



NATIONAL ASSEMBLY

FIRST SESSION

FORTY-FIRST LEGISLATURE

Bill 122

(2017, chapter 13)

An Act mainly to recognize that municipalities are local governments and to increase their autonomy and powers

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EXPLANATORY NOTES

This Act mainly proposes various amendments to municipal laws to increase the autonomy and powers of municipalities and to recognize that they are local governments.

The Act recognizes the role of the Table Québec-municipalités as the preferred forum for consultation between the Government and the municipal sector, and modifies its composition.

The Act gives local municipalities broader powers over urban planning, including zoning, over regulation of contributions for parks and over proper maintenance of immovable assets.

The Act makes it possible for municipalities to adopt a policy on public participation in urban planning. It empowers the Minister to adopt a regulation setting the requirements for such public participation. It also provides that no instrument of a municipality will be subject to approval by way of referendum if its public participation policy complies with the requirements of the ministerial regulation. The Act also makes certain amendments to the referendum process.

The Act introduces measures to promote the construction of affordable, social or family housing units and allows municipalities to establish rules or standards for the characteristics of these units.

The Act stipulates that the Government has a formal obligation to consult the municipal sector when developing its government policy directions regarding land use planning.

The Act amends the Act respecting the preservation of agricultural land and agricultural activities in order to relax the rules concerning the construction of a residence in an agricultural zone. It makes amendments to that Act to expedite the processing of certain applications and modifies some of the assessment criteria that must be taken into consideration by the Commission de protection du territoire agricole du Québec. It also allows the Government to prescribe, by regulation, certain cases where the authorization of the commission is not required.

The Act removes the obligation to obtain certain ministerial authorizations or approvals and relaxes the requirements regarding

financial management. It sets out new obligations regarding the mandatory content of certain financial documents and gives the Minister certain powers concerning that content. It amends the deadline for sending financial reports to the Minister. It also replaces the mayor's report on the municipality's financial position by a new report made by the mayor at a regular sitting of the council held in June, and introduces an equivalent change for metropolitan communities.

The Act gives the municipalities the power to permit free play in the streets.

The Act provides that the passing of a by-law must be preceded by the tabling of a draft by-law and makes various amendments to improve the transparency of decision-making. It allows municipalities, on certain conditions, to modify the way their public notices are disseminated.

The Act introduces new procedures concerning the rules governing the awarding of contracts applicable to municipalities and makes contracts entered into by various bodies related to them subject to those rules.

Under the Act, local municipalities are granted a general taxation power and the power to charge regulatory dues. The Act also amends certain taxation powers held by local municipalities, reduces certain procedural requirements concerning municipal finances and modifies duties on transfers of immovables.

The Act grants municipalities new powers over local and regional development and business assistance. It also contains certain amendments concerning liquor permit applications, highway safety and the preservation of agricultural land.

Lastly, the Act amends the rules that apply to the remuneration of elected municipal officers.

LEGISLATION AMENDED BY THIS ACT:

- Act respecting land use planning and development (chapter A-19.1);
- Act respecting the Autorité régionale de transport métropolitain (chapter A-33.3);

- Charter of Ville de Gatineau (chapter C-11.1);
- Charter of Ville de Lévis (chapter C-11.2);
- Charter of Ville de Longueuil (chapter C-11.3);
- Charter of Ville de Montréal (chapter C-11.4);
- Charter of Ville de Québec, national capital of Québec (chapter C-11.5);
- Cities and Towns Act (chapter C-19);
- Highway Safety Code (chapter C-24.2);
- 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);
- Municipal Powers Act (chapter C-47.1);
- Act respecting duties on transfers of immovables (chapter D-15.1);
- Act respecting elections and referendums in municipalities (chapter E-2.2);
- Act respecting the exercise of certain municipal powers in certain urban agglomerations (chapter E-20.001);
- Act respecting municipal taxation (chapter F-2.1);
- Act establishing the Eeyou Istchee James Bay Regional Government (chapter G-1.04);
- Act respecting the Ministère des Affaires municipales, des Régions et de l’Occupation du territoire (chapter M-22.1);
- Act respecting the Ministère du Conseil exécutif (chapter M-30);
- Cultural Heritage Act (chapter P-9.002);
- Act respecting liquor permits (chapter P-9.1);

