schedule.”

47. Section 186 of Schedule C to the said Charter is replaced by the following section:

“**186.** The city council may, in its internal management by-law, on the terms and conditions it determines, delegate the following powers to a borough council:

- (1) the passage and application of any by-law the city council determines;
- (2) any power related to the exercise of a jurisdiction of the city council for which appropriations are provided in the annual allotment provided for in section 143 of this Charter.”

48. Section 199 of Schedule C to the said Charter is amended by replacing “chair” in the third paragraph by “mayor”.

49. The said Charter is amended by adding the following schedule at the end:

“SCHEDULE D

“(section 94)

“PARKS AND CULTURAL, SPORTS OR RECREATIONAL FACILITIES

- Parc du Mont-Royal, including Parc Jeanne-Mance
- Parc Jean-Drapeau
- Parc René-Lévesque
- Parc linéaire du Complexe environnemental Saint-Michel
- Parc de l’Anse-à-l’Orme
- Parc du Bois-de-l’Île-Bizard
- Parc du Bois-de-Liesse
- Parc de l’Île-de-la-Visitation
- Parc de la Pointe-aux-Prairies

- Parc du Bois-de-Saraguay
- Parc du Cap-Saint-Jacques
- Parc du Bois-d’Anjou
- Parc du Bois-de-la-Roche
- Parc des îles Gagné, Rochon et Boutin
- Parc de l’Île-Ménard
- Parc de l’île cadastre 150
- Parc Angrignon
- Parc Maisonneuve, including the Golf municipal
- Parc Lafontaine
- Parc Jarry
- Promenade Bellerive
- Parc des Rapides
- the Bibliothèque centrale de Montréal
- the Phonothèque
- the Chapelle historique du Bon-Pasteur
- the Centre d’histoire de Montréal
- the Théâtre de la Verdure
- the Bibliobus
- the Musée de la Pointe-à-Callières
- the Musée de Lachine
- the Complexe sportif Claude-Robillard
- the Centre de tennis Jarry.”

TRANSITIONAL AND FINAL PROVISIONS

50. A rule relating to the election of a borough mayor or of city councillors or borough councillors or to the division of boroughs into districts, referred to in section 19, 38 or 39 of the Charter of Ville de Montréal (R.S.Q., chapter C-11.4) as amended by sections 4, 13 and 14 of this Act, respectively, only applies for the first general election following that of 4 November 2001 and for any subsequent election.

51. Section 11 has effect as of 1 January 2004.

52. Any remuneration or allowance fixed by the city council under section 21 or 43 of the Charter of Ville de Montréal (R.S.Q., chapter C-11.4), as those sections read on 17 December 2003, shall be maintained until amended, replaced or struck out under section 43 of the said Charter as amended by section 16 of this Act.

53. In respect of a first collective agreement referred to in sections 176.14 to 176.21 of the Act respecting municipal territorial organization (R.S.Q., chapter O-9), the negotiation by the borough council of the clauses relating to the matters referred to in section 49.2 of the Charter of Ville de Montréal (R.S.Q., chapter C-11.4) shall begin within 30 days after the making of the collective agreement between the certified association and the city or, where applicable, after the decision of the arbitrator made in lieu of the collective agreement.

As regards the matters referred to in section 49.2, the conditions of employment negotiated or contained in the decision of the arbitrator for the employees who are not employees of the borough shall apply to the employees of the borough until an agreement is reached under section 52 of the Charter of Ville de Montréal or until the mediator-arbitrator makes a decision under section 55 of that Charter.

In the case of any collective agreement made or on which a decision by the arbitrator was made before 18 December 2003, the time limit prescribed in the first paragraph shall apply from that date.

54. Any public consultation begun by the Office de consultation publique de Montréal before 18 December 2003 in accordance with subparagraph 2 of the first paragraph of section 83 of the Charter of Ville de Montréal (R.S.Q., chapter C-11.4) shall be continued by the Office despite the amendment made to that subparagraph by section 23 of this Act.

55. Paragraph 2 of section 31 and sections 40 to 43 have effect for the purposes of any municipal fiscal year as of the municipal fiscal year fixed by the Government.

However, until paragraph 2 of section 31 takes effect, the second paragraph of section 130 of the Charter of Ville de Montréal (R.S.Q., chapter C-11.4) is amended by replacing “, the power to levy taxes and the power to sue and be sued” in the sixth and seventh lines by “and the power to levy taxes”.

56. Any planning program amendment process begun by the council of Ville de Montréal and in progress on 18 December 2003 shall be continued by the council despite the coming into force of section 33 of this Act.

57. Any provision of a by-law concerning a borough that was adopted and put into force by the council of Ville de Montréal under sections 66 and 67 of Schedule C to the Charter of Ville de Montréal (R.S.Q., chapter C-11.4) before 18 December 2003 is deemed to have been adopted by the borough council.

58. This Act comes into force on 18 December 2003.