

Regulations and other acts

Gouvernement du Québec

O.C. 471-2004, 19 May 2004

Education Act
(R.S.Q., c. I-13.3)

School board — Norms, conditions and procedure for disposing of an immovable

Regulation respecting the norms, conditions and procedure for disposing of an immovable of a school board

WHEREAS, under section 452 of the Education Act (R.S.Q., c. I-13.3), the Government may, by regulation, determine the norms, conditions and procedure for disposing of an immovable of a school board or of the Comité de gestion de la taxe scolaire de l'Île de Montréal and prescribe the cases in which and the conditions under which the disposal is to take place for a nominal price fixed by the Minister and require the authorization of the Minister at various stages and the authorization given may be subject to certain conditions;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation attached to this Order in Council was published in Part 2 of the *Gazette officielle du Québec* of 30 December 2003 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS a comment was received after that publication;

WHEREAS it is expedient to make the Regulation with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister of Education:

THAT the Regulation respecting the norms, conditions and procedure for disposing of an immovable of a school board, attached to this Order in Council, be made.

ANDRÉ DICAIRE,
Clerk of the Conseil exécutif

Regulation respecting the norms, conditions and procedure for disposing of an immovable of a school board

Education Act
(R.S.Q., c. I-13.3, s. 452, 1st par., subpar. 2 and 2nd par.)

CHAPTER I DEFINITIONS AND SCOPE

1. For the purposes of this Regulation,

(1) “value” means the standardized assessment of an immovable obtained by multiplying the values entered on the assessment roll of a municipality for the immovable by the comparative factor established for the roll under section 264 of the Act respecting municipal taxation (R.S.Q., c. F-2.1);

(2) “school board” means a school board and the Comité de gestion de la taxe scolaire de l'Île de Montréal.

2. This Regulation does not apply to a servitude granted by a school board where the consideration does not exceed \$20,000.

CHAPTER II DISPOSAL OF AN IMMOVABLE HAVING A VALUE EXCEEDING \$100,000

DIVISION I AUTHORIZATION OF THE MINISTER

3. A school board must obtain authorization from the Minister of Education to dispose of an immovable having a value exceeding \$100,000.

DIVISION II DISPOSAL BY PUBLIC TENDER

4. The disposal of an immovable of a school board having a value exceeding \$100,000 must be made through a public call for tenders. Notwithstanding the foregoing, if the immovable is enclosed, it may be disposed of through a written invitation to tender to the owners of adjacent immovables or, if only one owner is concerned, by agreement.

5. A public call for tenders shall be published in French

(1) in a daily newspaper of Québec City or Montréal and in a regional weekly newspaper circulated in the region where the immovable is located; or

(2) through an electronic tendering system.

The period for receiving tenders may not be less than 4 weeks.

The date, time and place fixed for submitting and opening tenders shall be indicated in the public call for tenders. The opening of tenders shall be public.

The tender documents shall state that the school board is not bound to accept any tender.

The disposal following a public call for tenders shall be made in favour of the tenderer who presented the highest conforming tender.

6. A school board may not dispose of an immovable for less than its value. Notwithstanding the foregoing, where all the bids received are below the value of the immovable,

(1) the Minister may authorize the school board to dispose of the immovable to the highest bidder; or

(2) the school board may, if it does not ask for the authorization referred to in subparagraph 1, entrust the sale of the immovable to a real estate broker.

Where all the bids received by the real estate broker are below the value of the immovable, the Minister may authorize the school board to dispose of the immovable to the highest bidder.

DIVISION III DISPOSAL BY AGREEMENT TO CERTAIN BODIES

7. Despite section 4, the Minister may authorize a school board to dispose of an immovable by agreement, at a nominal price fixed by the Minister, to

(1) a school board whose territory includes all or part of its own territory or is adjacent to it;

(2) a general and vocational college;

(3) a university;

(4) a private educational institution accredited for purposes of subsidies in accordance with the Act respecting private education (R.S.Q., c. E-9.1);

(5) a public institution within the meaning of the Act respecting health services and social services (R.S.Q., c. S-4.2) or the Corporation d'hébergement du Québec;

(6) the Société d'habitation du Québec or Immobilière SHQ;

(7) the Société immobilière du Québec;