- Act respecting the preservation of agricultural land and agricultural activities (chapter P-41.1);
- Act respecting the Réseau de transport métropolitain (chapter R-25.01);
- Act respecting public transit authorities (chapter S-30.01);
- Act respecting the remuneration of elected municipal officers (chapter T-11.001);
- Transport Act (chapter T-12);
- Act respecting off-highway vehicles (chapter V-1.2);
- Act respecting Northern villages and the Kativik Regional Government (chapter V-6.1).

REGULATION AMENDED BY THIS ACT:

- Regulation authorizing the signing by a functionary of certain deeds, documents and writings of the Ministère des Transports (chapter M-28, r. 5).

ORDERS IN COUNCIL AMENDED BY THIS ACT:

- Order in Council 846-2005 dated 14 September 2005 (2005, G.O. 2, 4316), concerning the urban agglomeration of Mont-Tremblant;
- Order in Council 1055-2005 dated 9 November 2005 (2005, G.O. 2, 4958), concerning the urban agglomeration of La Tuque;
- Order in Council 1059-2005 dated 9 November 2005 (2005, G.O. 2, 4973), concerning the urban agglomeration of Sainte-Agathe-des-Monts;
- Order in Council 1062-2005 dated 9 November 2005 (2005, G.O. 2, 4986), concerning the urban agglomeration of Mont-Laurier;

- Order in Council 1065-2005 dated 9 November 2005 (2005, G.O. 2, 4999), concerning the urban agglomeration of Sainte-Marguerite-Estérel;
- Order in Council 1068-2005 dated 9 November 2005 (2005, G.O. 2, 5011), concerning the urban agglomeration of Cookshire-Eaton;
- Order in Council 1072-2005 dated 9 November 2005 (2005, G.O. 2, 5023), concerning the urban agglomeration of Rivière-Rouge;
- Order in Council 1130-2005 dated 23 November 2005 (2005, G.O. 2, 5133), concerning the urban agglomeration of Îles-de-la-Madeleine;
- Order in Council 1211-2005 dated 7 December 2005 (2005, G.O. 2, 5134A), concerning the urban agglomeration of Québec;
- Order in Council 1214-2005 dated 7 December 2005 (2005, G.O. 2, 5159A), concerning the urban agglomeration of Longueuil;
- Order in Council 1229-2005 dated 8 December 2005 (2005, G.O. 2, 5176A), concerning the urban agglomeration of Montréal.

Bill 122

AN ACT MAINLY TO RECOGNIZE THAT MUNICIPALITIES ARE LOCAL GOVERNMENTS AND TO INCREASE THEIR AUTONOMY AND POWERS

AS the National Assembly recognizes that municipalities are, in the exercise of their powers, local governments that are an integral part of the Québec State;

AS elected municipal officers have the necessary legitimacy, from a representative democracy perspective, to govern according to their powers and responsibilities;

AS municipalities exercise essential functions and offer their population services that contribute to maintaining a high-quality, safe and healthy living environment, including in a context of sustainable development, reducing greenhouse gas emissions, and adapting to climate change;

AS, within local governments, the participation and commitment of citizens and citizens' groups, and access to information, are needed to define a concerted vision of development and to ensure its environmental, social and economic sustainability;

AS it is advisable to amend certain Acts to increase the autonomy and powers of municipalities and to improve certain aspects of their operation;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

ACT RESPECTING LAND USE PLANNING AND DEVELOPMENT

1. The Act respecting land use planning and development (chapter A-19.1) is amended by inserting the following section after section 1.1:

“1.2. In this Act, “government policy directions” means

(1) the objectives and policy directions that the Government, its ministers, mandataries of the State and public bodies are pursuing with respect to land use development, as defined in any document adopted by the Government after consultation, by the Minister, with the authorities representing the municipal sector and with any other civil society organization the Minister considers relevant, and the equipment, infrastructure and land use development projects they intend to carry out in the territory; and

(2) any land use plan prepared under section 21 of the Act respecting the lands in the domain of the State (chapter T-8.1).

