

Gouvernement du Québec

O.C. 1214-2005, 7 December 2005

An Act respecting the exercise of certain municipal powers in certain urban agglomerations (R.S.Q., c. E-20.001)

Urban agglomeration of Longueuil

WHEREAS Ville de Longueuil was constituted on 1 January 2002 by the coming into force of section 3 and Schedule III to the Act to reform the municipal territorial organization of the metropolitan regions of Montréal, Québec and the Outaouais (2000, c. 56);

WHEREAS the territory of the city includes the territories of the former Ville de Boucherville, the former Ville de Brossard, the former Ville de Saint-Bruno-de-Montarville and the former Ville de Saint-Lambert;

WHEREAS, in accordance with the Act respecting the consultation of citizens with respect to the territorial reorganization of certain municipalities (2003, c. 14), a referendum poll was held on 20 June 2004 in the sectors of the city corresponding to the territories of the former municipalities on the possibility of reconstituting them as local municipalities;

WHEREAS the answer given to the referendum question by the qualified voters was deemed to be affirmative within the meaning of section 43 of the Act and consequently, the Government, by order, reconstituted as local municipalities the inhabitants and ratepayers of those sectors;

WHEREAS the Act respecting the exercise of certain municipal powers in certain urban agglomerations (R.S.Q., c. E-20.001) provides that the urban agglomeration of Longueuil is made up of the territories of Ville de Longueuil, Ville de Boucherville, Ville de Brossard, Ville de Saint-Bruno-de-Montarville and Ville de Saint-Lambert and determines the municipal powers that, rather than being exercised separately for each local municipal territory included in the urban agglomeration, must be exercised globally for the urban agglomeration;

WHEREAS, by Order in Council 596-2004 dated 21 June 2004, the Government, in accordance with section 51 of the Act respecting the consultation of citizens with respect to the territorial reorganization of certain municipalities, established a transition committee to participate, together with the administrators and employees of the city and with any persons elected in advance in the reconstituted municipalities, in the establishment of the conditions most conducive to facilitating the transition between the successive municipal administrations;

WHEREAS Chapter IV of Title V of the Act respecting the exercise of certain municipal powers in certain urban agglomerations provides that the Government may make an order designated as an “urban agglomeration order” for each urban agglomeration;

WHEREAS it is expedient to make an urban agglomeration order for the urban agglomeration of Longueuil;

IT IS ORDERED, therefore, on the recommendation of the Minister of Municipal Affairs and Regions, as follows:

TITLE I
OBJECT AND DEFINITIONS

1. The object of this Order is to supplement, for the urban agglomeration of Longueuil, the rules prescribed by the Act respecting the exercise of certain municipal powers in certain urban agglomerations, in relation to the exercise of urban agglomeration powers.

2. In this Order, Ville de Longueuil is designated as the “central municipality” and Ville de Boucherville, Ville de Brossard, Ville de Saint-Bruno-de-Montarville and Ville de Saint-Lambert are designated as “reconstituted municipalities”; their territories make up the urban agglomeration of Longueuil, hereinafter designated as the “urban agglomeration”. They are related municipalities.

The term “city”, used alone, designates Ville de Longueuil as it existed before the coming into force of this Order; “former municipality” means Ville de Boucherville, Ville de Brossard, Ville de Saint-Bruno-de-Montarville or Ville de Saint-Lambert that ceased to exist upon the constitution of the city.

The urban agglomeration powers are those set out in Title III of the Act respecting the exercise of certain municipal powers in certain urban agglomerations; all other powers are referred to as local powers.

TITLE II
URBAN AGGLOMERATION COUNCIL AND COMMISSIONS

CHAPTER I
URBAN AGGLOMERATION COUNCIL

DIVISION I
NATURE AND COMPOSITION

3. The urban agglomeration council within the central municipality is a deliberative body distinct from the council of the central municipality.

4. The urban agglomeration council is composed of the mayor of each related municipality and of five councillors of the central municipality designated in writing by the mayor of the central municipality.

A designation, unless revoked, is valid until the term of office of the designated person as councillor terminates.

The person may not sit on the urban agglomeration council until a copy of the writing designating the person has been filed at the office of the central municipality.

5. If the office of mayor of a related municipality is vacant or the holder of the office is unable to act, a councillor may replace the mayor as the representative of the municipality.

The municipality may designate, on an ad-hoc basis or in advance of the event, the councillor who is to replace the mayor. The mayor may, however, make the designation in advance, in writing; if the mayor does so, the designation may not be made by the council of the municipality.

A designation made in advance, unless revoked, is valid until the term of office of the designated person as councillor terminates.

In the case of a reconstituted municipality, the person may not sit on the urban agglomeration council until an authenticated copy of the resolution or the writing designating the person has been received by the central municipality. In the case of a person designated by the mayor of the central municipality, the person may not sit on the urban agglomeration council until a copy of the writing designating the person has been filed at the office of the municipality.

6. The urban agglomeration council has the special positions of chair and vice-chair, the holders of which are designated by the council from among its members.

The chair must be a representative of the central municipality and the vice-chair a representative of a reconstituted municipality.

