



NATIONAL ASSEMBLY

FIRST SESSION

FORTY-FIRST LEGISLATURE

Bill 120

(2016, chapter 30)

An Act to amend various legislative provisions concerning municipal affairs

Introduced 8 November 2016
Passed in principle 17 November 2016
Passed 6 December 2016
Assented to 7 December 2016

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EXPLANATORY NOTES

This Act introduces various amendments concerning municipal affairs.

The Act includes measures to implement the agreement on the development of Montréal's downtown area entered into by the city and the other municipalities of the urban agglomeration of Montréal.

Under the Act, municipal bodies may, subject to certain conditions, enter into a contract by mutual agreement with a cloud supplier or service provider who is a party to a framework agreement entered into with the Centre de services partagés du Québec.

The Act also contains various measures relating to the transition allowance. An elected municipal officer who fails to attend council sittings is considered a resigning officer, and an elected officer loses entitlement to the transition allowance if the officer's term ends because the officer is disqualified or ousted from office or because of the nullity of the officer's election. The Act also provides for cases where the officer must reimburse a previously received allowance.

Lastly, under the Act, the council of Ville de Montréal may, by a decision made by the absolute majority of its members not later than 7 June 2017, extend by up to two years the application of any decision it made before 8 November 2016 to declare that the exercise of a jurisdiction assigned by law to the borough councils is within its jurisdiction.

LEGISLATION AMENDED BY THIS ACT:

- Charter of Ville de Montréal (chapter C-11.4);
- Cities and Towns Act (chapter C-19);
- Municipal Code of Québec (chapter C-27.1);
- Act respecting the Communauté métropolitaine de Montréal (chapter C-37.01);

- Act respecting the Communauté métropolitaine de Québec (chapter C-37.02);
- Act respecting elections and referendums in municipalities (chapter E-2.2);
- Act respecting public transit authorities (chapter S-30.01);
- Act respecting the remuneration of elected municipal officers (chapter T-11.001).

ORDER IN COUNCIL AMENDED BY THIS ACT:

- Order in Council 1229-2005 dated 8 December 2005 (2005, G.O. 2, 5176A) concerning the urban agglomeration of Montréal.

Bill 120

AN ACT TO AMEND VARIOUS LEGISLATIVE PROVISIONS CONCERNING MUNICIPAL AFFAIRS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

CHARTER OF VILLE DE MONTRÉAL

1. Schedule C to the Charter of Ville de Montréal (chapter C-11.4) is amended by inserting the following subdivision after section 185:

“§18.1.— *Downtown area*

“**185.0.1.** The city council shall exercise the jurisdiction of the city with respect to the development and redevelopment of public lands, including infrastructure work, in a sector designated as the downtown area and delimited in Schedule E.

The reconstituted municipalities in the urban agglomeration of Montréal shall pay an annual contribution to the city to finance the expenditures incurred for the downtown area. For the fiscal year 2017, the municipalities’ total contribution is \$8,000,000. The contribution payable for the following fiscal years is determined by adjusting the amount of the contribution paid for the preceding fiscal year according to the anticipated rate of growth of the Consumer Price Index published, for the fiscal year for which the contribution must be paid, by the Conference Board of Canada for the Montréal metropolitan area.

Every year, the contribution is apportioned among the reconstituted municipalities in proportion to their respective fiscal potentials established according to the rules prescribed by the Minister of Municipal Affairs and Land Occupancy under section 118.80 of the Act respecting the exercise of certain municipal powers in certain urban agglomerations (chapter E-20.001).”

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

“**SCHEDULE E**

“(Section 185.0.1)

“**BOUNDARIES OF THE SECTOR DESIGNATED AS THE DOWNTOWN AREA**

The directions are approximate: commencing at a point being the intersection of rue Amherst and rue Cherrier; thence southeasterly along rue Amherst and

