



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-NINTH LEGISLATURE

Bill 69

(2012, chapter 21)

An Act to amend various legislative provisions concerning municipal affairs

Introduced 1 May 2012
Passed in principle 8 May 2012
Passed 13 June 2012
Assented to 15 June 2012

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EXPLANATORY NOTES

This Act amends the Charter of Ville de Montréal to grant the city council the power to authorize the carrying out of a primary or secondary school project and to allow the city to apply for the constitution of a non-profit body which will inherit the powers of the Bureau du taxi de la Ville de Montréal. The council of Ville de Montréal is granted the power to amend By-law 05-035 of Ville de Montréal by by-law and without further formality in order to increase the maximum height of a building intended to house a hospital institution, and to make accessory amendments to that amendment or to amendments intended to optimize the siting and integration of the building.

The Cities and Towns Act is amended to allow the Minister of Municipal Affairs, Regions and Land Occupancy to adopt a regulation in order to determine which research and support expenses incurred by municipal councillors may be reimbursed.

The Municipal Powers Act is amended to increase to \$100,000 the maximum annual assistance a municipality may grant to operators of private enterprises.

The Act respecting contracting by public bodies is amended in order to change the time limit for recording an enterprise in the register of enterprises ineligible for public contracts and to specify that ineligibility to enter into a public contract applies even when an enterprise becomes ineligible between the time bids are submitted and the time the contract is entered into. A further amendment to that Act, as well as to the Building Act, makes it unnecessary to obtain the authorization of the Régie du bâtiment du Québec or the Conseil du trésor, as applicable, in order to allow a contractor to perform a guarantee arising from a contract in cases where the contractor's licence has become restricted or where the contractor has been recorded in the register of enterprises ineligible for public contracts.

The Act respecting municipal taxation is amended to restore the tax system that was applicable to outfitting establishments before 1 January 2011.

The Act respecting the Ministère des Affaires municipales, des Régions et de l'Occupation du territoire is amended to add the social

economy to the responsibilities of the Minister of Municipal Affairs, Regions and Land Occupancy.

The time limit granted to municipal bodies and school boards to enter into a contract for the implementation, operation or use of a broadband telecommunications network is extended until 1 July 2016. The period of application of a measure exempting certain municipal loan by-laws from approval by way of referendum is extended by three years.

The territory of Ville de Rouyn-Noranda is to be divided into 12 electoral districts for the purposes of the 2013 general election, and the city will be subject to the general law for subsequent elections.

Lastly, various technical amendments are introduced.

LEGISLATION AMENDED BY THIS ACT:

- Building Act (R.S.Q., chapter B-1.1);
- Charter of Ville de Montréal (R.S.Q., chapter C-11.4);
- Cities and Towns Act (R.S.Q., chapter C-19);
- Municipal Code of Québec (R.S.Q., chapter C-27.1);
- Municipal Powers Act (R.S.Q., chapter C-47.1);
- Act respecting contracting by public bodies (R.S.Q., chapter C-65.1);
- Act respecting municipal taxation (R.S.Q., chapter F-2.1);
- Act respecting administrative justice (R.S.Q., chapter J-3);
- Act respecting the Ministère des Affaires municipales, des Régions et de l'Occupation du territoire (R.S.Q., chapter M-22.1);
- Act respecting transportation services by taxi (R.S.Q., chapter S-6.01);
- Act to amend various legislative provisions concerning municipal affairs (2002, chapter 37);
- Act to amend various legislative provisions respecting municipal affairs (2009, chapter 26).

ORDER IN COUNCIL AMENDED BY THIS ACT:

- Order in Council 1478-2001 (2001, G.O. 2, 6960).

Bill 69

AN ACT TO AMEND VARIOUS LEGISLATIVE PROVISIONS CONCERNING MUNICIPAL AFFAIRS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

BUILDING ACT

1. Section 65.2.1 of the Building Act (R.S.Q., chapter B-1.1) is amended by adding the following paragraph after the second paragraph:

“Despite the first paragraph, the authorization of the Board is not required when the other party takes advantage of a guarantee arising from the contract.”

CHARTER OF VILLE DE MONTRÉAL

2. Section 89 of the Charter of Ville de Montréal (R.S.Q., chapter C-11.4) is amended by replacing “university, college” in subparagraph 1 of the first paragraph by “public educational institution, college- or university-level educational institution”.

3. Schedule C to the Charter is amended by inserting the following sections after section 220:

“220.1. The city may apply for the constitution of a non-profit body dedicated to

(1) the exercise of any power, except a regulatory power, that the city delegates from among those arising from the exercise of its powers provided for in subdivision 9 of Division II of Chapter III of this Charter and in the second paragraph of section 13 of the Act respecting transportation services by taxi (chapter S-6.01);

(2) the development of the taxi industry, particularly by means of subsidy programs, and the concerted action of the various players in that industry;

(3) the supervision and improvement of transportation by taxi and the safety of taxi drivers and users;

(4) the supply of services to the taxi and limousine industry;

(5) skill improvement for taxi and limousine drivers.