7. The function of the chair is to preside the meetings of the urban agglomeration council.

The vice-chair exercises that function while the chair is unable to act, if the position is vacant or when the exercise of that function has been delegated to the vice-chair by the chair.

If the regular council of the central municipality has a position of chair and its holder has additional functions in relation to the council's work, the holder of the position of chair on the urban agglomeration council has the same functions in relation to that council's work.

DIVISION II ASSIGNMENT OF VOTES

8. Each member of the urban agglomeration council has the number of votes determined under sections 9 to 11.

9. The representation of the related municipality with the smallest population has one vote.

The representation of every other related municipality has a number of votes equal to the quotient obtained by dividing the population of the related municipality by the population of the municipality referred to in the first paragraph.

For the purposes of the first two paragraphs, the population of each related municipality is the population that exists at the time of the vote for which the number of votes of each member of the urban agglomeration council is to be determined. If, at that time, the order of the Government determining in advance the population for the following calendar year has been published in the *Gazette officielle du Québec*, that population figure is to be used.

10. In the case of a reconstituted municipality, the representative has the number of votes assigned to the representation of the municipality.

In the case of the central municipality, each representative has a number of votes equal to the quotient obtained by dividing the number of votes assigned to the representation of the municipality by six.

11. If the quotient calculated under the second paragraph of section 9 is a decimal number, the first two decimals are used and, if the third decimal would have been greater than 4, the second decimal is increased by 1.

In the case of the central municipality, the rounding under the first paragraph also applies to the quotient calculated under the second paragraph of section 10.

DIVISION III QUORUM AND DECISION-MAKING RULES

12. The quorum at meetings of the urban agglomeration council is five members, of whom three represent the central municipality and two represent the reconstituted municipalities.

13. Subject to any provision of an Act requiring a decision to be made unanimously, the decisions of the urban agglomeration council are made by a majority of votes. That majority requires a majority both of the votes cast by the members representing the central municipality and of the votes cast by the members representing the reconstituted municipalities.

DIVISION IV OTHER RULES

14. The mayor of the central municipality is the chief executive officer of the municipality for urban agglomeration matters as for any other purpose.

15. All the functions of the executive committee are exercised by the urban agglomeration council when they are included in the exercise of an urban agglomeration power.

The urban agglomeration council may, however, in respect of its functions, avail itself of section 34 of the Charter of Ville de Longueuil (R.S.Q., c. C-11.3) and of any other provision of an Act authorizing the council of the central municipality to delegate functions to the executive committee.

16. Every other rule applying to the council of the central municipality, in particular as regards the drawing up of the agenda paper and the holding of meetings or their convocation, also applies to the urban agglomeration council.

The urban agglomeration council may, however, adopt a by-law setting a time period different from that required by section 323 of the Cities and Towns Act (R.S.Q., c. C-19) for service of the notice of convocation for a special meeting of the council.

CHAPTER II AGGLOMERATION COMMISSIONS

17. Where an Act or statutory instrument provides for the creation of a commission by a municipal council, only the urban agglomeration council may create the commission if the functions to be assigned to it involve in whole or in part any matter relating to an urban agglomeration power.

Any member of the council of a related municipality may be designated as a member of such a commission.

The urban agglomeration council designates as a member of such a commission at least one member of the council of one of the reconstituted municipalities.

For the purposes of the first three paragraphs, “commission” means any commission or committee that has study, advisory or recommendation functions intended to facilitate decision-making by a council or an executive committee.

TITLE III CONDITIONS OF EMPLOYMENT OF ELECTED OFFICERS

CHAPTER I REMUNERATION

DIVISION I INTERPRETATION

18. For the purposes of Divisions II and III,

(1) “Act” means the Act respecting the remuneration of elected municipal officers (R.S.Q., c. T-11.001);

(2) “compensation” means the expense allowance under the Act.

DIVISION II REMUNERATION AND COMPENSATION

19. No remuneration or compensation is to be paid by a related municipality to its council members, despite section 17 of the Act, unless the remuneration is fixed in a by-law in force adopted by the related municipality under section 2 of the Act.

Each related municipality must at all times have such a by-law in force.

20. For the purpose of determining the remuneration and compensation that may be paid by the central municipality, the urban agglomeration council and the regular council have concurrently the powers set out in Division I of Chapter II of the Act.

The urban agglomeration council exercises any of those powers to fix in respect of its members any basic or additional remuneration attached to the functions incidental to the exercise of urban agglomeration powers. The urban agglomeration council may, however, even if it does not grant basic remuneration in accordance with the first paragraph of section 2 of the Act, grant additional remuneration in accordance with the second paragraph of that section.

Where an urban agglomeration commission pursuant to section 17 has as a member a person who is not a member of the urban agglomeration council, the urban

agglomeration council also has, in respect of that person, the power provided for in the first paragraph of section 70.0.1 of the Cities and Towns Act.

The regular council of the central municipality exercises any power referred to in the first or third paragraph to fix any basic or additional remuneration attached to functions other than those incidental to the exercise of urban agglomeration powers. The same applies to the council of each reconstituted municipality.

If the draft by-law referred to in section 8 of the Act is a by-law of the urban agglomeration council, the executive committee referred to in that section is the executive committee of the central municipality.