Any document adopted by the Government under subparagraph 1 of the first paragraph must be published in the *Gazette officielle du Québec*.”

2. Section 6 of the Act is amended by adding the following subparagraph after subparagraph 8 of the first paragraph:

“(9) determine any other element relating to sustainable land use and development planning for the territory.”

3. Sections 47.2, 53.16 and 61.1 of the Act are repealed.

4. The Act is amended by inserting the following chapter before Chapter III of Title I:

“CHAPTER II.2

“PUBLIC PARTICIPATION

“**80.1.** Every local municipality may adopt a public participation policy that contains measures complementary to those provided for in this Act and that promotes dissemination of information, and consultation and active participation of citizens in land use planning and development decision-making.

“**80.2.** If the public participation policy of the municipality complies with the requirements of the regulation made under section 80.3, no instrument adopted by the council of the municipality under this Act is subject to approval by way of referendum.

The first paragraph does not apply to a referendum and approval process that is under way at the time of the coming into force of the policy; inversely, the repeal of the policy has no effect on such a process that is under way at the time the policy is repealed. For the purposes of this paragraph, a process is under way as of the adoption of a draft by-law under section 124.

“**80.3.** The Minister shall, by regulation, set any requirement relating to public participation for the purposes of this Act and to the content of a public participation policy.

The regulation must be aimed at ensuring that

- (1) the decision-making process is transparent;
- (2) citizens are consulted before decisions are made;
- (3) the information disseminated is complete, coherent and adapted to the circumstances;
- (4) citizens are given a real opportunity to influence the process;

- (5) elected municipal officers are actively present in the consultation process;
- (6) deadlines are adapted to the circumstances and allow citizens sufficient time to assimilate the information;
- (7) procedures are put in place to allow all points of view to be expressed and foster reconciliation of the various interests;
- (8) rules are adapted according to, in particular, the purpose of the amendment, the participation of citizens or the nature of the comments made; and
- (9) a reporting mechanism is put in place at the end of the process.

In its policy, the local municipality must state whether it deems the policy to be compliant with the regulation made under this section and whether it avails itself of section 80.2.

The Minister may, in exercising that power, establish different rules on the basis of any relevant criterion or for any group of municipalities.

“80.4. The public participation policy is adopted by by-law.

The first paragraph of section 124 and sections 125 to 127 and 134 apply, with the necessary modifications, to any by-law by which a municipality adopts, amends or repeals a public participation policy.

“80.5. Every municipality must permanently publish its public participation policy on its website. If the municipality does not have a website, the policy must be published on the website of the regional county municipality whose territory includes that of the municipality or, if the regional county municipality does not have a website, on another website of which the municipality gives public notice of the address at least once a year.”

5. Section 84 of the Act is amended by adding the following paragraph at the end:

“(8) any other element aimed at fostering sustainable urban planning.”

6. Section 113 of the Act is amended by adding the following subparagraph at the end of the second paragraph:

“(23) to prescribe any other additional measure to distribute the various uses, activities, structures and works across its territory and make them subject to standards; such a measure may not however have the effect of restricting agricultural activities within the meaning of the Act respecting the preservation of agricultural land and agricultural activities (chapter P-41.1) in an agricultural zone established under that Act.”

7. Section 115 of the Act is amended by adding the following subparagraph at the end of the second paragraph:

“(12) to prescribe any other additional measure to govern division of the land as well as the dimensions of and development standards for public and private thoroughfares.”