(8) a local municipality within the meaning of the Act respecting municipal territorial organization (R.S.Q., c. O-9), a regional county municipality or a metropolitan community, within whose territory the immovable is located;

(9) a housing cooperative for it to acquire and use the immovable for purposes of social housing;

(10) a body or institution that is a registered charity for the purposes of the Taxation Act (R.S.Q., c. I-3) or a non-profit organization whose purposes are cultural, scientific, recreational, charitable or social, so that those purposes may be pursued; or

(11) a childcare centre, a day care centre, a kindergarten or a stop over centre, within the meaning of the Act respecting childcare centres and childcare services (R.S.Q., c. C-8.2), so that the centre or kindergarten may be set up in the immovable.

Notwithstanding the foregoing, such an authorization is conditional on the insertion in the contract of sale of a right of first refusal clause in favour of the school board, under which the body shall, if it wishes to dispose of the immovable, first offer it to the school board at the price it initially paid.

DIVISION IV DISPOSAL FOR NON-MONETARY CONSIDERATION

8. Despite sections 4 and 7, the Minister may authorize the disposal of an immovable by agreement to a person offering a non-monetary consideration of a value not less than the value of the immovable.

CHAPTER III FINAL

9. This Regulation replaces the Regulation respecting the norms, conditions and procedure for disposing of an immovable of a school board made by Order in Council 37-90 dated 17 January 1990.

10. 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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M.O., 2004

Order of the Minister of Municipal Affairs, Sports and Recreation regarding the establishment of management indicators that relate to the administration of certain municipal bodies dated 21 May 2004

An Act respecting the Ministère des Affaires municipales, du Sport et du Loisir (R.S.Q., c. M-22.1)

WHEREAS, under section 17.6.1 of the Act respecting the Ministère des Affaires municipales, du Sport et du Loisir (R.S.Q., c. M-22.1), amended by section 208 of Chapter 19 of the Statutes of 2003, the Minister of Municipal Affairs, Sports and Recreation may, after consultation with the bodies representing municipalities including the Union des municipalités du Québec and the Fédération québécoise des municipalités locales et régionales (FQM), establish management indicators that relate to the administration of municipal bodies and prescribe the conditions and procedures for the implementation of the indicators in municipal bodies;

WHEREAS, under that section, the Minister may also

— classify municipal bodies into categories and establish management indicators or conditions and procedures of implementation that may vary according to the categories of municipal bodies;

— prescribe the manner in which municipal bodies are to provide citizens with the information determined by the Minister regarding the results measured using the management indicators;

— exempt any municipal body from the application of management indicators for any period the Minister determines;

WHEREAS the Union des municipalités du Québec and the Fédération québécoise des municipalités locales et régionales (FQM) have been consulted;

WHEREAS it is expedient, following the consultation, to establish a certain number of management indicators that relate to the administration of a category of municipal bodies;

WHEREAS section 12 of the Regulations Act (R.S.Q., c. R-18.1) provides that a proposed regulation may be made without having been published in the *Gazette officielle du Québec* if the authority making it is of the opinion that the urgency of the situation requires it;

WHEREAS section 18 of the Regulations Act provides that 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 the Minister's decision to establish management indicators that relate to the administration of municipal bodies and prescribe the conditions and procedures for the implementation of the indicators in municipal bodies must be implemented as soon as possible since the first fiscal year agreed on for the application of the new measures is the fiscal year 2003;

WHEREAS the procedure and the normal periods of time provided for in sections 11 and 17 of the Regulations Act with regard to the publication of a draft regulation and the date of coming into force 15 days following its publication in the *Gazette officielle du Québec* could, if they are respected, cause the process of implementing the management indicators to be initiated too late;

WHEREAS it is the Minister's opinion that the circumstances bring about an urgency that justifies the making of this Order without the Order having been the subject of the publication of a draft regulation and that justifies the coming into force of the regulation on the date of its publication in the *Gazette officielle du Québec*;

THEREFORE, the Minister orders that:

1. The management indicators that appear in the Schedule to this Order are established.
2. The category of municipal bodies referred to in this Order is the category consisting of local municipalities.
3. Every local municipality must, in respect of each fiscal year, measure the performance of each activity of its administration as determined in the Schedule by calculating, using the formula prescribed therein, the value of each indicator relating to the activity.