21. For the purpose of establishing the minimum remuneration

(1) for the mayor of the central municipality, section 12 of the Act is applied, with reference to the sum of the populations of the related municipalities, including a population figure increased pursuant to section 13 of the Act;

(2) for a councillor of the central municipality who is a member of the urban agglomeration council, section 15 of the Act is applied, with reference to one-third of the minimum remuneration of the mayor of the municipality, as established with the modification under subparagraph 1;

(3) for the mayor of a reconstituted municipality, the amount used is the greater of the amount established in the mayor's respect under sections 12 to 14 of the Act and the amount established with the modification under subparagraph 2 for a councillor of the central municipality who is a member of the urban agglomeration council; and

(4) for a councillor of a related municipality who is not a member of the urban agglomeration council, section 15 of the Act is applied without modification as are the sections to which section 15 refers.

If the minimum established under the first paragraph in respect of a person is less than the minimum provided for in the person's respect in section 16 of the Act, the latter minimum applies.

22. Despite section 4 of the Act, in the case of a person entitled to basic remuneration as a member of the urban agglomeration council and as a member of the regular council of the central municipality or of the council of a reconstituted municipality, the minimum established in the person's respect is in reference to the aggregate remuneration rather than to each individual remuneration.

If that aggregate is less than the minimum, the regular council of the central municipality or the council of the reconstituted municipality, as the case may be, is to amend its by-law to make up the difference by increasing the mayor's or councillors' basic remuneration attached to the functions other than those incidental to the exercise of urban agglomeration powers.

23. If the concurrent exercise of powers by the urban agglomeration council and the regular council of the central municipality or the council of a reconstituted municipality is likely to entail in respect of a person an excess referred to in the second paragraph, the excess is deducted from the amount that the person would receive as remuneration or compensation attached to the functions incidental to the exercise of urban agglomeration powers.

The excess referred to arises when the aggregate remuneration or compensation that a person would otherwise be entitled to receive from the central municipality only, or from both the central municipality and the reconstituted municipality, exceeds the maximum under section 21 or 22, as the case may be, of the Act.

24. The urban agglomeration council has the powers set out in section 24 of the Act as regards the terms and conditions of payment of the remuneration it has fixed and of any additional compensation.

DIVISION III OTHER COMPONENTS OF REMUNERATION

25. If an act likely to entail reimbursable expenses under Chapter III of the Act is performed by a member of the urban agglomeration council in connection with functions incidental to the exercise of urban agglomeration powers, the council and, if applicable, the executive committee of the central municipality have, in respect of that act and those expenses, the powers assigned by that Chapter respectively to the council and the executive committee of a local municipality.

Where an urban agglomeration commission pursuant to section 17 has as a member a person who is not a member of the urban agglomeration council, the urban agglomeration council also has, in respect of the act and expenses of that person, the power provided for in the second paragraph of section 70.0.1 of the Cities and Towns Act.

26. The first paragraph of section 25 also applies if the act is performed by the mayor or a councillor of the central municipality in connection with functions incidental to the exercise of urban agglomeration powers and with other functions.

In such a case, the expenses reimbursed by the municipality are mixed expenses and are subject to the by-law of the urban agglomeration council that establishes any criterion to determine which part of a mixed expense constitutes an expense incurred in the exercise of an urban agglomeration power.

27. The urban agglomeration council does not have the power provided for in Chapter III.1 of the Act that relates to compensation for loss of income.

28. The urban agglomeration council is not a council to which Chapter IV of the Act applies as regards severance and transition allowances, and the urban agglomeration council has none of the powers provided for in that Chapter.

The remuneration received by a person under a by-law adopted by the urban agglomeration council is considered, for the purposes of the calculation of the amount of the allowance, to be remuneration paid by a supramunicipal body.

CHAPTER II PENSION PLAN

29. The urban agglomeration council is not a council to which the Act respecting the Pension Plan of Elected Municipal Officers (R.S.Q., c. R-9.3) applies, subject to section 30, and has none of the powers provided for in that Act that concern membership in the plan.

30. For the purposes of the plan provided for in that Act, the remuneration that a person receives or received under a by-law adopted by the urban agglomeration council is considered, for the purpose of establishing the person's pensionable salary, to be remuneration paid by a supramunicipal body. The urban agglomeration council is, for the purposes of section 17 of that Act, deemed to constitute the board of such a body.

The central municipality acts as such a body regarding the contribution in respect of the part of the person's pensionable salary that corresponds to the remuneration referred to in the first paragraph.

CHAPTER III AGGLOMERATION EXPENDITURES

31. Expenditures related to the remuneration fixed by the urban agglomeration council under Division II of Chapter I, including any additional compensation and contributions paid for pension plan purposes on the basis of the remuneration, are deemed to be incurred in the exercise of urban agglomeration powers.

Expenditures related to the reimbursement referred to in section 25 are also deemed to be incurred in the exercise of those powers.

32. Expenditures related to the conditions of employment, other than those covered by Chapters I and II, of the members of a deliberative body authorized to exercise urban agglomeration powers are deemed to be incurred in the exercise of urban agglomeration powers if the conditions are established by the urban agglomeration council or, where applicable, by the executive committee of the central municipality acting in the council's place.

