



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-EIGHTH LEGISLATURE

Bill 82

(2008, chapter 18)

An Act to amend various legislative provisions respecting municipal affairs

Introduced 13 May 2008
Passed in principle 22 May 2008
Passed 11 June 2008
Assented to 12 June 2008

Québec Official Publisher
2008

EXPLANATORY NOTES

This Act amends the Cities and Towns Act and the Municipal Code of Québec especially as concerns the powers of local municipalities relating to their general fund and their working-fund, and grants similar powers to regional county municipalities and intermunicipal boards. It harmonizes provisions relating to deadlines for sending in the financial reports of municipalities and various bodies, the time limit for redeeming an immovable sold for non-payment of municipal taxes, and the scheduling of council sittings. Furthermore, with respect to municipalities whose territory is divided into boroughs, it extends the application of the provision under which it is possible to post or publish a municipal notice only in the borough when it relates to a matter within the jurisdiction of a borough council.

This Act amends the Municipal Powers Act by granting regional county municipalities the same tools for lake management as already exist for watercourse management. It facilitates the collection of amounts due to the person designated by a municipality to settle disagreements between owners over common fences or ditches, drainage ditches and clearances, and allows municipalities to order traffic signs or signals by resolution. It also obliges municipalities whose territory includes the site of a quarry or sand pit to establish a fund for the repair and maintenance of municipal public roads, financed by duties paid by the quarry or sandpit operator.

This Act amends the Act respecting elections and referendums in municipalities in order to provide, from the fiscal year 2010, for a mechanism for the annual indexation of the tariff of the remuneration payable to municipal election or referendum officers. It also grants non-domiciled voters the right to vote by mail.

This Act amends the Act respecting municipal taxation to oblige municipalities to impose a tax to finance 9-1-1 emergency centres. It also makes concordance amendments to the provisions of the Act that allow the implementation of an equalization scheme.

This Act amends the Act respecting the Pension Plan of Elected Municipal Officers to harmonize it with public sector pension plans as concerns the spouse's waiver. It also makes certain amendments to such elements as the right of redemption and the administration of the plan.

It amends the Civil Protection Act to oblige the municipalities to ensure the provision of services by a 9-1-1 emergency centre that has obtained a certificate of compliance. This Act also sets the conditions for obtaining such a certificate.

This Act amends the Transport Act to maintain the municipalities' power to negotiate public transit and paratransit contracts without calling for tenders.

This Act amends the Act respecting Northern villages and the Kativik Regional Government as concerns the signing of collective agreements and simplifies the rules governing the swearing-in of members and special constables of the Kativik regional police force.

Lastly, this Act contains various provisions of a more local nature, as well as technical amendments.

LEGISLATION AMENDED BY THIS ACT:

- Act respecting land use planning and development (R.S.Q., chapter A-19.1);
- Charter of Ville de Lévis (R.S.Q., chapter C-11.2);
- Charter of Ville de Longueuil (R.S.Q., chapter C-11.3);
- Charter of Ville de Montréal (R.S.Q., chapter C-11.4);
- Charter of Ville de Québec (R.S.Q., chapter C-11.5);
- Cities and Towns Act (R.S.Q., chapter C-19);
- Municipal Code of Québec (R.S.Q., chapter C-27.1);
- Act respecting the Communauté métropolitaine de Montréal (R.S.Q., chapter C-37.01);
- Act respecting the Communauté métropolitaine de Québec (R.S.Q., chapter C-37.02);
- Municipal Powers Act (R.S.Q., chapter C-47.1);
- Act respecting intermunicipal boards of transport in the area of Montréal (R.S.Q., chapter C-60.1);

- Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2);
- Act respecting the exercise of certain municipal powers in certain urban agglomerations (R.S.Q., chapter E-20.001);
- Act respecting municipal taxation (R.S.Q., chapter F-2.1);
- Act respecting certain public utility installations (R.S.Q., chapter I-13);
- Act respecting administrative justice (R.S.Q., chapter J-3);
- Act respecting municipal territorial organization (R.S.Q., chapter O-9);
- Act respecting the Pension Plan of Elected Municipal Officers (R.S.Q., chapter R-9.3);
- Civil Protection Act (R.S.Q., chapter S-2.3);
- Act respecting public transit authorities (R.S.Q., chapter S-30.01);
- Transport Act (R.S.Q., chapter T-12);
- Act respecting Northern villages and the Kativik Regional Government (R.S.Q., chapter V-6.1).

Bill 82

AN ACT TO AMEND VARIOUS LEGISLATIVE PROVISIONS RESPECTING MUNICIPAL AFFAIRS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

ACT RESPECTING LAND USE PLANNING AND DEVELOPMENT

1. Section 188 of the Act respecting land use planning and development (R.S.Q., chapter A-19.1) is amended by adding the following subparagraph after subparagraph 5 of the fourth paragraph:

“(5.1) any matter relating to the fund provided for in section 110.1 of the Municipal Powers Act (chapter C-47.1);”.

CHARTER OF VILLE DE LÉVIS

2. Section 88 of the Charter of Ville de Lévis (R.S.Q., chapter C-11.2) is amended by striking out the second sentence of the second paragraph.

CHARTER OF VILLE DE LONGUEUIL

3. Section 71 of the Charter of Ville de Longueuil (R.S.Q., chapter C-11.3) is amended by replacing “regulation” in the second line of the third paragraph by “by-law”.

4. Section 72 of the Charter is amended by replacing the second paragraph by the following paragraph:

“Among the modifications to the Act respecting land use planning and development required by the application of the first paragraph, the following are applicable: section 110.10.1 of that Act does not apply, the notice required by section 126 of that Act must state that a copy of the draft by-law may be consulted at the borough office and the summary provided for in section 129 of that Act may be obtained at that office.”

5. Section 4 of Schedule C to the Charter is amended by replacing “council” in the second line of the third paragraph by “councillor”.

CHARTER OF VILLE DE MONTRÉAL

6. Section 89.1 of the Charter of Ville de Montréal (R.S.Q., chapter C-11.4) is amended

(1) by inserting “, subject to the fourth paragraph, where applicable,” after “except” in the fourth line of the first paragraph;

(2) by replacing the fourth paragraph by the following paragraphs:

“For the purposes of sections 130 to 137 of the Act respecting land use planning and development enabling a project referred to in subparagraph 5 of the first paragraph of section 89 to be carried out, if that project is situated in the historic district of Old Montréal,

(1) applications to take part in a referendum following the second draft by-law may originate in the whole borough in which the project is planned or from all the boroughs affected by the project;

(2) the public notice provided for in section 132 need not mention or contain a description of the zones or sectors of a zone in which an application may originate;

(3) the application provided for in section 133 need not clearly state in which zone or sector of a zone it originates;

(4) despite section 136.1 of that Act, a by-law adopted under section 136 of that Act must be approved by the qualified voters of either the borough or all the boroughs affected by the project.

However,

(1) the fourth paragraph does not apply to a by-law adopted to enable the carrying out of a project, referred to in subparagraph 5 of the first paragraph of section 89, planned by the Government or one of its ministers, mandataries or bodies;

(2) the second paragraph and sections 125 to 127 of the Act respecting land use planning and development do not apply to a draft by-law adopted solely to enable the carrying out of a project referred to in subparagraph 4 of the first paragraph of section 89.”

7. Section 130.3 of the Charter is amended by replacing subparagraphs 2 and 3 of the first paragraph by the following subparagraph:

“(2) the expressions “office of the municipality” and “in the territory of the municipality” in section 109.3 are replaced respectively by the expressions “borough office” and “in the borough”.

8. Section 131 of the Charter is amended by replacing the second paragraph by the following paragraph:

“Among the modifications to the Act respecting land use planning and development required by the application of the first paragraph, the following are applicable: section 110.10.1 of that Act does not apply, the notice required by section 126 of that Act must state that a copy of the draft by-law may be consulted at the borough office and the summary provided for in section 129 of that Act may be obtained at that office.”

9. Section 144.8 of the Charter is amended by replacing the second sentence by the following sentence: “Sections 569 to 569.0.5 of the Cities and Towns Act (chapter C-19) apply to the fund, with the necessary modifications.”

10. Section 102.2 of Schedule C to the Charter is amended by replacing the third paragraph by the following paragraph:

“The amount of the tax is based on the number of sign faces on the structure. A surface that displays a series of different advertisements rotating in a loop by mechanical or electronic means constitutes one sign face.”

11. Section 256 of Schedule C to the Charter is amended by replacing “delay” in the fourth line of the second paragraph by “time”.

CHARTER OF VILLE DE QUÉBEC

12. Section 115 of the Charter of Ville de Québec (R.S.Q., chapter C-11.5) is amended by replacing the second paragraph by the following paragraph:

“Among the modifications to the Act respecting land use planning and development required by the application of the first paragraph, the following are applicable: section 110.10.1 of that Act does not apply, the notice required by section 126 of that Act must state that a copy of the draft by-law may be consulted at the borough office and the summary provided for in section 129 of that Act may be obtained at that office.”

CITIES AND TOWNS ACT

13. Section 6 of the Cities and Towns Act (R.S.Q., chapter C-19) is amended by replacing “indifferently an ordinary or general sitting, or a special sitting” in the first and second lines of subparagraph 5 of the first paragraph by “either a regular sitting or a special sitting”.

14. Section 105.2 of the Act is amended by replacing “15” in the first line of the first paragraph by “30”.

15. Section 318 of the Act is amended by adding the following paragraph at the end:

“The clerk shall give public notice of any change in the location of sittings.”

16. Sections 319 and 320 of the Act are replaced by the following sections:

“319. The council shall hold regular sittings at least once a month.

The council shall determine the schedule of its regular sittings, setting the date and time of each sitting, before the beginning of the calendar year.

However, the council may decide that a regular sitting is to begin on a date and at a time other than those specified in the schedule.

“320. The clerk shall give public notice of the sitting schedule.

The clerk shall also give public notice of any regular sitting to be held on a day or at a time other than that specified in the schedule.”

17. Section 323 of the Act is amended by replacing “spéciale” in the first line of the first paragraph in the French text by “extraordinaire”.

18. Section 324 of the Act is amended by replacing “spéciale” in the first line of the first paragraph in the French text by “extraordinaire”.

19. Section 325 of the Act is amended in the French text

(1) by replacing “spéciales” in the first line of the first paragraph by “extraordinaires”;

(2) by replacing “spéciale” in the first line of the second paragraph by “extraordinaire”.

20. Section 326 of the Act is amended

(1) by striking out “special or general” in the first line;

(2) by replacing “spéciale” in the sixth line in the French text by “extraordinaire”.

21. Section 342 of the Act is amended by replacing “spéciale” in the third line in the French text by “extraordinaire”.

22. Section 345 of the Act is amended

(1) by replacing “may be posted” in the second line of the second paragraph by “is posted”;

(2) by adding the following paragraph after the second paragraph:

“If an Act or a charter stipulates that a notice is to be posted in the office of the municipality and published in a newspaper circulated in the territory of the municipality, the second paragraph also applies for the purpose of substituting “borough” for “municipality”.”

23. The Act is amended by inserting the following sections after section 468.14:

“468.14.1. If the management board decides to use moneys from the general fund to pay a capital expenditure incurred for the benefit of only some of the municipalities in whose territory the board has jurisdiction, it may decide to reimburse the fund by means of an aliquot share payable by the municipalities concerned.

In such a case, the management board shall authorize the use of the moneys by a by-law that specifies the amount of the moneys used and contains a detailed description of the expenditure. The by-law must also specify the term of repayment, which is not to exceed the useful life of the property that the moneys enable the board to acquire, repair, restore or build, and must require an aliquot share from the municipalities for whose benefit the expenditure is incurred.