its extension to the St. Lawrence River; thence southerly along the bank of the St. Lawrence River to the point of intersection with Autoroute 15-20, namely the Champlain Bridge; thence westerly along Autoroute 15-20 to the point of intersection with the railway right-of-way; thence northeasterly along the railway right-of-way and the building alongside the railway to the point of intersection with the end of that building; thence northwesterly along the building to the point of intersection with rue du Parc-Marguerite-Bourgeois; thence northeasterly along rue du Parc-Marguerite-Bourgeois and the railway right-of-way to the point of intersection with the extension of rue Sainte-Madeleine; thence westerly along rue Sainte-Madeleine to the point of intersection with rue Le Ber; thence northerly along rue Le Ber and its extension to the point of intersection with the extension of rue de Sébastopol; thence westerly along rue de Sébastopol to the point of intersection with rue Wellington; thence northerly along rue Wellington to the point of intersection with rue Bridge; thence westerly along rue Bridge to the point of intersection with rue Saint-Patrick; thence northwesterly to the point of intersection with rue Guy, rue William and rue Ottawa; thence northwesterly along rue Guy to the point of intersection with rue Notre-Dame Ouest; thence northwesterly along the boundary of Ville-Marie borough to the point of intersection with the boundary of the Mount Royal Historic and Natural District; thence northwesterly along the boundary of the Mount Royal Historic and Natural District to the point of intersection with avenue des Pins Ouest; thence northeasterly along avenue des Pins Ouest to the point of intersection with rue Saint-Denis; thence southeasterly along rue Saint-Denis to the point of intersection with rue Cherrier; thence northeasterly along rue Cherrier to the point of intersection with rue Amherst, that point being the point of commencement.”

CITIES AND TOWNS ACT

3. Section 573.3.2 of the Cities and Towns Act (chapter C-19) is amended by inserting the following paragraph after the first paragraph:

“A municipality may enter into a contract by mutual agreement with a cloud supplier or service provider who is a party to a framework agreement entered into with the Centre de services partagés du Québec under Order in Council 923-2015 dated 28 October 2015 and any amendments to it, provided that

(1) the contract concerns goods or services referred to in the framework agreement;

(2) the term of the contract, including any renewal, does not exceed three years; and

(3) the supplier or service provider retained is the one whose tender is the most advantageous based on the price of the contract or any other criteria related to the object of the contract, such as technological compatibility, accessibility of goods or services, performance and technical assistance.”

MUNICIPAL CODE OF QUÉBEC

4. Article 938.2 of the Municipal Code of Québec (chapter C-27.1) is amended by inserting the following paragraph after the first paragraph:

“A municipality may enter into a contract by mutual agreement with a cloud supplier or service provider who is a party to a framework agreement entered into with the Centre de services partagés du Québec under Order in Council 923-2015 dated 28 October 2015 and any amendments to it, provided that

(1) the contract concerns goods or services referred to in the framework agreement;

(2) the term of the contract, including any renewal, does not exceed three years; and

(3) the supplier or service provider retained is the one whose tender is the most advantageous based on the price of the contract or any other criteria related to the object of the contract, such as technological compatibility, accessibility of goods or services, performance and technical assistance.”

ACT RESPECTING THE COMMUNAUTÉ MÉTROPOLITAINE DE MONTRÉAL

5. Section 114 of the Act respecting the Communauté métropolitaine de Montréal (chapter C-37.01) is amended by inserting the following paragraph after the first paragraph:

“The Community may enter into a contract by mutual agreement with a cloud supplier or service provider who is a party to a framework agreement entered into with the Centre de services partagés du Québec under Order in Council 923-2015 dated 28 October 2015 and any amendments to it, provided that

(1) the contract concerns goods or services referred to in the framework agreement;

(2) the term of the contract, including any renewal, does not exceed three years; and

(3) the supplier or service provider retained is the one whose tender is the most advantageous based on the price of the contract or any other criteria related to the object of the contract, such as technological compatibility, accessibility of goods or services, performance and technical assistance.”

ACT RESPECTING THE COMMUNAUTÉ MÉTROPOLITAINE DE QUÉBEC

6. Section 107 of the Act respecting the Communauté métropolitaine de Québec (chapter C-37.02) is amended by inserting the following paragraph after the first paragraph:

“The Community may enter into a contract by mutual agreement with a cloud supplier or service provider who is a party to a framework agreement entered into with the Centre de services partagés du Québec under Order in Council 923-2015 dated 28 October 2015 and any amendments to it, provided that

(1) the contract concerns goods or services referred to in the framework agreement;

(2) the term of the contract, including any renewal, does not exceed three years; and

(3) the supplier or service provider retained is the one whose tender is the most advantageous based on the price of the contract or any other criteria related to the object of the contract, such as technological compatibility, accessibility of goods or services, performance and technical assistance.”