The same applies to expenditures related to the conditions of employment of the mayor or a councillor of the central municipality, if the conditions are not covered by Chapters I and II or by the first paragraph and the expenditures related to the conditions are created in connection with functions incidental to the exercise of urban agglomeration powers.

33. If the expenditures related to the conditions of employment referred to in the second paragraph of section 32 are created in connection with functions incidental to the exercise of urban agglomeration powers and with other functions, the expenditures are mixed and are subject to the by-law referred to in the second paragraph of section 26.

TITLE IV PROVISIONS RELATING TO CERTAIN POWERS

34. The thoroughfares identified in plan 04EP003 appended as part of resolution CM-2004-229 passed on 2 March 2004 by the council of Ville de Longueuil form the arterial road system of the urban agglomeration.

35. The water mains larger than 300 mm in diameter shown on the plan prepared by Consultants SM inc. (Sheets 1 and 2 dated 16 March 2005) and appended to the report of 5 October 2005 of the transition committee of the urban agglomeration of Longueuil are those in the water system in the urban agglomeration that are not purely local within the meaning provided in section 25 of the Act respecting the exercise of certain municipal powers in certain urban agglomerations.

36. The sewer mains 600 mm in diameter or larger used for the sanitary system and the mains 1800 mm in diameter or larger used for the storm drainage system, shown on plans 603182-MU888 and MU999 dated 10 March 2005 prepared by SNC-Lavalin inc. and appended to the report of 5 October 2005 of the transition committee of the urban agglomeration of Longueuil, are those in the sewer system in the urban agglomeration that are not

purely local within the meaning provided in section 25 of the Act respecting the exercise of certain municipal powers in certain urban agglomerations.

37. The equipment, infrastructures and activities listed in the Schedule are of collective interest.

The municipality that owns immovable property of collective interest cannot alienate the property.

The management of the equipment, infrastructures and activities listed in the Schedule, the financing of the related expenditures and the use of the revenues generated are the same as for property in respect of which urban agglomeration powers are exercised over a matter covered by Chapter II of Title III of the Act respecting the exercise of certain municipal powers in certain urban agglomerations, except in the case of the Parc de la voie maritime.

In that case, the management is assumed by Ville de Saint-Lambert and the financing of the expenditures related to the park and the use of the revenues it generates are the same as for property in respect of which urban agglomeration powers are exercised over a matter covered by Chapter II of Title III of the Act respecting the exercise of certain municipal powers in certain urban agglomerations.

TITLE V

SHARING OF ASSETS AND LIABILITIES

CHAPTER I

ASSETS

38. The property listed in Schedules I, J and K to the report of 5 October 2005 of the transition committee of the urban agglomeration of Longueuil, as amended by resolution 05-12-01 dated 2 December 2005, becomes the property of the reconstituted municipalities as provided in those Schedules.

Subject to section 42, all movable property situated in or on an immovable listed in Schedule I to the report and that ensures its use becomes the property of the reconstituted municipality which, as provided in that Schedule, becomes the owner of the immovable, except if part of such an immovable is used for the purposes of the exercise of an urban agglomeration power, in which case all the movable property situated in or on that part of the immovable and that ensures its use remains the property of the central municipality.

All movable property used for the purposes of the exercise of a local power that is situated in or on an immovable that is not the property of the city becomes the property of the reconstituted municipality in the territory in which the immovable is situated.

Equipment or an infrastructure referred to in section 37 that is situated in the territory of a reconstituted municipality, if it is municipal property, becomes the property of the reconstituted municipality.

39. All property of the city not referred to in section 38 remains the property of the central municipality.

If the central municipality alienates property, the proceeds of the alienation, or the part, if any, of the proceeds that exceeds the amount of the debt against the property, is to be apportioned among the related municipalities in proportion to their share in the financing of the expenditures that relate to the debt.

The central municipality must, before alienating an immovable that is used for the exercise of an urban agglomeration power and is situated in the territory of a reconstituted municipality, offer it to that municipality at a price that is not to exceed its fair market value.

40. For the purposes of the exercise of an urban agglomeration power, the central municipality may continue to use or occupy all or any part of any immovable that becomes the property of a reconstituted municipality under this Order.

For the purposes of the exercise of its local powers, a reconstituted municipality may continue to use or occupy all or any part of any immovable that remains the property of the central municipality.

The use or occupancy is subject to market conditions which are set out in an agreement entered into between the two municipalities.

41. Until 30 June 2006, the central municipality continues to use, jointly with Ville de Boucherville and on such terms and conditions as they determine for that use, the part of the immovable situated at 500, rue Rivière-aux-Pins in Boucherville that is used by the Direction de l'approvisionnement, des bâtiments et des équipements.

The central municipality also continues until that date to use the part of the immovable situated at 2001, boulevard Rome in Brossard that is used by the general directorate and the legal affairs and finance divisions.

During that period, the central municipality is to reimburse the reconstituted municipality that becomes the owner of the immovable for the costs related to operating the immovable, including the costs of operating the parking lot next to the immovable in the proportion that the area of the immovable used by the central municipality is of the total area of the immovable.