“468.14.2. The aliquot share payable by the municipalities is determined using the mode of apportionment of capital expenditures contained in the agreement providing for the establishment of the management board. The aliquot share must provide for the repayment of the moneys used and the payment of a compensatory amount that may be determined by resolution and must be equal to the interest that would be payable if the board, at the date on which it authorizes the payment of the expenditure, contracted a loan on the capital market to finance that expenditure for an identical term. The Minister of Finance must inform the board, at its request, of the interest rate in effect at the time of the request.

“468.14.3. The by-law is subject to the approval of all the municipalities for whose benefit the expenditure is incurred.

A municipality whose council has not made a decision with respect to the by-law at or before the second regular sitting following receipt of an authenticated copy of the by-law is deemed to have approved it.

“468.14.4. The Minister of Municipal Affairs and Regions may also require that the by-law be submitted for approval to the qualified voters in the territory of each of the municipalities for whose benefit the expenditure is incurred.

To that end, the management board shall send an authenticated copy of the by-law to the Minister and give public notice of the adoption of the by-law to the municipal ratepayers concerned. The notice must be published in a newspaper in the territory of the municipalities and contain

- (1) the number, title, object and date of adoption of the by-law;
- (2) the amount of the moneys to be used and the projected expenditure;
and
- (3) the right of the ratepayers concerned to send the Minister of Municipal Affairs and Regions, within 30 days after the notice is published, a request that the by-law be submitted for approval to the qualified voters of each of the municipalities for whose benefit the expenditure is incurred.

“468.14.5. The Minister shall inform the management board if no request is received within the time prescribed in subparagraph 3 of the second paragraph of section 468.14.4.

If a request is received, the Minister may require that the by-law be approved by the qualified voters in the territory of each of the municipalities for whose benefit the expenditure is incurred.

The Minister shall inform the management board of the decision. If the Minister decides to require the approval of the qualified voters, the Minister shall also inform each of the municipalities for whose benefit the expenditure is incurred.”

24. The Act is amended by inserting the following sections after section 468.45.6:

“468.45.7. The management board may, with a view to having at its disposal the moneys it needs for the purposes within its jurisdiction, constitute a fund known as the “working-fund” or increase the amount of the fund. To that effect, it shall pass a by-law

- (1) to appropriate for that purpose all or part of the accumulated surplus of its general fund;
- (2) to order a loan; or
- (3) to carry out both of the above operations.

The by-law ordering a loan to constitute the working-fund or increase the amount of the fund must specify the term of the loan, which is not to exceed 10 years, and must stipulate that the repayment of the loan is to be charged to all the municipalities in whose territory the board has jurisdiction, according to the operating cost apportionment method set out in the agreement.

The amount of the fund may not exceed 20% of the appropriations provided for in the board’s budget for the current fiscal year. However, if the amount of the fund exceeds the prescribed percentage because the budget of a subsequent fiscal year provides for fewer appropriations than the budget used to determine the amount of the fund, the amount may remain unchanged.

Section 99 applies, with the necessary modifications, to the investment of the available moneys of the fund.

The interest on the working-fund and the compensatory sum provided for in section 468.45.12 are appropriated as ordinary revenue for the fiscal year in which the interest is earned and the sum collected.

If the working-fund is abolished, the moneys available in it must be used to repay a loan contracted to constitute the fund or increase the amount of the fund before they may be paid into the general fund.

“468.45.8. A member of the board of directors who, knowingly, by a vote or otherwise, authorizes

(1) the constitution of a working-fund or its capital endowment for an amount exceeding the percentage prescribed in the third paragraph of section 468.45.7;

(2) the investment of the moneys in the fund otherwise than in the manner prescribed in the fourth paragraph of section 468.45.7; or

(3) the use of the available moneys, if the working-fund is abolished, otherwise than in the manner prescribed in the sixth paragraph of section 468.45.7

may be declared disqualified to hold municipal office for two years and may be held personally liable towards the management board for any loss or damage suffered by it.

The liability mentioned in the first paragraph is joint and several and it applies to every officer or employee of the management board who knowingly is a party to the unlawful act.

Proceedings for the declaration of disqualification are taken in accordance with articles 838 to 843 of the Code of Civil Procedure (chapter C-25); an ordinary action is taken to obtain compensation for loss or damage. Any ratepayer may exercise such recourses.

Disqualification may also be declared by means of an action for declaration of disqualification under the Act respecting elections and referendums in municipalities (chapter E-2.2).

“468.45.9. The management board may borrow from the working-fund pending the collection of revenues, or in order to pay all or part of an expense resulting from the implementation of a departure incentive program for the officers and employees of the management board or to pay a capital expenditure. The resolution authorizing the loan must specify the term of repayment, which may not exceed one year, five years or ten years, depending on the purpose of the loan.

“**468.45.10.** Every year, the management board shall provide out of its general fund a sum sufficient to repay a loan from the working-fund.

“**468.45.11.** If the loan is used to pay a capital expenditure incurred for the benefit of only some of the municipalities in whose territory the management board has jurisdiction, the board may decide that the loan is to be repaid by means of an aliquot share payable by the municipalities concerned.

In such a case, the management board shall authorize the loan from the working-fund by a by-law that specifies the amount of the loan and contains a detailed description of the expenditure. The by-law must also specify the term of repayment, which is not to exceed 10 years, and must require an aliquot share from the municipalities for whose benefit the expenditure is incurred.

“**468.45.12.** The aliquot share payable by the municipalities is determined using the mode of apportionment of capital expenditures contained in the agreement providing for the establishment of the management board. The aliquot share must provide for the repayment of the loan and the payment of a compensatory amount that may be determined by resolution and must be equal to the interest that would be payable if the board, at the date on which it authorizes the payment of the expenditure, contracted a loan on the capital market to finance that expenditure for an identical term. The Minister of Finance must inform the board, at its request, of the interest rate in effect at the time of the request.

“**468.45.13.** The by-law is subject to the approval of all the municipalities for whose benefit the expenditure is incurred.

A municipality whose council has not made a decision with respect to the by-law at or before the second regular sitting following receipt of an authenticated copy of the by-law is deemed to have approved it.

“**468.45.14.** The Minister of Municipal Affairs and Regions may require that the by-law be submitted for approval to the qualified voters in the territory of each of the municipalities for whose benefit the expenditure is incurred.

To that end, the management board shall send an authenticated copy of the by-law to the Minister and give public notice of the adoption of the by-law to the municipal ratepayers concerned. The notice must be published in a newspaper in the territory of the municipalities and contain

- (1) the number, title, object and date of adoption of the by-law;
- (2) the amount of the projected loan and the use to be made of the sums borrowed from the fund; and

(3) the right of the ratepayers concerned to send the Minister of Municipal Affairs and Regions, within 30 days after the notice is published, a request that the by-law be submitted for approval to the qualified voters of each of the municipalities for whose benefit the expenditure is incurred.

“468.45.15. The Minister shall inform the management board if no request is received within the time prescribed in subparagraph 3 of the second paragraph of section 468.45.14.

If a request is received, the Minister may require that the by-law be approved by the qualified voters in the territory of each of the municipalities for whose benefit the expenditure is incurred.

The Minister shall inform the management board of the decision. If the Minister decides to require the approval of the qualified voters, the Minister shall also inform each of the municipalities for whose benefit the expenditure is incurred.”

25. Section 468.51 of the Act is amended

- (1) by striking out “section 569,” in the fourth line of the first paragraph;
- (2) by inserting the following paragraph after the first paragraph:

“For the purposes of section 105.2, the reports must be sent not later than 15 April. They must also be sent to each municipality in whose territory the board has jurisdiction.”;

- (3) by striking out the second paragraph.

26. The Act is amended by inserting the following sections after section 476:

“476.1. If the council decides to use moneys from the general fund to pay a capital expenditure incurred for the benefit of a specific sector of the territory of the municipality, it may decide to reimburse the fund by means of either a special tax imposed on all the taxable immovables situated in the sector or compensation payable by the owners or occupants of those immovables.

In such a case, the council shall authorize the use of the moneys by a by-law that specifies the amount of the moneys used and contains a detailed description of the expenditure. The by-law must also specify the term of repayment, which is not to exceed the useful life of the property that the moneys enable the municipality to acquire, repair, restore or build, and must impose a special tax on all the taxable immovables situated in the sector or require compensation from the owners or occupants of those immovables.

“476.2. The tax imposed or compensation required must provide for the repayment of the moneys used and the payment of a compensatory amount that may be determined by resolution and must be equal to the interest that would be payable if the municipality, at the date on which it authorizes the payment of the expenditure, contracted a loan on the capital market to finance that expenditure for an identical term. The Minister of Finance must inform the municipality, at its request, of the interest rate in effect at the time of the request.

“476.3. If the by-law imposes a special tax that is not based on the value of the immovable, the by-law may provide that the ratepayer on whose immovable the tax is imposed may, on the conditions set out in the by-law, exempt the immovable from the tax by paying in one instalment the portion of the principal that, upon maturity of the loan, would have been provided by the tax imposed on that immovable. If the by-law requires compensation, it may provide that the owner or occupant from whom compensation is required may obtain an exemption in the same manner, with the necessary modifications.

The share payable is calculated, in the case of a property tax, according to the assessment roll in force at the time the ratepayer makes the payment, taking into account any taxes paid under the by-law before the payment. In the case of compensation, the share is calculated according to the apportionment provided for in the by-law, as it applies at the time of the payment.

The amount of the moneys to be provided by the tax or compensation is reduced by the amount of any sum paid under this section.

The payment exempts the immovable from the special tax or the owner or occupant from the compensation for the remainder of the term of repayment specified in the by-law.

“476.4. The by-law is subject to the approval of the qualified voters of the sector.

However, a by-law adopted by the council of a municipality of 100,000 or more inhabitants is not subject to such approval when it authorizes the use of moneys for an expenditure and a loan by-law for that type of expenditure would have been exempted from such approval.”

27. Section 544 of the Act is amended by replacing “imposes, for repayment of the loan, a” in the first line of subparagraph 2 of the second paragraph by “prescribes, for the repayment of the loan, the annual appropriation of a portion of the general revenues of the municipality or the imposition of a”.

28. Section 569 of the Act is amended

(1) by inserting “the annual appropriation of a portion of the general revenues of the municipality or” after “prescribe” in the second line of the third paragraph of subsection 1;

(2) by replacing subsections 2 and 2.1 by the following subsection:

“(2) The council may borrow from the working-fund pending the collection of revenues, or in order to pay all or part of an expense resulting from the implementation of a departure incentive program for the officers and employees of the municipality or to pay a capital expenditure. The resolution authorizing the loan must specify the term of repayment, which may not exceed one year, five years or ten years, depending on the purpose of the loan.”;

(3) by replacing subsection 4 by the following subsection:

“(4) The interest on the working-fund and the compensatory sum provided for in section 569.0.3 are appropriated as ordinary revenue for the fiscal year in which the interest is earned and the sum collected.”;

(4) by replacing subparagraph *a* of the first paragraph of subsection 5 by the following subparagraph:

“(a) the constitution of a working-fund or its capital endowment for an amount exceeding the percentage prescribed in subsection 1.1;”.

29. The Act is amended by inserting the following sections after section 569:

“569.0.1. Every year, the council shall provide out of its general revenue a sum sufficient to repay a loan from the working-fund.

“569.0.2. If the loan is used to pay a capital expenditure incurred for the benefit of a specific sector of the territory of the municipality, the council may decide to reimburse the fund by means of either a special tax imposed on all the taxable immovables situated in the sector or compensation payable by the owners or occupants of those immovables.

In such a case, the council shall authorize the loan from the working-fund by a by-law that specifies the amount of the loan and contains a detailed description of the expenditure. The by-law must also specify the term of repayment, which is not to exceed 10 years, and must impose a special tax on all the taxable immovables situated in the sector or require compensation from the owners or occupants of those immovables.