ACT RESPECTING ELECTIONS AND REFERENDUMS IN MUNICIPALITIES

7. Section 312.6 of the Act respecting elections and referendums in municipalities (chapter E-2.2) is amended by replacing the second sentence of the first paragraph by the following sentence: “Moreover, in addition to losing the right to any transition allowance and to being required to reimburse such an allowance in accordance with sections 31.1.1 and 31.1.2 of that Act, the council member loses the right to any severance allowance under that Act for the period prior to the judgment convicting him and any such allowance already received must be reimbursed to the municipality, except if it was received before the beginning of the term during which the council member was forced to cease performing the duties of office.”

ACT RESPECTING PUBLIC TRANSIT AUTHORITIES

8. Section 104 of the Act respecting public transit authorities (chapter S-30.01) is amended by inserting the following paragraph after the first paragraph:

“A transit authority may enter into a contract by mutual agreement with a cloud supplier or service provider who is a party to a framework agreement entered into with the Centre de services partagés du Québec under Order in Council 923-2015 dated 28 October 2015 and any amendments to it, provided that

(1) the contract concerns goods or services referred to in the framework agreement;

(2) the term of the contract, including any renewal, does not exceed three years; and

(3) the supplier or service provider retained is the one whose tender is the most advantageous based on the price of the contract or any other criteria related to the object of the contract, such as technological compatibility, accessibility of goods or services, performance and technical assistance.”

ACT RESPECTING THE REMUNERATION OF ELECTED MUNICIPAL OFFICERS

9. Section 31 of the Act respecting the remuneration of elected municipal officers (chapter T-11.001) is amended

(1) by replacing “and 31.0.2” in the first paragraph by “, 31.0.2, 31.0.4 and 31.1.1”;

(2) by replacing “and 31.0.2” in the second paragraph by “, 31.0.2, 31.0.4 and 31.1.1”.

10. The Act is amended by inserting the following section after section 31.0.3:

“31.0.4. Sections 31.0.1 to 31.0.3 also apply to a person whose term ends, in accordance with section 317 of the Act respecting elections and referendums in municipalities (chapter E-2.2), because of the person’s failure to attend council sittings. For the purposes of those sections, the person is deemed to be a resigning person and, for the purposes of those provisions, the day on which the person’s term ends is deemed to be the day of the person’s resignation.”

11. The Act is amended by inserting the following sections after section 31.1:

“31.1.1. A transition allowance may not be paid to a person whose term ends, in accordance with sections 318 and 319 of the Act respecting elections and referendums in municipalities (chapter E-2.2), because the person is disqualified or ousted from office or because of the nullity of the person’s election.

“31.1.2. A person who has received a transition allowance must reimburse the municipality for it if the person is subsequently declared disqualified, by a judgment that has become final, from holding office as a member of the council of a municipality because of an act occurring in the performance of the person’s duties as member of the council of the municipality that paid the allowance. The same applies to a person who is found guilty, by a judgment that has become final, of an offence that is a corrupt electoral practice within the meaning of section 645 of the Act respecting elections and referendums in municipalities (chapter E-2.2), the Act respecting school elections (chapter E-2.3) or the Election Act (chapter E-3.3) or of an act that, under an Act of the Parliament of Québec or of Canada, is an offence punishable by a term of

imprisonment of two years or more, if the proceedings were brought before the expiry of five years after the end of the term following which the person received the allowance and during which the act that gave rise to the proceedings was committed.”

OTHER AMENDING PROVISION

12. Schedule I to Order in Council 1229-2005 dated 8 December 2005 (2005, G.O. 2, 5176A) concerning the urban agglomeration of Montréal, replaced by section 36 of chapter 19 of the statutes of 2008, is amended by striking out the fourteenth dash, concerning the development and redevelopment of public lands in an urban agglomeration sector designated as the downtown area.

MISCELLANEOUS AND FINAL PROVISIONS

13. From 1 January 2017, Ville de Montréal assumes the repayment of loans contracted by the urban agglomeration council of Montréal to finance expenditures incurred in the exercise of the urban agglomeration power relating to the development and redevelopment of public lands in the urban agglomeration sector designated as the downtown area.

14. If the resolution by which the council declared its jurisdiction under section 85.5 of the Charter of Ville de Montréal (chapter C-11.4) was adopted before 8 November 2016, the council may, by an absolute majority vote of the council members and despite the second paragraph of that section, adopt a resolution that extends the application of that declaration of jurisdiction so as to render it applicable for a period exceeding two years, provided that resolution is adopted not later than 7 June 2017 and provided the period by which the declaration of jurisdiction is extended does not exceed two years.

15. This Act comes into force on 7 December 2016.