The central municipality is also to reimburse the reconstituted municipality for any reasonable expenditure incurred by the reconstituted municipality by reason of the fact that the central municipality continues to use part of its immovable, including any expenditure incurred to lease and equip another immovable and any expenditure incurred to enable the reconstituted municipality to use its part of the immovable after the central municipality has ceased to use it.

The central municipality and the reconstituted municipality must agree on the terms and conditions of the reimbursement under the third and fourth paragraphs.

Despite the foregoing, the central municipality and the reconstituted municipality may agree to shorten or extend the period of use or to modify the central municipality's financial contribution.

42. All movable property in the part of the immovable to which section 41 refers that is used by an employee of the central municipality during the period mentioned in that section remains the property of the central municipality, except if the property belonged to a former municipality before the constitution of the city. In such a case, the property at the end of the period of use becomes the property of the reconstituted municipality whose territory corresponds to that of the former municipality.

For the purposes of the first paragraph, property acquired by the city to replace property that belonged to a former municipality is considered to be such property.

43. Every document of the city that before its constitution was the property of a former municipality becomes the property of the reconstituted municipality whose territory corresponds to the territory of the former municipality, except a document in the record of an employee who remains in the employment of the city.

Every document contained in the record of an employee of the city who is transferred to a reconstituted municipality becomes the property of that municipality.

The central municipality has a right of access to all such documents as if they had been filed in the municipal archives and may obtain copies of them without charge. The same applies to the reconstituted municipality in

respect of documents held by the central municipality that were created between the time the city was constituted and the time this Order comes into force.

44. To recover the amount of a tax that was the subject of a demand for payment before the reorganization of the city, the central municipality may, even in respect of an immovable situated in the territory of a reconstituted municipality, exercise any of its functions provided for in the legislative provisions governing it as regards the sale of immovables for non-payment of taxes and as regards the repurchase or redemption of immovables sold.

The reconstituted municipality in whose territory the immovable is situated may not exercise such functions to recover the amount referred to in the first paragraph.

For the purposes to which that paragraph refers,

(1) when, under the legislative provisions referred to in that paragraph, a function must be exercised by the council of the municipality, it is exercised by the urban agglomeration council;

(2) the expenditures incurred in the exercise of any function referred to in that paragraph are urban agglomeration expenditures that are to be financed by urban agglomeration revenues; and

(3) the assets recovered in the exercise of any function referred to in that paragraph are urban agglomeration assets.

CHAPTER II LIABILITIES

DIVISION I DEBTS OF THE RECONSTITUTED MUNICIPALITIES

45. Among the debts that exist immediately before the reorganization of the city, those that were contracted by a former municipality and that were financed, immediately before the reorganization, by revenue derived exclusively from the territory of that municipality become debts of the reconstituted municipality whose territory corresponds to the territory of that former municipality.

The same applies to debts contracted by the city that relate to property, services or activities that concern local powers, if

(1) the debt is entirely financed, immediately before the reorganization, by revenue derived from a territory that is to become part of the territory of a reconstituted municipality; or

(2) the debt is partially financed, immediately before the reorganization, by revenue derived from a territory that is to become part of the territory of a reconstituted municipality, as regards the part of the debt corresponding to the share of the benefit derived by that municipality from the property, services or activities.

46. Debt securities relating to a debt to which section 45 refers are, if in the name of a former municipality immediately before the reorganization, deemed to be in the name of the reconstituted municipality whose territory corresponds to the territory of that former municipality and that reconstituted municipality becomes the debtor of the secured debt. The financing rules applicable immediately before the reorganization continue to apply.

47. Despite section 45, the central municipality remains the debtor of the debts referred to in that section that, immediately before the reorganization, are not secured by debt instruments or are secured by such instruments in the name of the central municipality until, if applicable, replacement debt instruments are issued in the name of the reconstituted municipality.

The financing rules provided for in the by-law pursuant to which the debt was contracted cease to apply; the reconstituted municipality is to pay to the central municipality the amounts necessary for that purpose, on the terms and conditions the central municipality establishes, which the reconstituted municipality is to finance through revenue determined by a by-law approved by the Minister of Municipal Affairs and Regions. The reconstituted municipality may also, by a by-law not requiring approval by the Minister, make a borrowing as an advance payment to the central municipality of the sums necessary to repay the debts the central municipality is to temporarily assume under the first paragraph.

As soon as debt instruments are issued in the name of the reconstituted municipality, the financing method determined by a by-law referred to in the second paragraph applies to the repayment of the debt secured by those instruments.

48. The debts referred to in section 45 include the debts listed in Schedule F to the report of 5 October 2005 of the transition committee of the urban agglomeration of Longueuil.

DIVISION II

DEBTS OF THE CENTRAL MUNICIPALITY

§1. General

49. A debt of the city that does not become a debt of a reconstituted municipality remains a debt of the central municipality.

When expenditures relating to such a debt were financed, immediately before the reorganization, by a source of revenue specific to that purpose, that source continues to apply with the necessary modifications. The central municipality may, however, finance the expenditures, subject to the city's constituting act, by revenue not reserved for other purposes or by another source of revenue it determines. For that purpose, the urban agglomeration council and the regular council exercise respectively the powers provided for in subdivisions 2 and 3.