“569.0.3. The tax imposed or compensation required must provide for the repayment of the loan and the payment of a compensatory amount that may be determined by resolution and must be equal to the interest that would be payable if the municipality, at the date on which it authorizes the payment

of the expenditure, contracted a loan on the capital market to finance that expenditure for an identical term. The Minister of Finance must inform the municipality, at its request, of the interest rate in effect at the time of the request.

“569.0.4. If the by-law imposes a special tax that is not based on the value of the immovable, the by-law may provide that the ratepayer on whose immovable the tax is imposed may, on the conditions set out in the by-law, exempt the immovable from the tax by paying in one instalment the portion of the principal that, upon maturity of the loan, would have been provided by the tax imposed on that immovable. If the by-law requires compensation, it may provide that the owner or occupant from whom compensation is required may obtain an exemption in the same manner, with the necessary modifications.

The share payable is calculated, in the case of a property tax, according to the assessment roll in force at the time the ratepayer makes the payment, taking into account any taxes paid under the by-law before the payment. In the case of compensation, the share is calculated according to the apportionment provided for in the by-law, as it applies at the time of the payment.

The amount of the moneys to be provided by the tax or compensation is reduced by the amount of any sum paid under this section.

The payment exempts the immovable from the special tax or the owner or occupant from the compensation for the remainder of the term of repayment specified in the by-law.

“569.0.5. The by-law is subject to the approval of the qualified voters of the sector.

However, a by-law adopted by the council of a municipality of 100,000 or more inhabitants is not subject to such approval when it authorizes a loan from the working-fund for an expenditure and a loan by-law for that type of expenditure would have been exempted from such approval.”

MUNICIPAL CODE OF QUÉBEC

30. Article 25 of the Municipal Code of Québec (R.S.Q., chapter C-27.1) is amended by replacing paragraph 14 by the following paragraph:

“(14) the word “sitting” used alone means either a regular sitting or a special sitting;”.

31. Article 82 of the Code is amended by replacing “session régulière” in the fifth and sixth lines of the second paragraph in the French text by “séance ordinaire”.

32. Article 135 of the Code is amended by replacing “session spéciale” in the first and second lines of the second paragraph in the French text by “séance extraordinaire”.

33. Article 142 of the Code is amended by replacing “next general sitting, or, after notice, at a special sitting” in the third line of subarticle 3 by “next regular sitting or, after notice, at a special sitting”.

34. The Code is amended by inserting the following article after article 145:

“**145.1.** The secretary-treasurer shall give public notice of any change in the location of sittings.”

35. Article 148 of the Code is replaced by the following articles:

“**148.** The council of a regional county municipality shall hold regular sittings at least once every two months, including one on the fourth Wednesday in November. The council of a local municipality shall hold regular sittings at least once a month.

The council shall determine the schedule of its regular sittings, setting the date and time of each sitting, before the beginning of the calendar year.

However, the council may decide that a regular sitting is to begin on a date and at a time other than that specified in the schedule.

“**148.0.1.** The secretary-treasurer shall give public notice of the schedule.

The secretary-treasurer shall also give notice of any regular sitting to be held on a day or at a time other than those specified in the schedule.

“**148.0.2.** At the November sitting, the council of the regional county municipality must, among other things, adopt the budget of the municipality for the next fiscal year.

The Minister of Municipal Affairs and Regions may, on the Minister’s initiative, allow the councils of the regional county municipalities or a category of them to adopt the budget after the regular sitting in November, at a sitting to be held not later than the date set by the Minister.

On sufficient proof that the council of the regional county municipality is unable to adopt the budget at the regular sitting in November or within the time determined by the Minister under the second paragraph, the Minister may grant any additional time the Minister determines for that purpose.”

36. Article 149 of the Code is replaced by the following article:

“**149.** The sittings are public, and the proceedings must be audible and intelligible.”

37. Article 151 of the Code is repealed.

38. Article 152 of the Code is amended by replacing “session spéciale” in the first line in the French text by “séance extraordinaire”.

39. Article 153 of the Code is amended in the French text

(1) by replacing “session spéciale” in the first line of the first paragraph by “séance extraordinaire”;

(2) by replacing “session” in the first line of the second paragraph by “séance”;

(3) by replacing “session” in the second line of the third paragraph by “séance”.

40. Article 154 of the Code is amended by replacing “ordinary or special sitting” in the first line by “sitting”.

41. Article 155 of the Code is amended in the French text

(1) by replacing “session” in the second line of the first paragraph by “séance”;

(2) by replacing “session” in the fourth line of the second paragraph by “séance”;

(3) by replacing “session spéciale” in the fifth line of the second paragraph by “séance extraordinaire”;

(4) by replacing “session” in the sixth line of the second paragraph by “séance”.

42. Article 156 of the Code is amended by replacing “spéciales” in the first line of the first paragraph in the French text by “extraordinaires”.

43. Article 164.1 of the Code is amended

(1) by inserting “or of Municipalité régionale de comté de Minganie” after “Caniapiscau” in the second line of the first paragraph;

(2) by replacing “régulière” in the third line of the third paragraph in the French text by “ordinaire”.

44. Article 176.2 of the Code is amended by replacing “15” in the first line of the first paragraph by “30”.

45. The Code is amended by inserting the following articles after article 583:

“583.1. If the management board decides to use moneys from the general fund to pay a capital expenditure incurred for the benefit of only some of the municipalities in whose territory the board has jurisdiction, it may decide to reimburse the fund by means of an aliquot share payable by the municipalities concerned.

In such a case, the board shall authorize the use of the moneys by a by-law that specifies the amount of the moneys used and contains a detailed description of the expenditure. The by-law must also specify the term of repayment, which is not to exceed the useful life of the property that the moneys enable the board to acquire, repair, restore or build, and must require an aliquot share from the municipalities for whose benefit the expenditure is incurred.

“583.2. The aliquot share payable by the municipalities is determined using the mode of apportionment of capital expenditures contained in the agreement providing for the establishment of the management board. The aliquot share must provide for the repayment of the moneys used and the payment of a compensatory amount that may be determined by resolution and must be equal to the interest that would be payable if the board, at the date on which it authorizes the payment of the expenditure, contracted a loan on the capital market to finance that expenditure for an identical term. The Minister of Finance must inform the board, at its request, of the interest rate in effect at the time of the request.

“583.3. The by-law is subject to the approval of all the municipalities for whose benefit the expenditure is incurred.

A municipality whose council has not made a decision with respect to the by-law at or before the second regular sitting following receipt of an authenticated copy of the by-law is deemed to have approved it.

“583.4. The Minister of Municipal Affairs and Regions may also require that the by-law be submitted for approval to the qualified voters in the territory of each of the municipalities for whose benefit the expenditure is incurred.

To that end, the management board shall send an authenticated copy of the by-law to the Minister and give public notice of the adoption of the by-law to the municipal ratepayers concerned. The notice must be published in a newspaper in the territory of the municipalities and contain

- (1) the number, title, object and date of adoption of the by-law;
- (2) the amount of the moneys to be used and the projected expenditure;
and
- (3) the right of the ratepayers concerned to send the Minister of Municipal Affairs and Regions, within 30 days after the notice is published, a request

that the by-law be submitted for approval to the qualified voters of each of the municipalities for whose benefit the expenditure is incurred.

“583.5. The Minister shall inform the management board if no request is received within the time prescribed in subparagraph 3 of the second paragraph of article 583.4.

If a request is received, the Minister may require that the by-law be approved by the qualified voters in the territory of each of the municipalities for whose benefit the expenditure is incurred.

The Minister shall inform the management board of the decision. If the Minister decides to require the approval of the qualified voters, the Minister shall also inform each of the municipalities for whose benefit the expenditure is incurred.”

46. The Code is amended by inserting the following articles after article 614.6:

“614.7. The management board may, with a view to having at its disposal the moneys it needs for the purposes within its jurisdiction, constitute a fund known as the “working-fund” or increase the amount of the fund. To that effect, it shall adopt a by-law

(1) to appropriate for that purpose all or part of the accumulated surplus of its general fund;

(2) to order a loan; or

(3) to carry out both of the above operations.

The by-law ordering a loan to constitute the working-fund or increase the amount of the fund must specify the term of the loan, which is not to exceed 10 years, and must stipulate that the repayment of the loan is to be charged to all the municipalities in whose territory the board has jurisdiction, according to the operating cost apportionment method set out in the agreement.

The amount of the fund may not exceed 20% of the appropriations provided for in the board’s budget for the current fiscal year. However, if the amount of the fund exceeds the prescribed percentage because the budget of a subsequent fiscal year provides for fewer appropriations than the budget used to determine the amount of the fund, the amount may remain unchanged.

Article 203 applies, with the necessary modifications, to the investment of the available moneys of the fund.

The interest on the working-fund and the compensatory sum provided for in article 614.12 are appropriated as ordinary revenue for the fiscal year in which the interest is earned and the sum collected.

If the working-fund is abolished, the moneys available in it must be used to repay a loan contracted to constitute the fund or increase the amount of the fund before they may be paid into the general fund.

“614.8. A member of the board of directors who, knowingly, by a vote or otherwise, authorizes

(1) the constitution of a working-fund or its capital endowment for an amount exceeding the percentage prescribed in the third paragraph of article 614.7;

(2) the investment of the moneys in the fund otherwise than in the manner prescribed in the fourth paragraph of article 614.7; or

(3) the use of the available moneys, if the working-fund is abolished, otherwise than in the manner prescribed in the sixth paragraph of article 614.7

may be declared disqualified to hold municipal office for two years and may be held personally liable towards the management board for any loss or damage suffered by it.

The liability mentioned in the first paragraph is joint and several and it applies to every officer or employee of the management board who knowingly is a party to the unlawful act.

Proceedings for the declaration of disqualification are taken in accordance with articles 838 to 843 of the Code of Civil Procedure (chapter C-25); an ordinary action is taken to obtain compensation for loss or damage. Any ratepayer may exercise such recourses.

Disqualification may also be declared by means of an action for declaration of disqualification under the Act respecting elections and referendums in municipalities (chapter E-2.2).

“614.9. The management board may borrow from the working-fund pending the collection of revenues, or in order to pay all or part of an expense resulting from the implementation of a departure incentive program for the officers and employees of the board or to pay a capital expenditure. The resolution authorizing the loan must specify the term of repayment, which may not exceed one year, five years or ten years, depending on the purpose of the loan.

“614.10. Every year, the management board shall provide out of its general fund a sum sufficient to repay a loan from the working-fund.

“614.11. If the loan is used to pay a capital expenditure incurred for the benefit of only some of the municipalities in whose territory the

management board has jurisdiction, the board may decide that the loan is to be repaid by means of an aliquot share payable by the municipalities concerned.

In such a case, the management board shall authorize the loan from the working-fund by a by-law that specifies the amount of the loan and contains a detailed description of the expenditure. The by-law must also specify the term of repayment, which is not to exceed 10 years, and must require an aliquot share from the municipalities for whose benefit the expenditure is incurred.

“614.12. The aliquot share payable by the municipalities is determined using the mode of apportionment of capital expenditures contained in the agreement providing for the establishment of the management board. The aliquot share must provide for the repayment of the loan and the payment of a compensatory amount which may be determined by resolution and must be equal to the interest that would be payable if the board, at the date on which it authorizes the payment of the expenditure, contracted a loan on the capital market to finance that expenditure for an identical term. The Minister of Finance must inform the board, at its request, of the interest rate in effect at the time of the request.

“614.13. The by-law is subject to the approval of all the municipalities for whose benefit the expenditure is incurred.

A municipality whose council has not made a decision with respect to the by-law at or before the second regular sitting following receipt of an authenticated copy of the by-law is deemed to have approved it.