The body may carry on commercial activities related to the activities described in subparagraphs 1 to 5 of the first paragraph so as to ensure their financing.

It may also be the object of an appointment in accordance with sections 9 and 69.1 of the Highway Safety Code (chapter C-24.2).

The content of the letters patent issued under section 224 to constitute the body described in the first paragraph is subject to the rules set out in sections 220.2 and 220.3.

“220.2. The board of directors of the body described in section 220.1 is composed of 11 members, designated for a two-year renewable term, as follows:

- (1) three members chosen from among the members of a council of the city;
- (2) three members representing clients of the taxi industry on the island of Montréal, including one representing clients with reduced mobility and one representing corporate clients;
- (3) one member representing the tourism industry on the island of Montréal;
- (4) one member elected by and from among the holders of a valid taxi driver’s permit from the taxi areas of the island of Montréal;
- (5) one member elected by and from among the holders of a valid taxi owner’s permit specializing in regular or limited services from the taxi areas of the island of Montréal;
- (6) one member elected by and from among the holders of a valid taxi owner’s permit specializing in limousine services from the taxi areas of the island of Montréal; and
- (7) one member elected by and from among the holders of a valid taxi transportation service intermediary’s permit from the taxi areas of the island of Montréal.

“220.3. The members listed in paragraphs 1 to 3 of section 220.2 are appointed by the city. The city shall also designate the president of the board of directors from among the members listed in paragraph 1 of that section.

The chief executive officer of the body is appointed by the city on the recommendation of the body’s board of directors. The other senior officers of the body are appointed by its board of directors.

The letters patent issued under section 224 set out the procedure for electing the members listed in paragraphs 4 to 7 of section 220.2.”

4. Section 229 of Schedule C to the Charter is amended by replacing “sections 218 and 220” by “section 218, 220 or 220.1”.

CITIES AND TOWNS ACT

5. Section 468.36.1 of the Cities and Towns Act (R.S.Q., chapter C-19) is amended by replacing “467.10 or 467.13” in the third paragraph by “48.37 or 48.42 of the Transport Act (chapter T-12)”.

6. Section 474.0.1 of the Act is amended

(1) by replacing “secretarial” in the first paragraph by “support”;

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

“A regulation of the Minister of Municipal Affairs, Regions and Land Occupancy determines which research and support expenses are covered under the first paragraph.”

7. Section 474.0.2.1 of the Act is amended by replacing “of sums to the members of that council, except the mayor of the central municipality, as reimbursement for their research and secretarial expenses” in the first paragraph by “of sums to the members of that council, except the mayor of the central municipality, as reimbursement for research and support expenses that comply with the regulation made under section 474.0.1”.

8. Section 474.0.3 of the Act is amended

(1) by replacing “secretarial” in the first paragraph by “support”;

(2) by replacing “may be” in the first paragraph by “is, subject to the regulation made under section 474.0.4.1”.

9. Section 474.0.4 of the Act is amended by replacing “may be determined by the treasurer” in the fourth paragraph by “is determined by the treasurer, subject to the regulation made under section 474.0.4.1”.

10. The Act is amended by inserting the following section after section 474.0.4:

“474.0.4.1. The Minister may, by regulation, prescribe any rule relating to the content of the vouchers required under sections 474.0.3 and 474.0.4.”

MUNICIPAL CODE OF QUÉBEC

11. Article 605.1 of the Municipal Code of Québec (R.S.Q., chapter C-27.1) is amended by replacing “article 535 or 538” in the third paragraph by “section 48.37 or 48.42 of the Transport Act (chapter T-12)”.

MUNICIPAL POWERS ACT

12. Section 92.1 of the Municipal Powers Act (R.S.Q., chapter C-47.1) is amended by replacing “\$25,000” in the second paragraph by “\$100,000”.

ACT RESPECTING CONTRACTING BY PUBLIC BODIES

13. Section 21.1 of the Act respecting contracting by public bodies (R.S.Q., chapter C-65.1), replaced by section 46 of chapter 35 of the statutes of 2011, is amended by replacing “30 days after the date on which the judgment becomes final” by “20 days after the date on which the chair of the Conseil du trésor is informed of the final judgment”.

14. Section 21.2 of the Act, amended by section 47 of chapter 35 of the statutes of 2011, is again amended by replacing “30 days after the date on which the judgment becomes final” in the first paragraph by “20 days after the date on which the chair of the Conseil du trésor is informed of the final judgment”.