For the purposes of this Division, the central municipality is authorized, for the purpose of collecting revenues in the territory of a reconstituted municipality, to use any source of financing it is authorized to use in its own territory.

§2. Debts incidental to urban agglomeration powers

50. The financing of expenditure relating to the following debts is within urban agglomeration powers:

(1) debts contracted before the constitution of the city and financed, immediately before its reorganization, by revenue derived from a territory extending beyond the territory of the central municipality;

(2) debts contracted by the city and related to property, services or activities within urban agglomeration powers;

(3) debts contracted by the city and related to property, services or activities within local powers, if

(a) they are financed, immediately before the reorganization of the city, by revenue derived in part from a territory that is to become part of the territory of a reconstituted municipality; and

(b) it is impossible to apportion the benefit related to the property, services or activities concerned on the basis of the territory of the related municipalities;

(4) debts contracted by the city related to equipment, infrastructures and activities of collective interest and financed, immediately before the reorganization of the city, by revenue derived in part from a territory that is to become part of the territory of a reconstituted municipality; and

(5) debts the city assumed at the time of its constitution following the dissolution of a supramunicipal body exercising powers in a territory corresponding to the urban agglomeration territory or to any part of that territory extending beyond the territory of the central municipality.

The revenues and expenditures relating to such a debt are urban agglomeration revenues and expenditures.

51. The debts referred to in section 50 include the debts listed in Schedule G to the report of 5 October 2005 of the transition committee of the urban agglomeration of Longueuil.

§3. Debts incidental to the powers of the regular council of the central municipality

52. The financing of expenditure relating to the following debts is within the powers of the regular council of the central municipality:

(1) debts contracted before the constitution of the city and financed, immediately before its reorganization, by revenue derived exclusively from the territory of the central municipality; and

(2) debts contracted by the city and related to property, services or activities within local powers, as regards the part of the debts that corresponds to the share of the benefit derived by the central municipality from the property, services or activities.

CHAPTER III
PROVISIONS OF A FINANCIAL AND FISCAL NATURE

53. The unpaid balance, as it exists immediately before the coming into force of this Order, of a deficit whose related expenditures must be financed by revenue derived exclusively from a territory that is to become part of the territory of a reconstituted municipality becomes a deficit of the reconstituted municipality.

The unspent balance, as it exists immediately before the coming into force of this Order, of a surplus that remains for the exclusive benefit of the inhabitants and ratepayers of a territory that is to become part of the territory of a reconstituted municipality becomes a surplus of the reconstituted municipality.

54. A deficit or surplus of the city that is not covered by section 53 and that exists immediately before the coming into force of this Order remains a deficit or surplus of the central municipality.

Subject to the constituting act of the city, the central municipality must cover the deficit or use the surplus in the exercise of its urban agglomeration powers. In the case where the city has a surplus, the central municipality must, before using it in the exercise of its urban agglomeration powers, use the surplus to pay a sum of money to each of the reconstituted municipalities, up to the amount

available, corresponding to the revenue derived from the territory of the reconstituted municipalities that was collected by the city to finance the expenditures related to the holding of the 2005 general election. If the amount available is not sufficient to pay the entirety of the sum to each of the reconstituted municipalities, the amount is apportioned among each of the reconstituted municipalities proportionately to the revenue collected.

55. Section 54 applies, with the necessary modifications, in respect of any of the city's funds that exist immediately before the reorganization.

Despite the foregoing, a fund created specifically for the exercise of a power other than an urban agglomeration power preserves its original purpose.

In the case of such a fund created using revenue derived exclusively from a territory that is to become the territory of a reconstituted municipality, the monies that are in the fund immediately before the reorganization and have not already been appropriated become that municipality's monies.

If the revenues used to create such a fund are derived exclusively from the territory of local municipalities that ceased to exist on the constitution of the city, at least one of which is to become the territory of a reconstituted municipality, that reconstituted municipality is entitled to part of the monies referred to in the first paragraph. That part is equal to the fraction of the total standardized property value of the territories concerned that is attributable to that municipality's territory.

56. The city's working fund, as it exists immediately before the reorganization, remains that of the central municipality. Reimbursement of the part of the fund already appropriated at the time of the reorganization remains chargeable to all the ratepayers of the related municipalities and the sums recovered accordingly, as is the case for the unappropriated balance of the fund, may be reallocated only to the exercise of urban agglomeration powers, subject to

(1) payment to Ville de Saint-Lambert on 1 January 2006 of a sum of \$24,987 which represents the unappropriated balance at 31 December 2001 of the working fund of the former Ville de Saint-Lambert; and

(2) a sharing agreement between the related municipalities.

Where applicable, the central municipality must keep separate accounts to identify any part of the fund reserved exclusively for its own territory.

57. The central municipality remains a party to any dispute to which the city was a party and that was commenced after 1 January 2002. It also has, to the exclusion of the reconstituted municipalities, the requisite capacity and interest to be a party to any dispute commenced after 1 January 2006 in relation to an event arising after the constitution of the city and prior to 1 January 2006.

The central municipality's participation in a dispute referred to in the first paragraph is deemed to be an act performed in the exercise of an urban agglomeration power.

A reconstituted municipality must give effect to the conclusions of any final decision on a dispute referred to in the first paragraph if its implementation is within the reconstituted municipality's powers.