“614.14. The Minister of Municipal Affairs and Regions may require that the by-law be submitted for approval to the qualified voters in the territory of each of the municipalities for whose benefit the expenditure is incurred.

To that end, the management board shall send an authenticated copy of the by-law to the Minister and give public notice of the adoption of the by-law to the municipal ratepayers concerned. The notice must be published in a newspaper in the territory of the municipalities and contain

- (1) the number, title, object and date of adoption of the by-law;
- (2) the amount of the projected loan and the use to be made of the sums borrowed from the fund; and
- (3) the right of the ratepayers concerned to send the Minister of Municipal Affairs and Regions, within 30 days after the notice is published, a request that the by-law be submitted for approval to the qualified voters of each of the municipalities for whose benefit the expenditure is incurred.

“614.15. The Minister shall inform the management board if no request is received within the time prescribed in subparagraph 3 of the second paragraph of article 614.14.

If a request is received, the Minister may require that the by-law be approved by the qualified voters in the territory of each of the municipalities for whose benefit the expenditure is incurred.

The Minister shall inform the management board of the decision. If the Minister decides to require the approval of the qualified voters, the Minister shall also inform each of the municipalities for whose benefit the expenditure is incurred.”

47. Article 620 of the Code is amended

(1) by striking out “section 569,” in the fourth line of the first paragraph;

(2) by inserting the following paragraph after the first paragraph:

“For the purposes of section 105.2 of the Cities and Towns Act, the reports must be sent not later than 15 April. They must also be sent to each municipality in whose territory the board has jurisdiction.”;

(3) by striking out the second paragraph.

48. The Code is amended by inserting the following articles after article 960:

“960.0.1. If the council of a local municipality decides to use moneys from the general fund to pay a capital expenditure incurred for the benefit of a specific sector of the territory of the municipality, it may decide to reimburse the fund by means of either a special tax imposed on all the taxable immovables situated in the sector or compensation payable by the owners or occupants of those immovables.

In such a case, the council shall authorize the use of the moneys by a by-law that specifies the amount of the moneys used and contains a detailed description of the expenditure. The by-law must also specify the term of repayment, which is not to exceed the useful life of the property that the moneys enable the municipality to acquire, repair, restore or build, and must impose a special tax on all the taxable immovables situated in the sector or require compensation from the owners or occupants of those immovables.

“960.0.2. The tax imposed or compensation required must provide for the repayment of the moneys used and the payment of a compensatory amount that may be determined by resolution and must be equal to the interest that would be payable if the municipality, at the date on which it authorizes the payment of the expenditure, contracted a loan on the capital market to finance that expenditure for an identical term. The Minister of

Finance must inform the municipality, at its request, of the interest rate in effect at the time of the request.

“960.0.3. If the by-law imposes a special tax that is not based on the value of the immovable, the by-law may provide that the ratepayer on whose immovable the tax is imposed may, on the conditions set out in the by-law, exempt the immovable from the tax by paying in one instalment the portion of the principal that, upon maturity of the loan, would have been provided by the tax imposed on that immovable. If the by-law requires compensation, it may provide that the owner or occupant from whom compensation is required may obtain an exemption in the same manner, with the necessary modifications.

The share payable is calculated, in the case of a property tax, according to the assessment roll in force at the time the ratepayer makes the payment, taking into account any taxes paid under the by-law before the payment. In the case of compensation, the share is calculated according to the apportionment provided for in the by-law, as it applies at the time of the payment.

The amount of the moneys to be provided by the tax or compensation is reduced by the amount of any sum paid under this article.

The payment exempts the immovable from the special tax or the owner or occupant from the compensation for the remainder of the term of repayment specified in the by-law.

“960.0.4. The by-law is subject to the approval of the qualified voters of the sector.

“960.0.5. If the council of a regional county municipality decides to use moneys from the general fund to pay a capital expenditure incurred for the benefit of only some of the local municipalities whose territory is situated in the territory of the regional county municipality, it may decide to reimburse the fund by means of an aliquot share payable by the local municipalities concerned.

In such a case, the council shall authorize the use of the moneys by a by-law that specifies the amount of the moneys used and contains a detailed description of the expenditure. The by-law must also specify the term of repayment, which is not to exceed the useful life of the property that the moneys enable the regional county municipality to acquire, repair, restore or build, and must require an aliquot share from the local municipalities for whose benefit the expenditure is incurred.

“960.0.6. The aliquot share payable by the municipalities must provide for the repayment of the moneys used and the payment of a compensatory amount that may be determined by resolution and must be equal to the interest that would be payable if the regional county municipality, at the date on which it authorizes the payment of the expenditure, contracted a loan on

the capital market to finance that expenditure for an identical term. The Minister of Finance must inform the regional county municipality, at its request, of the interest rate in effect at the time of the request.

“960.0.7. For an affirmative decision to be made under article 960.0.5 or 960.0.6, in addition to the majority required under section 201 of the Act respecting land use planning and development (chapter A-19.1), a majority of the votes cast by the representatives of the local municipalities for whose benefit the expenditure is incurred must also be cast in the affirmative, and the total population awarded to those representatives who cast affirmative votes must be equal to more than half of the total population awarded to all the representatives of the local municipalities concerned.”

49. Article 968 of the Code is amended by replacing “The council, at a regular or special meeting,” in the fifth line of the first paragraph by “The council”.

50. Article 975 of the Code is amended by replacing “second, third or fourth paragraph of article 148” in the first and second lines of the first paragraph by “first, second or third paragraph of article 148.0.2”.

51. Article 1036 of the Code is amended

(1) by replacing “the two years next following” in the second and third lines of the second paragraph by “the year”;

(2) by replacing “the first two years he is in possession thereof” in the second line of the third paragraph by “the first year he is in possession of it”.

52. Article 1043 of the Code is amended by replacing “within two years from” in the first line by “within one year after”.

53. Article 1044 of the Code is amended

(1) by replacing “two years’ time” in the third line of the first paragraph by “one year”;

(2) by replacing “delay” in the second line of the second paragraph by “time”.

54. Article 1050 of the Code is amended by replacing “by two years from” in the second and third lines by “one year after”.

55. Article 1057 of the Code is amended

(1) by replacing “two years after” in the second line by “the year following”;

(2) by replacing “every fraction of a year being reckoned as a year” in the last line by “a fraction of the year being counted as a year”.

56. Article 1060 of the Code is amended by replacing “every fraction of a year being reckoned as a year” in the fifth line of the first paragraph by “a fraction of the year being counted as a year”.

57. Article 1063 of the Code is amended

(1) by inserting “adopted by the council of a local municipality and” after “by-law” in the first line of the second paragraph;

(2) by replacing “imposes, for repayment of the loan, a” in the first line of subparagraph 1 of the second paragraph by “prescribes, for repayment of the loan, the annual appropriation of a portion of the general revenues of the municipality or the imposition of a”.

58. Article 1094 of the Code is amended

(1) by inserting “the annual appropriation of a portion of the general revenues of the municipality or” after “prescribe” in the second line of the third paragraph of subarticle 1;

(2) by inserting “the annual appropriation of a portion of the general revenues of the municipality or” after “prescribing” in the sixth line of the third paragraph of subarticle 1;

(3) by replacing subarticles 2 and 2.1 by the following subarticle:

“(2) The municipality may borrow from the working-fund pending the collection of revenues, or in order to pay all or part of an expense resulting from the implementation of a departure incentive program for the officers and employees of the municipality or to pay a capital expenditure. The resolution authorizing the loan must specify the term of repayment, which may not exceed one year, five years or ten years, depending on the purpose of the loan.”;

(4) by replacing subarticle 4 by the following subarticle:

“(4) The interest on the working-fund and the compensatory sum provided for in article 1094.0.3 or 1094.0.7 are appropriated as ordinary revenue for the fiscal year in which the interest is earned and the sum collected.”;

(5) by replacing subparagraph *a* of the first paragraph of subarticle 5 by the following subparagraph:

“(a) the constitution of a working-fund or its capital endowment for an amount exceeding the percentage prescribed in subarticle 1.1.”;

59. The Code is amended by inserting the following articles after article 1094:

“1094.0.1. Subject to articles 1094.0.2 and 1094.0.6, every year, a municipality shall provide out of its general fund a sum sufficient to repay a loan from the working-fund.

“1094.0.2. If the loan from the working-fund of a local municipality is used to pay a capital expenditure incurred for the benefit of a specific sector of the territory of the municipality, the local municipality may decide to reimburse the fund by means of either a special tax imposed on all the taxable immovables situated in the sector or compensation payable by the owners or occupants of those immovables.

In such a case, the council shall authorize the loan from the working-fund by a by-law that specifies the amount of the loan and contains a detailed description of the expenditure. The by-law must also specify the term of repayment, which is not to exceed 10 years, and must impose a special tax on all the taxable immovables situated in the sector or require compensation from the owners or occupants of those immovables.

“1094.0.3. The tax imposed or compensation required must provide for the repayment of the loan and the payment of a compensatory amount that may be determined by resolution and must be equal to the interest that would be payable if the municipality, at the date on which it authorizes the payment of the expenditure, contracted a loan on the capital market to finance that expenditure for an identical term. The Minister of Finance must inform the municipality, at its request, of the interest rate in effect at the time of the request.

“1094.0.4. If the by-law imposes a special tax that is not based on the value of the immovable, the by-law may provide that the ratepayer on whose immovable the tax is imposed may, on the conditions set out in the by-law, exempt the immovable from the tax by paying in one instalment the portion of the principal that, upon maturity of the loan, would have been provided by the tax imposed on that immovable. If the by-law requires compensation, it may provide that the owner or occupant from whom compensation is required may obtain an exemption in the same manner, with the necessary modifications.

The share payable is calculated, in the case of a property tax, according to the assessment roll in force at the time the ratepayer makes the payment, taking into account any taxes paid under the by-law before the payment. In the case of compensation, the share is calculated according to the apportionment provided for in the by-law, as it applies at the time of the payment.

The amount of the moneys to be provided by the tax or compensation is reduced by the amount of any sum paid under this article.

The payment exempts the immovable from the special tax or the owner or occupant from the compensation for the remainder of the term of repayment specified in the by-law.

“1094.0.5. The by-law is subject to the approval of the qualified voters of the sector.

“1094.0.6. If a loan from the working-fund of a regional county municipality is used to pay a capital expenditure incurred for the benefit of only some of the local municipalities whose territory is situated in the territory of the regional county municipality, the regional county municipality may decide to reimburse the fund by means of an aliquot share payable by the local municipalities concerned.

In such a case, the council shall authorize the loan from the working-fund by a by-law that specifies the amount of the loan and contains a detailed description of the expenditure. The by-law must also specify the term of repayment, which is not to exceed 10 years, and must require an aliquot share from the local municipalities for whose benefit the expenditure is incurred.

“1094.0.7. The aliquot share payable by the municipalities must provide for the repayment of the loan and the payment of a compensatory amount that may be determined by resolution and must be equal to the interest that would be payable if the regional county municipality, at the date on which it authorizes the payment of the expenditure, contracted a loan on the capital market to finance that expenditure for an identical term. The Minister of Finance must inform the regional county municipality, at its request, of the interest rate in effect at the time of the request.

“1094.0.8. For an affirmative decision to be made under article 1094.0.6 or 1094.0.7, in addition to the majority required under section 201 of the Act respecting land use planning and development (chapter A-19.1), a majority of the votes cast by the representatives of the local municipalities for whose benefit the expenditure is incurred must be cast in the affirmative, and the total population awarded to those representatives who cast affirmative votes must be equal to more than half of the total population awarded to all the representatives of the local municipalities concerned.”

60. Article 1121 of the Code is amended by replacing “two years” in the third line of the second paragraph by “one year”.

61. The Code is amended by replacing “session” and “sessions” wherever they appear in the French text, except article 691, by “séance” and “séances”, respectively.