15. Section 21.3 of the Act, replaced by section 49 of chapter 35 of the statutes of 2011, is amended by inserting the following paragraph after the second paragraph:

“Despite the first paragraph, the authorization of the Conseil du trésor is not required when the body takes advantage of a guarantee arising from the contract.”

16. Section 21.4.1 of the Act is amended by striking out “by mutual agreement”.

ACT RESPECTING MUNICIPAL TAXATION

17. Section 244.31 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1) is amended by inserting “in respect of an establishment other than an outfitting establishment” after “(chapter E-14.2)” in the first paragraph.

ACT RESPECTING ADMINISTRATIVE JUSTICE

18. Section 26 of the Act respecting administrative justice (R.S.Q., chapter J-3) is amended by striking out “or decisions made by the Commission administrative des régimes de retraite et d’assurances in particular concerning eligibility for the Pension Plan of Elected Municipal Officers, the number of years of service, pensionable salary or the amount of contributions or of a pension”.

ACT RESPECTING THE MINISTÈRE DES AFFAIRES MUNICIPALES,
DES RÉGIONS ET DE L'OCCUPATION DU TERRITOIRE

19. The Act respecting the Ministère des Affaires municipales, des Régions et de l'Occupation du territoire (R.S.Q., chapter M-22.1) is amended by inserting the following after section 17.5.3:

“§2.2. — *Social economy*

“**17.5.4.** The mission of the Minister is to coordinate government intervention regarding the social economy. To that end, the Minister, in conjunction with the Minister of Economic Development, Innovation and Export Trade and the Minister of Finance, shall develop policies with a view to encouraging the development of the social economy in Québec, and propose them to the Government.

A further mission of the Minister is to support the Government in implementing programs and measures geared to social economy enterprises.”

ACT RESPECTING TRANSPORTATION SERVICES BY TAXI

20. Section 13 of the Act respecting transportation services by taxi (R.S.Q., chapter S-6.01) is amended by replacing “The Bureau du taxi de la Ville de Montréal” in the second paragraph by “Ville de Montréal”.

21. Sections 142 and 143 of the Act are amended by replacing “to the Bureau du taxi de la Communauté urbaine de Montréal” in the second paragraph by “to Ville de Montréal”.

ACT TO AMEND VARIOUS LEGISLATIVE PROVISIONS
CONCERNING MUNICIPAL AFFAIRS

22. Section 282 of the Act to amend various legislative provisions concerning municipal affairs (2002, chapter 37), amended by section 237 of chapter 19 of the statutes of 2003, section 93 of chapter 50 of the statutes of 2005, section 12 of chapter 33 of the statutes of 2007 and section 100 of chapter 18 of the statutes of 2010, is again amended by replacing “July 2012” in the tenth paragraph by “July 2016”.

ACT TO AMEND VARIOUS LEGISLATIVE PROVISIONS RESPECTING
MUNICIPAL AFFAIRS

23. Section 117 of the Act to amend various legislative provisions respecting municipal affairs (2009, chapter 26) is amended by replacing “cease to have effect on 17 June 2012” in the third paragraph by “apply only to a by-law adopted before 15 June 2015”.

OTHER AMENDING PROVISION

24. Section 39 of Order in Council 1478-2001 (2001, G.O. 2, 6960) is amended by striking out the last paragraph.

MISCELLANEOUS AND FINAL PROVISIONS

25. Despite section 89.1 of the Charter of Ville de Montréal (R.S.Q., chapter C-11.4), the city council may, by by-law and without further formality, amend By-law 05-035 of Ville de Montréal, entitled “By-law concerning the construction, alteration and occupancy of the Centre universitaire de santé McGill, on a site east of Boulevard Décarie, between Rue Saint-Jacques and the CP railway track” in order

(1) to replace the altimetric measurement of 73 metres in the first paragraph of section 18 by an altimetric measurement of 86.1 metres and to make any accessory or consequential amendments to the by-law;

(2) to make any amendment to the by-law considered necessary and intended to optimize the siting of the building referred to in that section and its integration into the project concerned.

26. The territory of Ville de Rouyn-Noranda is divided into 12 electoral districts for the purposes of the 2013 general election and any by-election held before the 2017 general election.

To that end, the date mentioned in the first paragraph of section 21 of the Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2) is replaced by 1 November and the date mentioned in section 30 of that Act is replaced by 31 March 2013.

27. Section 17 has effect from 1 January 2011.

28. This Act comes into force on 15 June 2012, except sections 6 to 10, which come into force on the date of coming into force of the regulation of the Minister made under section 474.0.1 of the Cities and Towns Act (R.S.Q., chapter C-19), as amended by section 6.