The related municipalities share the revenues and costs relating to any dispute referred to in the first paragraph. The sharing is to be made in proportion to the standardized property value of each related municipality as it exists at the time of the coming into force of this Order.

In this section, "dispute" includes any legal proceedings.

58. Despite the second paragraph of section 57, the central municipality is deemed to act in the exercise of a local power for the purposes of legal proceedings commenced to have the decision-making rule set out in section 13 declared invalid.

59. The costs relating to the motion to institute proceedings for a declaratory judgment bearing number 500-17-028232-051 are financed by revenue derived exclusively from the territory of the central municipality.

60. A reconstituted municipality becomes, without continuance of suit, a party to any proceedings to which the city was a party at the time of the coming into force of this Order, in relation to events arising before 1 January 2002 that concern the reconstituted municipality.

61. For the purposes of the exercise by the urban agglomeration council, and by the regular council of the central municipality or the council of a reconstituted municipality, of the power provided for in section 205 of the Act respecting municipal taxation (R.S.Q., c. F-2.1) for a particular fiscal year, the figures 0.006 and 0.01 appearing in the first and second paragraphs of section 205.1 of that Act are replaced as provided in the following paragraphs.

In the case of the urban agglomeration council, the replacement figure results from the multiplication of the figure referred to in the first paragraph by the quotient obtained by dividing the revenues taken into consideration in establishing the urban agglomeration aggregate taxation rate by the total of the revenues taken into consideration in establishing the urban agglomeration aggregate taxation rate, the regular aggregate taxation rate of the central municipality and the aggregate taxation rates of the reconstituted municipalities, according to the budgets adopted for the preceding fiscal year. Only the first three decimals in the figure representing the quotient are used; if the fourth decimal would have been greater than 4, the third decimal is increased by 1.

In the case of the regular council of the central municipality or the council of a reconstituted municipality, the replacement figure results from the multiplication of the figure referred to in the first paragraph by the difference obtained by subtracting the quotient obtained under the second paragraph from 1.

Despite the foregoing, for the fiscal year 2006, the replacement figure results from the multiplication of the figure referred to in the first paragraph by 0.6 for the urban agglomeration council and by 0.4 for the regular council of the central municipality or the council of a reconstituted municipality.

62. For the purposes of the exercise by the urban agglomeration council, and by the regular council of the central municipality or the council of a reconstituted municipality, of the power provided for in section 231 of the Act respecting municipal taxation for a particular fiscal year, the amount of \$10 appearing in the first paragraph of that section is replaced as provided in the second, third and fourth paragraphs of section 61, with the necessary modifications.

TITLE VI MISCELLANEOUS, TRANSITIONAL AND FINAL

63. The time period in the first paragraph of section 474.1 of the Cities and Towns Act does not apply to the first report on the financial position of the municipality to be made by the mayor of the central municipality.

The mayor must, however, make such a report before the parts of the budget for the fiscal year 2006 are submitted for adoption to the regular council and to the urban agglomeration council, as the case may be.

64. Despite section 12, the quorum at a meeting of the urban agglomeration council held before 1 April 2006 is four members.

At a meeting referred to in the first paragraph, every decision necessary to maintain services to citizens and for the continuation of the central municipality's activities, in particular decisions regarding human or physical resource allocation for urban agglomeration matters and decisions on administrative measures, is, despite section 13, to be made by a majority of the votes cast.

Section 115 of the Act respecting the exercise of certain municipal powers in certain urban agglomerations applies to decisions referred to in the second paragraph; each such decision, whether made by resolution or by-law, nonetheless comes into force in accordance with the provisions applicable and the by-law may be published to meet the publication requirement for its coming into force before the expiry of the time period prescribed in section 115 of that Act or before the approval required under the third paragraph of that section.

65. Despite section 15, the executive committee of the central municipality prepares, for the purposes of the fiscal year 2006, the part of the budget and the three-year capital program relating to urban agglomeration powers which it is to submit for adoption to the urban agglomeration council not later than 15 December 2005.

66. If, on 1 January 2006, the budget of the central municipality is not adopted, the fifth paragraph of subsection 3 of section 474 of the Cities and Towns Act is applied as follows:

(1) for the purposes of the appropriations applicable for urban agglomeration purposes, the part of the budget prepared by the executive committee and submitted for adoption to the urban agglomeration council for the fiscal year 2006 is considered to be the budget for the preceding fiscal year; and

(2) for the purposes of the appropriations applicable for purposes other than urban agglomeration purposes, the part of the budget prepared by the executive committee and submitted for adoption to the regular council for the fiscal year 2006 is considered to be the budget for the preceding fiscal year.

If, on 1 January 2006, the budget of a reconstituted municipality is not adopted, the fifth paragraph of subsection 3 of section 474 of the Cities and Towns Act is applied with, for the purposes of the applicable appropriations, the budget adopted for the fiscal year 2001 by the council of the former municipality whose territory corresponds to that of the reconstituted municipality being considered to be the budget for the preceding fiscal year.