ACT RESPECTING THE COMMUNAUTÉ MÉTROPOLITAINE DE MONTRÉAL

62. Section 4 of the Act respecting the Communauté métropolitaine de Montréal (R.S.Q., chapter C-37.01) is amended by replacing “agglomeration” wherever it appears by “urban agglomeration”.

ACT RESPECTING THE COMMUNAUTÉ MÉTROPOLITAINE DE
QUÉBEC

63. Section 4 of the Act respecting the Communauté métropolitaine de Québec (R.S.Q., chapter C-37.02) is amended by replacing “agglomeration” wherever it appears by “urban agglomeration”.

MUNICIPAL POWERS ACT

64. The Municipal Powers Act (R.S.Q., chapter C-47.1) is amended by inserting the following section after section 41:

“**41.1.** Any amount owed to the designated person is considered a claim and a tax other than a property tax of the municipality where the work is requested under section 36.”

65. Section 67 of the Act is amended by striking out “regulatory” in the first line of paragraph 1.

66. The Act is amended by inserting the following division after section 78:

“**DIVISION I.1**

“LOCAL FUND FOR THE REPAIR AND MAINTENANCE OF CERTAIN
PUBLIC ROADS

“§ 1.— *Establishment and purpose of the fund*

“**78.1.** A local municipality whose territory includes the site of a quarry or sand pit must, subject to section 110.1, establish a fund for the repair and maintenance of certain public roads.

The sums paid into the fund, other than those reserved for the administrative costs of the scheme set up under this division, must be used for

(1) the repair and maintenance of all or part of the public roads on which substances on which duties are payable under section 78.2 are or could be transported from a site situated in the territory of the municipality;

(2) work to compensate for inconveniences related to the transportation of those substances.

“§ 2. — *Duties to be charged*

“**78.2.** The fund is to be made up of duties payable by each operator of a site referred to in section 78.1, situated in the territory of the municipality, the operation of which is likely to entail the transportation on municipal public roads of the substances referred to in the second paragraph.

The duties payable by an operator are calculated on the basis of the quantity of substances, expressed in metric tons or cubic metres, whether or not they have been processed, that are transported from the operator's site and that are surface mineral substances defined in section 1 of the Mining Act (chapter M-13.1) or substances from the recycling of debris created by the demolition of buildings, bridges, highways or other structures.

However, no duties are payable on peat or substances processed in an immovable that is part of a unit of assessment that includes the site and is listed under the heading "2-3—INDUSTRIES MANUFACTURIÈRES", but not the headings "3650 Industrie du béton préparé" and "3791 Industrie de la fabrication de béton bitumineux", provided in the manual referred to in the regulation made under paragraph 1 of section 263 of the Act respecting municipal taxation (chapter F-2.1). The exclusion also applies to an immovable that is part of a unit of assessment listed as described above if the unit is adjacent to the unit that includes the site.

"78.3. The duties payable per metric ton for a municipal fiscal year, referred to as the "fiscal year concerned", are obtained by indexing upward the amount applicable for the preceding fiscal year.

The indexation consists in increasing the amount applicable for the preceding fiscal year by a percentage corresponding to the rate of increase, according to Statistics Canada, of the Consumer Price Index for Canada.

That rate is established by

(1) subtracting the index established for the third month of December preceding the fiscal year concerned from the index established for the second month of December preceding that fiscal year; and

(2) dividing the difference obtained under subparagraph 1 by the index established for the third month of December preceding the fiscal year concerned.

If the indexation results in a mixed number, only the first two decimal places are considered, and if the third decimal is greater than 4, the second decimal is rounded up.

If an increase is impossible for the fiscal year concerned, the amount applicable for that fiscal year is equal to the amount applicable for the preceding fiscal year.

Not later than 30 June before the beginning of the fiscal year concerned, the Minister of Municipal Affairs and Regions shall publish a notice in the *Gazette officielle du Québec*

(1) giving the percentage used to establish any amount applicable for that fiscal year or stating that an increase is impossible for that fiscal year; and

(2) stating any amount applicable for that fiscal year.

“**78.4.** The duties payable per cubic metre for a municipal fiscal year are obtained by multiplying the amount payable per metric ton for that fiscal year, determined in accordance with section 78.3, by the conversion factor of 1.9, or 2.7 in the case of dimension stone.

If the product obtained is a mixed number, only the first two decimal places are considered and if the third decimal is greater than 4, the second decimal is rounded up.

The notice provided for in the sixth paragraph of section 78.3 must also state any amount applicable under this section.

“§ 3. — *Declarations by site operators*

“**78.5.** The operator of a site referred to in section 78.1 and situated in the territory of the municipality must declare to the municipality, at the intervals and in the manner prescribed by municipal by-law,

(1) whether the substances on which duties are payable under section 78.2 are likely to be transported on municipal public roads from the operator’s site during the period covered by the declaration;

(2) the quantity of any such substances, expressed in metric tons or cubic metres, transported from the operator’s site during the period covered by the declaration.

If the declaration referred to in subparagraph 1 of the first paragraph establishes that, during the period it covers, none of those substances is likely to be transported on municipal public roads from the operator’s site, the declaration must be made under oath and include reasons. The person making the declaration is then exempted from any duties for the period covered by the declaration.

“§ 4. — *Collection of duties and procedure*

“**78.6.** The municipality may, by by-law, establish a mechanism to assess the accuracy of any declaration made under section 78.5 and prescribe rules applicable to the administration of the scheme set up under this division.

“**78.7.** Subject to the third paragraph, duties payable by an operator are due from the thirtieth day after an account is sent by the municipal officer in charge of collecting the duty. Interest accrues from that day at the rate then in force for interest on arrears of municipal taxes.

The account must inform the debtor of the rules set out in the first paragraph.

However, the duties payable by an operator on substances transported from the operator's site during a municipal fiscal year are not due before

(1) 1 August of that fiscal year for substances transported from 1 January to 31 May of that fiscal year;

(2) 1 December of that fiscal year for substances transported from 1 June to 30 September of that fiscal year;

(3) 1 March of the following fiscal year for substances transported from 1 October to 31 December of the fiscal year for which the duties are payable.

“78.8. The duties payable constitute a prior claim on the movable property of the debtor, of the same nature and with the same rank as the claims described in paragraph 5 of article 2651 of the Civil Code of Québec, and are secured by a legal hypothec on the movable property.

“78.9. A claim resulting from the duties is prescribed three years after the municipality receives a declaration made under subparagraph 2 of the first paragraph of section 78.5, except any unpaid amount on that claim resulting from a fraudulent declaration or a declaration equivalent to fraud.

“78.10. If the municipal officer in charge of collecting the duty is of the opinion, based on information obtained by means of a mechanism established under section 78.6, that an operator has been exempted on false grounds from the duties payable in respect of a site, following a declaration made under section 78.5, or that the quantity of substances transported from the site is different from that mentioned in a declaration made under subparagraph 2 of the first paragraph of that section, the officer must mention in the account any change that the officer deems it necessary to make to the information contained in the declaration.

The duties are payable on the basis of the amended information contained in the account, subject to any judgment resulting from an action instituted under section 78.11 that has become *res judicata*.

“78.11. Sections 505 to 510 of the Cities and Towns Act (chapter C-19) or articles 1013 to 1020 of the Municipal Code of Québec (chapter C-27.1) apply with the necessary modifications to the recovery of the duties due. Movable property may be seized and sold 30 days after the date the duties become due, while proceedings for recovery may be instituted from the day on which the duties become due.

“78.12. All information obtained under section 78.5 is confidential except information that is already public according to law. No person may communicate such information or allow it to be communicated to a person not legally entitled to it or allow such a person to examine a document containing such information or to have access to it.

However, on the written authorization of the interested person or the interested person's authorized representative, such information may be communicated to a person designated in the authorization.

This section applies despite section 9 of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1).

Whoever contravenes this section is liable to a fine of \$500 to \$2,500.

“§ 5. — *Agreements*

“**78.13.** A municipality that has jurisdiction over public roads and by whose public roads substances on which duties are payable under section 78.2 are or could be transported from a site situated in the territory of another municipality may request that municipality to enter into an agreement with respect to the allocation of the sums paid into the fund established in accordance with this division.

If the municipality that established the fund refuses to enter into an agreement, the municipality making the request may submit the dispute to the Commission municipale du Québec, whose decision is final, provided its territory meets at least one of the following conditions:

(1) it is contiguous to the territory of the municipality that established the fund;

(2) it is contiguous to the territory of the regional county municipality that includes the territory of the municipality that established the fund; and

(3) if the municipality making the request is a local municipality, it is included in the territory of a regional county municipality that meets one of the conditions set out in subparagraphs 1 and 2 or is included in the territory of the regional county municipality that includes the territory of the municipality that established the fund.

The decision of the Commission must take into account, among other things, the extent to which the public roads of each municipality are used for the transportation of the substances and, if applicable, determine criteria for the allocation of the sums paid into the fund. The decision of the Commission applies to the sums collected from the date on which the dispute is submitted to it.”

67. Section 92.1 of the Act is amended by striking out the first sentence of the fifth paragraph.

68. Section 92.7 of the Act is repealed.

69. Section 110 of the Act is amended by replacing “and 108” in the second paragraph by “to 109”.

70. The Act is amended by inserting the following division after section 110:

“DIVISION I.1

“REGIONAL FUND FOR THE REPAIR AND MAINTENANCE OF CERTAIN PUBLIC ROADS

“110.1. A regional county municipality may establish a regional fund for the repair and maintenance of certain public roads. Once established, it stands in lieu of any local fund established under section 78.1 in the territory of the regional county municipality; sections 78.1 to 78.13 apply, with the necessary modifications, to the regional fund.

From the establishment of the regional fund, only the regional county municipality may collect the duties provided for in section 78.2 in its territory.

The sums paid into a local fund before the regional fund is established remain the property of the local municipality that established the local fund and must be used in accordance with the purpose of the fund.

“110.2. A regional county municipality that establishes a regional fund must do so by means of a by-law an authenticated copy of which must be sent to each local municipality in its territory not later than 1 October before the fiscal year for which the fund is established.

The by-law must determine the terms for the use of the fund, which may require, among other things, that all or part of the sums be used by the regional county municipality, if it has jurisdiction over public roads, or by the local municipalities in its territory according to the allocation criteria set out in the by-law.

The regional county municipality may, in the by-law, delegate all or part of the administration of the scheme set up under this division to a local municipality in its territory; the delegation is only valid if the local municipality consents to it.

“110.3. A local municipality whose territory forms part of that of the regional county municipality may request the Commission municipale du Québec to review the allocation criteria set out in the by-law.

The decision of the Commission is final.”

ACT RESPECTING INTERMUNICIPAL BOARDS OF TRANSPORT IN THE AREA OF MONTRÉAL

71. Section 10 of the Act respecting intermunicipal boards of transport in the area of Montréal (R.S.Q., chapter C-60.1) is amended

(1) by replacing “adapted as required, apply to the board.” at the end of the first paragraph by “apply to the board with the necessary modifications. More specifically,

“(1) for the purposes of section 105.2 of the Cities and Towns Act, the reports must be sent not later than 15 April and they must also be sent to each municipality that is a party to the agreement constituting the board;

“(2) for the purposes of section 468.34 of the Act, the budget must be sent not later than 1 November and it must also be sent to the Agence métropolitaine de transport; and

“(3) for the purposes of section 468.36 of the Act, the supplementary budget must also be sent to the Agence métropolitaine de transport.”;

(2) by striking out the second paragraph.

ACT RESPECTING ELECTIONS AND REFERENDUMS IN MUNICIPALITIES

72. Section 66 of the Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2) is amended

(1) by inserting “468.45.8,” after “sections” in the second line of the second paragraph;

(2) by inserting “614.8,” after “articles” in the third line of the second paragraph.