8. Section 117.1 of the Act is amended by adding the following subparagraph at the end:

“(3) the building permit relates to work that will make it possible to carry on new activities, as defined by the by-law, on the immovable or to intensify, within the meaning of the by-law, existing activities on the immovable.”

9. Section 117.3 of the Act is amended by replacing the second sentence of the third paragraph by the following sentence: “The rules must also take into account, in favour of the owner, any transfer or payment made previously in respect of all or part of the site.”

10. Section 117.4 of the Act is amended by adding the following paragraphs at the end:

“Despite the two preceding paragraphs, the municipality may require the transfer of land whose area is greater than 10% of the area of the site if the land in respect of which the subdivision or building permit is applied for is situated within a central sector of the municipality and if all or part of the immovable is green space.

If the municipality requires both the transfer of land and the payment of a sum, the amount paid must not exceed 10% of the value of the site.

The council shall, by by-law, determine the boundaries of the central sectors of the municipality and define what constitutes green space for the purposes of the third paragraph.”

11. Section 123 of the Act is amended by replacing “22” in subparagraph 1 of the third paragraph by “23”.

12. The Act is amended by inserting the following section after section 123:

“123.1. Despite the third and fourth paragraphs of section 123, a provision to enable the carrying out of a project relating to the following objects does not make a by-law subject to approval by way of referendum:

(1) collective equipment within the meaning of the second paragraph; and

(2) housing intended for persons in need of help, protection, care or shelter, in particular under a social housing program implemented under the Act respecting the Société d’habitation du Québec (chapter S-8).

Collective equipment consists of buildings and facilities that are public property intended for collective use in the health, education, culture, sports and recreation sectors.”

13. The Act is amended by inserting the following division after section 145.30:

“DIVISION IX.1

“AFFORDABLE, SOCIAL OR FAMILY HOUSING

“145.30.1. Every municipality may, by by-law and in accordance with the policy directions defined for that purpose in the planning program, make the issue of a building permit for the construction of residential units subject to the making of an agreement between the applicant and the municipality to increase the supply of affordable, social or family housing.

The agreement may, in accordance with the rules set out in the by-law, stipulate the construction of affordable, social or family housing units, the payment of a sum of money or the transfer of an immovable in favour of the municipality.

All sums and immovables obtained in this manner must be used by the municipality for the implementation of an affordable, social or family housing program.

“145.30.2. The by-law must establish the rules for determining the number and type of affordable, social or family housing units that may be required, the method for calculating the sum of money to be paid or the characteristics of the immovable to be transferred.

It may also prescribe minimum standards for the particulars of the agreement listed in the first paragraph of section 145.30.3.

“145.30.3. The agreement may cover the dimensions of the affordable, social or family housing units concerned, the number of rooms they comprise, their location in the housing project or elsewhere in the territory of the municipality and their design and construction.

The agreement may also establish rules to ensure the affordability of the housing units for the time it determines.”

14. The Act is amended by inserting the following sections after section 145.41:

“145.41.1. If the owner of a building does not comply with the notice sent under the second paragraph of section 145.41, the council may require a notice of deterioration containing the following information to be registered in the land register:

- (1) the designation of the immovable concerned and the name and address of the owner;
- (2) the name of the municipality and the address of its office, and the title, number and date of the resolution by which the council requires the notice to be registered;
- (3) the title and number of the by-law made under the first paragraph of section 145.41; and
- (4) a description of the work to be carried out.

No notice of deterioration may be registered in respect of an immovable owned by a public body within the meaning of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1).

“145.41.2. If the municipality ascertains that the work prescribed in the notice of deterioration has been carried out, the council shall, within 60 days after that fact is ascertained, require that a notice of regularization be registered in the land register; the notice of regularization must contain, in addition to the information in the notice of deterioration, the registration number of the notice of deterioration and an entry that the work described in that notice has been carried out.

“145.41.3. Within 20 days after the registration of any notice of deterioration or notice of regularization, the municipality shall notify the owner of the immovable and any holder of a real right registered in the land register in respect of the immovable of the registration of the notice.