67. The payment of severance and transition allowances provided for in sections 30.1 and 31 of the Act respecting the remuneration of elected municipal officers to any member of the city council is, if applicable, deferred in accordance with sections 31.2, 31.4 and 31.5 of that Act which apply with the necessary modifications. Despite that section 31.2, "former municipality" means the city and "new municipality" means the reconstituted municipality concerned.

68. The reconstituted municipalities succeed, as provided in the following paragraphs, to the rights and obligations of the city arising out of any contract or agreement that deals in whole or in part with a local matter and pursuant to the terms of which the contract or agreement continues to have effect after 31 December 2005.

If the contract or agreement deals exclusively with a local matter and continues to have effect in the territory of one reconstituted municipality only, that municipality succeeds to the rights and obligations arising therefrom.

If the contract or agreement deals exclusively with a local matter and continues to have effect in the territory of several related municipalities, each reconstituted municipality in whose territory the contract or agreement continues to have effect succeeds, for its territory and according to the terms of the contract or agreement, to the rights arising therefrom, and the related municipalities together are solidarily liable for the obligations arising therefrom.

If the contract or agreement deals in part with an urban agglomeration matter and continues to have effect in the territory of one or more related municipalities, each reconstituted municipality succeeds, for its territory, to the rights arising out of the contract or agreement that deals with a local matter, and the related municipalities together are solidarily liable for the obligations arising therefrom.

Where a contract or agreement referred to in any of the preceding paragraphs continues to have effect in the territory of more than one related municipality, the municipality with the largest population is responsible for managing the contract or agreement until it expires and every other municipality is required to assume its share of the management costs.

For the purposes of the preceding paragraph, if the contract or agreement was entered into by the city in the exercise of a borough council power, reference is made to the population of the borough concerned rather than to that of the central municipality.

For the purpose of financing the expenditures resulting from the application of the third, fourth and fifth paragraphs, the urban agglomeration council may

(1) use any method provided for in section 85 of the Act respecting the exercise of certain municipal powers in certain urban agglomerations; or

(2) fix by by-law the share of the expenditures relating to a contract or an agreement that is to be payable by each municipality concerned.

69. A by-law adopted by the urban agglomeration council before the coming into force of this Order pursuant to section 47 or section 69 of the Act respecting the exercise of certain municipal powers in certain urban agglomerations need not be preceded by a notice of motion and the by-law may be published to meet the publication requirement for its coming into force before the expiry of the time period prescribed in section 115 of that Act or before the approval required under the third paragraph of that section.

70. A tax by-law adopted by the council of a related municipality before the coming into force of this Order need not be preceded by a notice of motion.

The by-law may be published to meet the publication requirement for its coming into force before the expiry of the time period prescribed in section 115 of the Act respecting the exercise of certain municipal powers in certain urban agglomerations or before the approval required under the third paragraph of that section.

71. The provisions of Title V of this Order are deemed to conform to those of Division III of Chapter V of the Act respecting the consultation of citizens with respect to the territorial reorganization of certain municipalities and to any directive issued by the Minister of Municipal Affairs and Regions pursuant to the second paragraph of section 120 of that Act, amended by section 160 of the Act respecting the exercise of certain municipal powers in certain urban agglomerations.

72. This Order in Council comes into force on 1 January 2006, the date on which the reorganization of the city becomes effective, except the provisions in the Order that are meant to apply to an act which may be performed in advance of the reorganization pursuant to the Act respecting the exercise of certain municipal powers in certain urban agglomerations; those provisions come into force on the day on which this Order in Council is published in the *Gazette officielle du Québec*.

ANDRÉ DICAIRE,
Clerk of the Conseil exécutif

SCHEDULE

(s. 37)

EQUIPMENT, INFRASTRUCTURES AND ACTIVITIES OF COLLECTIVE INTEREST

The following equipment, infrastructures and activities are of collective interest:

- (1) Parc régional de Longueuil
- (2) Frayère Rivière-aux-Pins
- (3) Rivière Saint-Jacques
- (4) Musée Marcil
- (5) Parc Marie-Victorin
- (6) Port de plaisance Réal-Bouvier
- (7) Place Charles-Le Moyne
- (8) Métro Building
- (9) Métro parking
- (10) Îles de Boucherville ferry
- (11) La Riveraine bicycle trail (along the river)
- (12) Voie cyclable du fleuve Saint-Laurent
- (13) Seaway dam
- (14) Parc du Pont Champlain
- (15) Parc de la voie maritime
- (16) Route verte (long route and walkway 116)
- (17) Île Charron
- (18) Halte des motorisés
- (19) Montréal-Longueuil ferry
- (20) Longueuil-Île Charron ferry
- (21) Complexe multi-sport Jean-Béliveau
- (22) Fibre optic network
- (23) Centre sportif Édouard-Montpetit
- (24) Club d'aviron de Boucherville
- (25) Orchestre symphonique de Longueuil

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Gouvernement du Québec

O.C. 1215-2005, 7 December 2005

An Act respecting the exercise of certain municipal powers in certain urban agglomerations
(R.S.Q., c. E-20.001)

Ville de Longueuil

WHEREAS Ville de Longueuil was constituted on 1 January 2002 by the coming into force of section 3 and Schedule III to the Act to reform the municipal territorial organization of the metropolitan regions of Montréal, Québec and the Outaouais (2000, c. 56);