73. Section 408 of the Act is amended by replacing “it has already been filed with the authorization” in the second and third lines of subparagraph 2 of the second paragraph by “they have already been filed with the application”.

74. The Act is amended by inserting the following sections after section 580:

“580.1. An amount established in the regulation made under section 580 is indexed in accordance with sections 580.2 to 580.4.

“580.2. Subject to section 580.3, the amount applicable for a given fiscal year, referred to as “the fiscal year concerned”, is the result obtained by indexing upward the amount applicable for the preceding fiscal year.

Indexation consists in increasing the amount applicable for the preceding fiscal year by a percentage corresponding to the rate of increase, according to Statistics Canada, of the Consumer Price Index for Canada.

That rate is established by

(1) subtracting the index established for the third month of December preceding the fiscal year concerned from the index established for the second month of December preceding that fiscal year; and

(2) dividing the difference obtained under subparagraph 1 by the index established for the third month of December preceding the fiscal year concerned.

If indexation results in a mixed number,

(1) for an amount under \$1, only the first three decimal places are considered;

(2) for any other amount, only the integer is used and the number is rounded up if the first decimal is greater than 4.

“580.3. If an increase is not possible for the fiscal year concerned, the amount applicable for that fiscal year is equal to the amount applicable for the preceding fiscal year.

“580.4. Before the beginning of the fiscal year concerned, the Minister of Municipal Affairs and Regions shall publish a notice in the *Gazette officielle du Québec*

(1) either stating the rate of increase used to establish any amount applicable for that fiscal year or stating that an increase is not possible for that fiscal year; and

(2) stating the amount applicable for that fiscal year.”

75. The Act is amended by inserting the following section after section 582:

“582.1. The Minister may, by regulation, determine the manner in which a person entered as an elector or a qualified voter on the list of electors or referendum list in a capacity other than that of a domiciled person may exercise the right to vote by mail.

The chief electoral officer must be consulted on the draft regulation before it is published in accordance with section 8 of the Regulations Act (chapter R-18.1).”

76. The Act is amended by inserting the following section after section 659.3:

“659.4. If a regulation made under section 582.1 is in force, a municipality may provide that a person entered as an elector or a qualified voter on the list of electors or referendum list in a capacity other than that of a domiciled person may, on request, exercise the right to vote by mail in accordance with the regulation.

The resolution of the municipality must be passed not later than 1 July of the calendar year in which a general election is to be held or, in the case of a by-election, not later than the fifteenth day after the day on which the council is informed of the polling date. In the case of a referendum poll, the resolution must be made during the sitting of the council during which the polling date is to be set. The same rules apply to a resolution passed to annul a previous resolution.

The clerk or secretary-treasurer shall send an authenticated copy of a resolution referred to in the second paragraph to the Minister of Municipal Affairs and Regions and to the chief electoral officer as soon as possible after the resolution is passed.

Until the resolution of the municipality is rescinded, it is valid for the purposes of any subsequent poll.

Voting by mail applies for the purposes of a poll to elect a warden in the territory of the municipality if the territory is comprised in that of the regional county municipality whose warden is elected in accordance with section 210.29.2 of the Act respecting municipal territorial organization (chapter O-9).

Section 659.2 does not apply to voting by mail.”

ACT RESPECTING THE EXERCISE OF CERTAIN MUNICIPAL POWERS IN CERTAIN URBAN AGGLOMERATIONS

77. Section 118.2 of the Act respecting the exercise of certain municipal powers in certain urban agglomerations (R.S.Q., chapter E-20.001), enacted by section 19 of chapter 10 of the statutes of 2007, is amended by adding the following paragraph after the second paragraph:

“This section applies subject to Division III.6 of Chapter XVIII of the Act respecting municipal taxation (chapter F-2.1).”

78. Section 118.27 of the Act, enacted by section 9 of chapter 33 of the statutes of 2007, is amended by adding the following paragraph after the second paragraph:

“This section applies subject to Division III.6 of Chapter XVIII of the Act respecting municipal taxation (chapter F-2.1).”

ACT RESPECTING MUNICIPAL TAXATION

79. Section 57.1.1 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1) is amended

(1) by replacing “categories” in the third line of the first paragraph by “classes”;

(2) by replacing “category” in the fifth line of the first paragraph by “class”.

80. Section 244.8 of the Act is amended by striking out the third and fourth paragraphs.

81. Section 244.59 of the Act is amended by striking out “from” in the third line of the second paragraph.

82. The Act is amended by inserting the following after section 244.67:

“DIVISION III.6

“TAX TO FINANCE 9-1-1 EMERGENCY CENTRES

“**244.68.** For the purpose of financing 9-1-1 emergency centres, a local municipality must, before the expiry of the time limit determined by the Government, put into force a by-law to impose a tax on a telephone service, payable by the client of that service.

The by-law must specify, in accordance with the regulation made by the Government under paragraph 13 of section 262,

(1) the definition of “telephone service” and “client” for the purposes of the by-law;

(2) the amount of the tax for each telephone service, or the rules allowing the amount to be established;

(3) the date from which the tax is to be imposed.

“**244.69.** A notice of motion is not required to pass the by-law.

The by-law is subject to approval by the Minister and, to that end, an authenticated copy must be sent to the Minister as soon as possible after the by-law is passed.

If, before giving approval, the Minister requires that the by-law be amended, it may be amended by resolution.

The municipality shall send the Minister a copy of the notice of publication as soon as possible after the by-law comes into force.

If the municipality does not comply with the obligation to put the by-law into force before the expiry of the time limit determined by the Government, the Minister may do so in its place. The putting into force of the by-law by the Minister has the same effect as if the municipality had acted. However, nothing prevents the municipality from acting after the expiry of the time limit determined by the Government and before the Minister acts in its place.

“244.70. If the Government amends the regulation made under paragraph 13 of section 262 after the by-law comes into force, the local municipality must put into force the amendments required to bring the by-law into conformity with the government regulation before the expiry of the time limit determined by the Government.

Section 244.69 applies, with the necessary modifications, to the amending by-law.

“244.71. As a mandatary of the municipality, a telephone service provider to which the by-law applies is bound to collect the tax and, after subtracting the sum it keeps for administrative costs, remit the proceeds to the Minister of Revenue, all on the terms and conditions prescribed in a regulation made under paragraph 14 of section 262.

“244.72. The Minister of Revenue, after subtracting the sum the Minister of Revenue keeps for administrative costs, shall remit the proceeds of the tax to the body designated by the Minister of Municipal Affairs and Regions under section 244.73, all on the terms and conditions prescribed in a regulation made under paragraph 15 of section 262.

“244.73. The Minister shall designate a body to be responsible for receiving the proceeds of the tax and managing them in accordance with section 244.74.

The body must

(1) be a non-profit body constituted under Part III of the Companies Act (chapter C-38);

(2) be managed by a board of directors that makes decisions relating to the management of the proceeds of the tax by unanimous vote and is composed of an equal number of representatives from the Union des municipalités du Québec, the Fédération québécoise des municipalités locales et régionales (FQM) and Ville de Montréal.

The body must also allow a representative designated by the Minister to attend meetings of the board of directors at any time as an observer.

“244.74. The body must deposit the proceeds of the tax it receives in an account opened for that purpose at a financial institution.

Subject to the third paragraph, the body must, under the rules it sets, apportion the sums contained in the account among the local municipalities for the purpose of financing 9-1-1 emergency centres.

The body must pay, out of those sums, the costs related to the verification provided for in section 52.8 of the Civil Protection Act (chapter S-2.3). It may also use up to 3% of those sums annually to pay its administrative costs and other miscellaneous expenses related to the services rendered by the 9-1-1 emergency centres.

Within three months after the end of each fiscal year, the body must submit to the Minister, in the manner determined by the Minister, an activity report that sets out how the sums were apportioned among the municipalities.”

83. Section 250.1 of the Act is amended by replacing the second paragraph by the following paragraph:

“The penalty shall not exceed 0.5% of the outstanding principal for every whole month of tardiness, up to 5% per year. For the purposes of this paragraph, tardiness begins on the day on which the tax becomes payable or on which the order is made, whichever occurs later.”

84. Section 252.1 of the Act is amended

(1) by replacing “from whom payment of” in the second line by “required to pay”;

(2) by striking out the second “of” in the third line.

85. Section 261 of the Act is replaced by the following section:

“**261.** The Government must, by regulation, establish an equalization scheme, the object of which is the payment of a sum to a local municipality where the standardized property value per inhabitant, the average value of the dwellings or any other measure of value is, in all or some respects, lower than the median of those values for the local municipalities subject to this Act.

The regulation sets, among other things, the eligibility rules for the scheme, the rules for determining the sum to which a municipality is entitled, which may vary from one municipality or category of municipality mentioned or defined in the regulation to another, and the rules governing how the sums are to be paid.”

86. Section 262 of the Act is amended

(1) by replacing paragraph 7 by the following paragraph:

“(7) establish the equalization scheme provided for in section 261 and set the rules provided for in the second paragraph of that section;”;

(2) by adding the following after paragraph 12:

“(13) define, for the purposes of section 244.68, “telephone service” and “client”, determine, for each telephone service, the amount of the tax referred to in that section or the rules to establish the tax, determine the date from which the tax is imposed and determine the date from which any amendment to the by-law is to take effect;

“(14) determine the terms and conditions for the collection and the remittance provided for in section 244.71, in particular the sum the telephone service provider keeps for administrative costs;

“(15) determine the terms and conditions for the remittance provided for in section 244.72, in particular the sum the Minister of Revenue keeps for administrative costs.

The making of a regulation under paragraph 14 or 15 must be recommended jointly by the Minister of Municipal Affairs and Regions and the Minister of Revenue.

A regulation concerning a matter referred to in paragraph 13 or determining the sum the telephone service provider keeps for administrative costs may only be adopted by the Government after consultation by the Minister of Municipal Affairs and Regions with the Union des municipalités du Québec, the Fédération québécoise des municipalités locales et régionales (FQM), Ville de Montréal and various persons or bodies the Minister considers representative of telephone service providers and 9-1-1 emergency centre operators.”

ACT RESPECTING CERTAIN PUBLIC UTILITY INSTALLATIONS

87. Section 3 of the Act respecting certain public utility installations (R.S.Q., chapter I-13) is amended by replacing “Régie” in the first line and in the last line by “Commission municipale du Québec”.

ACT RESPECTING ADMINISTRATIVE JUSTICE

88. Schedule IV to the Act respecting administrative justice (R.S.Q., chapter J-3) is amended by inserting the following paragraph after paragraph 20.2:

“(20.3) section 52.13 of the Civil Protection Act (chapter S-2.3);”.

ACT RESPECTING MUNICIPAL TERRITORIAL ORGANIZATION

89. Section 210.29.2 of the Act respecting municipal territorial organization (R.S.Q., chapter O-9) is amended by inserting “, among other things,” after “is” in the first line of the third paragraph.

90. Schedule I to the Act is amended by inserting the following section after section 30:

“30.1. Section 659.4 is replaced by the following section:

“659.4. If a regulation made under section 582.1 is in force, the regional county municipality may provide that a person entered as an elector, in a capacity other than that of a domiciled person, on the list of electors for the unorganized territory may, on request, exercise the right to vote by mail in accordance with the regulation.

The resolution of the regional county municipality must be passed not later than 1 July of the calendar year in which a general election is to be held or, in the case of a by-election, not later than the fifteenth day after the day on which the council is informed of the polling date. The same rules apply to a resolution passed to annul a previous resolution.

The secretary-treasurer shall send an authenticated copy of any resolution referred to in the second paragraph to the Minister of Municipal Affairs and Regions and to the chief electoral officer as soon as possible after the resolution is passed.

Until the resolution of the regional county municipality is rescinded, it is valid for the purposes of any subsequent poll.””

ACT RESPECTING THE PENSION PLAN OF ELECTED MUNICIPAL OFFICERS

91. Section 41 of the Act respecting the Pension Plan of Elected Municipal Officers (R.S.Q., chapter R-9.3) is replaced by the following section:

“41. A pension is payable to a pensioner until the first day of the month following the pensioner’s death or, in the case of a person who ceased to participate in the plan while entitled to a pension, from the date on which the person would have been entitled to receive a pension without actuarial reduction until the first day of the month following the person’s death.”

92. The Act is amended by inserting the following division after section 54.1:

“DIVISION IV

“WAIVER

“54.2. The spouse may waive the spousal benefits granted under this plan before the date of the death of the person who participates in the plan, of the person who ceased to participate in the plan or of the pensioner. The spouse may also revoke the waiver before that date.

The spouse’s waiver does not entail a waiver of the rights arising from sections 78 and 79.

To be valid, the waiver or revocation must bear on all spousal benefits and be served on the Commission by means of a notice that must be received on a date that is prior to the date of death and contain the information determined by government regulation.

The spouse's waiver is cancelled if, on the date of the pensioner's death, no refund of the contributions is payable under this plan to the pensioner's successors. The computation is calculated at the date of death and based on the data known to the Commission on the date of its decision; that data is deemed to be accurate. When the spouse's waiver is cancelled, the spouse may receive the benefits the spouse is entitled to under the plan.

Despite the spouse's waiver, the plan is deemed to grant the spouse a right to death benefits for the purposes of article 415 of the Civil Code of Québec."

93. The heading of Chapter VI.0.1 of the Act is amended by striking out "PRIOR TO 2002".

94. Section 63.0.1 of the Act is amended by striking out "and prior to 1 January 2002" in the third line of the third paragraph.

95. Section 63.0.5 of the Act is amended by striking out "and prior to 1 January 2002" in the third line of the first paragraph.

96. Section 64 of the Act is amended by replacing "reporting to the Minister" in the second line of the second paragraph by "reporting to it and to the Minister".

97. Section 69 of the Act is repealed.

98. Section 70.1 of the Act, amended by section 81 of chapter 49 of the statutes of 2006, is again amended by replacing "Despite the fourth paragraph of section 11 of the Act respecting the Commission administrative des régimes de retraite et d'assurances (2006, chapter 49), the Committee is composed of the president and chief executive officer of the Commission" in the second paragraph by "The committee is composed of a chair".

99. Section 70.2 of the Act, amended by section 82 of chapter 49 of the statutes of 2006, is again amended

(1) by adding "for examination" after "receiving" in paragraph 1;

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

"(2) approving the financial statements of the plan within 30 days after receiving the recommendation of the audit committee of the Commission's board of directors;

“(2.1) receiving for examination the Commission’s plan of action for the plan, and reporting on it to the Commission;”;

(3) by striking out paragraph 6;

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

“For the purposes of subparagraph 2 of the first paragraph, the financial statements of the plan must be signed by two members of the pension committee, one of whom represents the participants and beneficiaries and the other, the Government. If the financial statements are not approved by the committee within the time prescribed in that subparagraph, the Commission’s board of directors must approve them.”

100. The Act is amended by inserting the following section after section 70.2:

“**70.2.1.** The committee may request that the Commission carry out studies on the administration of the plan as long as the administrative expenses related to the plan are not affected.

The committee may also request that the Commission provide additional services to participants and beneficiaries under the plan.”

101. Section 70.4 of the Act, amended by section 83 of chapter 49 of the statutes of 2006, is again amended

(1) by inserting “, other than the chair,” after “committee” in the first paragraph;

(2) by striking out “, except the president and chief executive officer and any vice-president of the Commission,” in the first and second lines of the second paragraph;

(3) by adding the following sentence at the end of the second paragraph: “The Government shall determine the remuneration of the chair.”

102. Section 70.6 of the Act, replaced by section 84 of chapter 49 of the statutes of 2006, is again replaced by the following sections:

“**70.6.** The chair of the committee is appointed by the Government, for a term not exceeding three years, after consultation with the committee members. The chair must be independent. Sections 12 to 18 of the Act respecting the Commission administrative des régimes de retraite et d’assurances (2006, chapter 49) apply to the chair of the committee, with the necessary modifications.

“70.6.1. If the chair of the committee is absent or unable to act, the chair of the pension committee established under section 196.2 of the Act respecting the Pension Plan of Management Personnel (chapter R-12.1) shall replace the chair of the committee temporarily. If the chair of that pension committee is also absent or unable to act, the chair of the pension committee established under section 163 of the Act respecting the Government and Public Employees Retirement Plan (chapter R-10) shall replace the chair of the committee.

“70.6.2. Each member of the committee is entitled to one vote. The chair is not entitled to vote unless there is a tie vote. The chair may not vote at all on a resolution concerning

(1) additional services requested by the committee under the second paragraph of section 70.2.1;

(2) a mandate to be given to a consultant hired to advise the committee;

(3) the approval of the financial statements of the plan; or

(4) any matter entailing an increase in the cost of the plan or a budget overrun for the Commission.”

103. Section 70.10 of the Act, amended by section 85 of chapter 49 of the statutes of 2006, is replaced by the following section:

“70.10. The president and chief executive officer, the vice-presidents and the employees of the Commission may not be members of the committee.”

104. The Act is amended by inserting the following section after section 70.10:

“70.10.1. No proceedings may be brought against the committee or its members for an act or omission in good faith in the exercise of their functions.”

105. Section 72 of the Act is amended by striking out “the Government who are designated by” in the first and second lines of the second paragraph.

106. Section 75 of the Act is amended by inserting the following subparagraph after subparagraph 2 of the first paragraph:

“(2.1) determine, for the purposes of section 54.2, the information that the notice of waiver or revocation must contain;”.

107. Section 81 of the Act is replaced by the following section:

“**31.** The sums required to pay the administrative costs related to this plan are taken out of the plan’s fund at the Caisse de dépôt et placement du Québec.”

CIVIL PROTECTION ACT

108. The Civil Protection Act (R.S.Q., chapter S-2.3) is amended by inserting the following after section 52:

“DIVISION II.1

“9-1-1 EMERGENCY CENTRES

“§1. — *Obligations of the municipalities*

“**52.1.** In order to respond to emergency calls in its territory, every local municipality must ensure the provision of services by a 9-1-1 emergency centre that has obtained a certificate of compliance in accordance with this division.

A 9-1-1 emergency centre receives calls requiring one or more emergency interventions, determines the nature of each emergency and transmits the call and the caller’s contact information to the appropriate secondary emergency call centre.

A secondary emergency call centre is the dispatch centre for a fire safety service or a police force, or a health communication centre within the meaning of the Act respecting pre-hospital emergency services (chapter S-6.2).

“**52.2.** To ensure emergency call response in its territory, a local municipality may take one or more of the following measures:

- (1) set up its own 9-1-1 emergency centre;
- (2) enter into an agreement with another local municipality to use the services of the latter’s 9-1-1 emergency centre; and
- (3) contract with a private enterprise or a non-profit body that operates a 9-1-1 emergency centre.

The local municipality must inform the Minister of the contact information of the 9-1-1 emergency centre that responds to emergency calls in its territory.

“**52.3.** To ensure the effective operation of their 9-1-1 emergency centres, local municipalities must draw up and keep up to date a directory of geographical data, municipal addresses and street names in their territory and send it to the Minister or to the government service designated by the Minister. The Minister or the government service must make the information

accessible to the 9-1-1 emergency centres and secondary emergency call centres.

“§2. — *Standards, specifications, quality criteria and guidelines*

“**52.4.** The Government shall determine, by regulation, the standards, specifications and quality criteria 9-1-1 emergency centres must comply with to obtain a certificate of compliance.

The regulation may also prescribe standards, specifications and quality criteria applicable to secondary emergency call centres other than health communication centres.

“**52.5.** The Minister may issue guidelines for local municipalities, 9-1-1 emergency centres and secondary emergency call centres other than health communication centres concerning any matter related to this division. The guidelines are binding on the entities for which they have been issued.

“§3. — *Certificate of compliance for 9-1-1 emergency centres*

“**52.6.** To obtain a certificate of compliance, an operator of a 9-1-1 emergency centre must apply in writing to the Minister; the application must include the information and the documents required by the Minister.

“**52.7.** To obtain a certificate of compliance, a 9-1-1 emergency centre must meet the following conditions:

(1) it must comply with the standards, specifications and quality criteria and any guidelines applicable to it; or,

(2) if it is operated by a private enterprise or a non-profit body,

(a) it must be solvent;

(b) it must have at least one establishment in Québec;

(c) the owner of the enterprise or non-profit body, every partner or shareholder having a major interest in it and every director must be of good moral character and never have been convicted anywhere of an offence for an act or omission that is an offence under the Criminal Code (Revised Statutes of Canada, 1985, chapter C-46) or an offence referred to in section 183 of that Code under one of the Acts listed in that section and related to the operation of a 9-1-1 emergency centre, unless the person has obtained a pardon.

A partner holding at least 10% of the shares or a shareholder directly or indirectly holding at least 10% of the voting shares is considered to have a major interest in the enterprise.

“52.8. The Minister may designate and mandate a body to verify whether a 9-1-1 emergency centre is complying with the standards, specifications and quality criteria and any guidelines applicable to it.

“52.9. The verification costs are assumed by the body designated by the Minister of Municipal Affairs and Regions under section 244.73 of the Act respecting municipal taxation (chapter F-2.1).

“52.10. The Minister shall issue a certificate of compliance, valid for two years, to a 9-1-1 emergency centre if the conditions prescribed by this division are met.

“52.11. The Minister shall renew the certificate of compliance of a 9-1-1 emergency centre for the same period if the operator applies for a renewal and the conditions prescribed by this division are met.

To ensure that the certificate of compliance is renewed on its expiry, the operator must apply for renewal at least 90 days before the date of expiry.

“52.12. The Minister may suspend or cancel a 9-1-1 emergency centre’s certificate of compliance if it no longer meets the conditions prescribed by this division.

Before suspending, cancelling or refusing to renew a certificate of compliance, the Minister may order the operator of a certified 9-1-1 emergency centre to take the necessary corrective measures within a specified period of time.

If the operator fails to comply with the order, the Minister may then suspend, cancel or refuse to renew the operator’s certificate of compliance.

“52.13. Before refusing to issue a certificate of compliance or suspending, cancelling or refusing to renew it, the Minister must notify the operator of the 9-1-1 emergency centre of the fact in writing as prescribed by section 5 of the Act respecting administrative justice (chapter J-3) and allow the operator at least 10 days to submit observations. The Minister must send a copy of the notice to the local municipalities served by the 9-1-1 emergency centre.

The Minister must notify the operator of the 9-1-1 emergency centre in writing of the decision and the reasons for it within 30 days after the decision is made.

The decision may be contested before the Administrative Tribunal of Québec within 30 days of notification.

The decision to suspend, cancel or refuse to renew the certificate of compliance takes effect 60 days after the date of notification. The Minister must send a copy of the decision to the municipalities served by the 9-1-1

emergency centre concerned, specifying the date on which the decision takes effect.

“52.14. The operator of a certified 9-1-1 emergency centre planning to cease operations must notify the Minister and the municipalities it serves in writing at least 60 days before the date on which it plans to cease operations. The centre’s certificate of compliance is cancelled on the date specified in the notice or, if circumstances warrant, on any other date specified by the Minister.

“§4. — *Inspection*

“52.15. The Minister may authorize a person to act as an inspector to ensure that a certified 9-1-1 emergency centre meets the conditions prescribed by this division or that a secondary emergency call centre other than a health communication centre complies with the standards, specifications and quality criteria established under the second paragraph of section 52.4 and any guidelines established under section 52.5.

“52.16. Inspectors must, on request, identify themselves and produce a document attesting their capacity.

In the exercise of their duties, inspectors may

(1) enter, at any time, a certified 9-1-1 emergency centre or a secondary emergency call centre to which the standards, specifications and quality criteria established under the second paragraph of section 52.4 or any guidelines established under section 52.5 apply;

(2) demand any information relating to the activities of the centre and the production of any related document;

(3) take the measures necessary to verify whether a certified 9-1-1 emergency centre meets the conditions prescribed by this division or whether a secondary emergency call centre complies with the standards, specifications and quality criteria established under the second paragraph of section 52.4 and any guidelines established under section 52.5.

“52.17. Inspectors cannot be prosecuted for acts performed in good faith in the exercise of their duties.

“52.18. If a secondary emergency call centre fails to comply with the standards, specifications, quality criteria or guidelines issued by the Minister, the Minister may order the centre to take the necessary corrective measures within a specified period of time.

“§5. — *Miscellaneous*

“**52.19.** Certified 9-1-1 emergency centres and the persons at their service are not liable for any injury that may result from their interventions, unless the injury is due to an intentional or gross fault.

The same applies to secondary emergency call centres other than health communication centres.

“**52.20.** Each certified 9-1-1 emergency centre must send the Minister a report on its activities not later than 31 March each year.

The report must also contain any information the Minister may require.”

ACT RESPECTING PUBLIC TRANSIT AUTHORITIES

109. Section 139 of the Act respecting public transit authorities (R.S.Q., chapter S-30.01) is amended by replacing “30” in the second line of the first paragraph by “15”.

110. Section 154 of the Act is amended by striking out “together” in the fourth line of the first paragraph.

TRANSPORT ACT

111. Section 48.19 of the Transport Act (R.S.Q., chapter T-12), enacted by section 237 of chapter 6 of the statutes of 2005, is amended by inserting the following paragraph after the first paragraph:

“The contract may be made without calling for tenders.”

112. Section 48.30 of the Act, enacted by section 237 of chapter 6 of the statutes of 2005, is amended by inserting “and without calling for tenders” after “resolution” in the second line.

113. Section 48.39 of the Act, enacted by section 237 of chapter 6 of the statutes of 2005, is amended by adding the following paragraph after the second paragraph:

“A contract referred to in the first or the second paragraph may be made without calling for tenders.”

ACT RESPECTING NORTHERN VILLAGES AND THE KATIVIK REGIONAL GOVERNMENT

114. Section 18.1 of the Act respecting Northern villages and the Kativik Regional Government (R.S.Q., chapter V-6.1) is amended by replacing “an individual” in the last line by “a”.

115. Section 173 of the Act is amended

- (1) by replacing “delays” in the sixth line of the second paragraph by “time”;
- (2) by replacing “delay” in the seventh line of the second paragraph by “time”.

116. Section 204 of the Act is amended by replacing “delay” in subsection 2 by “period”.

117. Section 358 of the Act is amended by replacing “delay” in subsection 2 by “period”.

118. Section 361.1 of the Act is amended by replacing “an individual” in the last line by “a”.

119. Section 374 of the Act is amended

- (1) by inserting “, before a regional councillor” after “regional police force” in the third line of the second paragraph;
- (2) by inserting “, before a regional councillor” after “regional police force” in the second line of the third paragraph.

OTHER AMENDING PROVISIONS

120. Section 71 of Order in Council 841-2001 dated 27 June 2001 concerning Ville de Saguenay is amended by striking out the second sentence of the second paragraph.

121. Section 66 of Order in Council 850-2001 dated 4 July 2001 concerning Ville de Sherbrooke is amended by striking out the second sentence of the second paragraph.

122. Section 38 of Order in Council 1214-2005 dated 7 December 2005 concerning the urban agglomeration of Longueuil, amended by section 68 of Order in Council 1003-2006 dated 2 November 2006 and by section 33 of chapter 33 of the statutes of 2007, is again amended

- (1) by replacing “and” in the fourth line of the first paragraph by a comma;
- (2) by inserting “and by Resolution 080318-57 passed by the council of Ville de Boucherville on 18 March 2008” after “Regions” in the fifth line of the first paragraph.

MISCELLANEOUS, TRANSITIONAL AND FINAL PROVISIONS

123. Sections 16, 35 and 37 have effect for the purposes of every calendar year from the calendar year 2009.

124. Articles 1036, 1043, 1044, 1050, 1057, 1060 and 1121 of the Municipal Code of Québec (R.S.Q., chapter C-27.1), as they read on 11 June 2008, continue to apply with respect to any sale of immovables on or before that date.

125. Sections 78.1, 78.2, 78.5 to 78.13 and 110.1 to 110.3 of the Municipal Powers Act (R.S.Q., chapter C-47.1), enacted by sections 66 and 70, have effect from the municipal fiscal year 2009, and sections 78.3 and 78.4 of that Act, enacted by section 66, have effect from the municipal fiscal year 2010.

For the municipal fiscal year 2009, the duties payable under section 78.2 of that Act are determined on the basis of the following amounts:

(1) \$0.50 per metric ton for every substance concerned; or

(2) \$0.95 per cubic metre for every substance concerned, except dimension stone, in which case the amount is \$1.35 per cubic metre.

For every subsequent fiscal year, the duties payable are determined in accordance with sections 78.3 and 78.4 of that Act.

126. A regional county municipality that intends to establish a regional fund under section 110.1 of the Municipal Powers Act for the municipal fiscal year 2009 may, despite the first paragraph of section 110.2 of that Act, send a copy of the by-law, as required under the first paragraph of that section, not later than 15 October 2008.

127. A body may reach an agreement with a supplier to amend a contract the body entered into with the supplier before 12 June 2008 following a call for tenders for the supply of substances on which duties are payable under section 78.2 of the Municipal Powers Act in order to raise, from the year 2009, the price established in the contract by an amount equal to the duties that must be paid on those substances under that section.

The power provided for in the first paragraph may only be exercised by the body to the extent that all tenderers are treated equally.

128. For the municipal fiscal year 2009, an operator who is required to pay duties under section 78.2 of the Municipal Powers Act is exempted from the portion of the duties payable on substances that are transported to carry out a contract with a municipal body and of which the price has not been raised under section 127, provided the operator sends the municipality that must collect the duties a copy of each of the contracts and a declaration of total quantity of substances covered by the exemption.

129. Sections 580.1 to 580.4 of the Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2), enacted by section 74, apply from the fiscal year 2010.

130. An agreement entered into under the third paragraph of section 244.8 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1) in force on the date preceding the date of coming into force of section 80 ceases to apply except for the purpose of collecting and paying any amount due before that date.

131. The first regulations made under paragraphs 13 to 15 of section 262 of the Act respecting municipal taxation, enacted by section 86, are not subject to Division III of the Regulations Act (R.S.Q., chapter R-18.1).

132. The president and chief executive officer of the Commission administrative des régimes de retraite et d'assurances remains the chair of the pension committee of the Pension Plan of Elected Municipal Officers established under section 70.1 of the Act respecting the Pension Plan of Elected Municipal Officers (R.S.Q., chapter R-9.3), amended by section 98, until a chair is appointed in accordance with section 70.6 of that Act, enacted by section 102.

133. A regulation made under the second paragraph of section 2 of the Supplemental Pension Plans Act (R.S.Q., chapter R-15.1) with respect to the Régime de retraite des employés de la Ville de Lévis, registered with the Régie des rentes du Québec under number 21190, may be retroactive to the date specified in the regulation.

134. Section 60 of the Supplemental Pension Plans Act does not apply to benefits resulting from a transfer of assets into the Régime complémentaire de retraite des employés de la Ville de Lévis, registered with the Régie des rentes du Québec under number 31986, from a group registered retirement savings plan concerning the employees of Ville de Lévis who were members of such a plan while employed by the Municipalité régionale de comté de Desjardins, the Régie intermunicipale de police et direction incendie de Charny, Saint-Jean-Chrysostome et Saint-Romuald or a municipality whose territory was amalgamated with the territory of Ville de Lévis on 1 January 2002.

135. The 9-1-1 emergency centres in operation on the date of coming into force of the first regulation made under section 52.4 of the Civil Protection Act (R.S.Q., chapter S-2.3) have two years from that date to obtain a certificate of compliance. The secondary emergency call centres have the same time limit to comply with the standards, specifications and quality criteria enacted by government regulation under section 52.4 of the Civil Protection Act and any guidelines established under section 52.5 of that Act.

A natural or legal person or a group of natural or legal persons authorized to continue receiving calls from persons requesting ambulance services under section 169 of the Act respecting pre-hospital emergency services (R.S.Q., chapter S-6.1) is, for the purposes of Division II.1 of Chapter IV of the Civil Protection Act, a health communication centre until the person or group of persons ceases activities.

136. In order to complete the sharing of liabilities under Order in Council 1229-2005 dated 8 December 2005 concerning the urban agglomeration of Montréal, amended by Order in Council 10-2006 dated 17 January 2006, Order in Council 299-2006 dated 5 April 2006, Order in Council 549-2006 dated 14 June 2006, Order in Council 1003-2006 dated 2 November 2006, chapter 60 of the statutes of 2006 and chapter 33 of the statutes of 2007, Ville de Hampstead is authorized to contract a loan for the long-term financing of the payment to Ville de Côte-Saint-Luc of an amount as compensation for an amount that Ville de Côte-Saint-Luc paid to Ville de Montréal in the place of Ville de Hampstead for the installation of traffic lights on Rue Fleet in the territory of Ville de Hampstead in 2003. The amount payable is \$204,137, plus interest accrued at an annual rate of 4,6312% from 21 June 2006 until the date of payment.

The council of Ville de Hampstead must determine by resolution the source of the revenues to be used to repay the loan. The resolution may prescribe for that purpose the use of any source of revenue that the municipality is authorized to use for any other purpose. A provision contained in the resolution that, under any applicable provision, must normally be adopted by by-law may only be amended in the manner prescribed by law for such a by-law. An authenticated copy of the resolution must be sent to the Minister of Municipal Affairs and Regions as soon as possible after the resolution is passed.

137. The territory of Ville de Beaconsfield is divided into electoral districts for the purposes of the general election of 2009 and any by-election held before the general election of 2013. The division is the same as that which applied for the purposes of the general election of 2005.

138. Despite section 251 of the Municipal Powers Act (2005, chapter 6), amended by section 125 of chapter 50 of the statutes of 2005,

(1) sections 467 to 467.8 and 467.10.1 to 467.14 of the Cities and Towns Act (R.S.Q., chapter C-19) are repealed;

(2) articles 525 to 533 and 535.1 to 539 of the Municipal Code of Québec (R.S.Q., chapter C-27.1) are repealed;

(3) sections 217 to 220, 236 and 237 of the Act come into force on 12 June 2008.

139. The regional conference of elected officers established for the territory of Municipalité de Baie-James, Ville de Chapais, Ville de Chibougamau, Ville de Lebel-sur-Quévillon and Ville de Matagami may enter into and implement an agreement described in section 282 of the Act to amend various legislative provisions concerning municipal affairs (2002, chapter 37) on behalf of those municipalities.

In such a case, the regional conference of elected officers is considered a municipal body.

140. Section 67 has effect from 15 June 2008.

141. Section 122 has effect from 1 January 2006.

142. Section 139 has effect from 1 May 2008.

143. This Act comes into force on 12 June 2008, except sections 77, 78, 80, 82, paragraph 2 of section 86, sections 88, 91 to 95 and 106, Division II.1 of Chapter IV of the Civil Protection Act, enacted by section 108 and sections 130, 131 and 135, which come into force on the date or dates to be set by the Government.