“145.41.4. The municipality shall keep a list of the immovables for which a notice of deterioration has been registered in the land register. It shall publish this list on its website or, if it does not have a website, on the website of the regional county municipality whose territory includes that of the municipality.

The list must contain, in respect of each immovable, all the information contained in the notice of deterioration.

If a notice of regularization is registered in the land register, the municipality shall withdraw from the list any entry concerning the notice of deterioration relating to the notice of regularization.

“145.41.5. A municipality may acquire, by agreement or expropriation, any immovable for which a notice of deterioration was registered in the land register at least 60 days previously, on which the work required in the notice has not been carried out and whose dilapidated state entails a risk for the health or safety of persons. Such an immovable may then be alienated to any person by onerous title, to any person or to a person referred to in section 29 or 29.4 of the Cities and Towns Act (chapter C-19) by gratuitous title.”

15. Section 148.0.4 of the Act is amended by inserting the following paragraph after the first paragraph:

“The by-law may prescribe that a preliminary program for the utilization of the vacated land be submitted after the committee has rendered an affirmative decision on the application for authorization to demolish, rather than before the application is considered. In that case, authorization to demolish is conditional on the program receiving the committee’s approval.”

16. Section 148.0.11 of the Act is repealed.

17. Section 148.0.22 of the Act is amended by replacing “\$5,000” and “\$25,000” in the first paragraph by “\$10,000” and “\$250,000”, respectively.

18. The Act is amended by inserting the following section after section 264.0.8:

“264.0.9. Ville de Gatineau, Ville de Laval, Ville de Lévis, Ville de Mirabel, Ville de Rouyn-Noranda, Ville de Saguenay, Ville de Shawinigan, Ville de Sherbrooke and Ville de Trois-Rivières may maintain in force a single document that contains both provisions specific to the content of a land use and development plan and provisions specific to the content of a planning program. In such a case, sections 47 to 53.11, 53.11.5 to 56.12, 56.12.3 to 56.12.5, 56.12.8 to 57, 57.3, 58, 59 to 61.1, 61.3 to 71 and 71.0.3 to 72, rather than sections 88 to 100 and 102 to 112.8, apply, with the necessary modifications, to the provisions specific to the content of a planning program.

To replace its zoning or subdivision by-law, every municipality listed in the first paragraph must comply with the rules applicable to a by-law referred to in section 110.10.1, with the necessary modifications.”

ACT RESPECTING THE AUTORITÉ RÉGIONALE DE TRANSPORT MÉTROPOLITAIN

19. Section 98 of the Act respecting the Autorité régionale de transport métropolitain (chapter A-33.3) is replaced by the following section:

“98. At the end of the fiscal year, the Authority’s treasurer draws up the financial report for that fiscal year and certifies that it is accurate. The report must include the Authority’s financial statements and any other document or information required by the Minister of Municipal Affairs, Regions and Land Occupancy.

The treasurer must also produce any other document or information required by that minister.

That minister may prescribe any rule relating to the documents and information referred to in the first two paragraphs.”

20. The Act is amended by inserting the following section after section 101:

“101.1. If, after the transmission referred to in section 101, an error is found in the financial report, the treasurer may make the necessary correction. If the correction is required by the Minister of Municipal Affairs, Regions and Land Occupancy, the treasurer must make the correction as soon as possible. The treasurer must table any corrected report before the Authority’s board of directors and the Authority must send it to the Minister, the Minister of Municipal Affairs, Regions and Land Occupancy, and the Communauté métropolitaine de Montréal.

The first paragraph applies, with the necessary modifications, to the documents and information referred to in the second paragraph of section 98.”

CHARTER OF VILLE DE GATINEAU

21. Section 3 of Schedule B to the Charter of Ville de Gatineau (chapter C-11.1) is amended

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

“The leader of the governing party and the leader of the Opposition for the city council are designated in accordance with this section.”;

(2) by striking out the second paragraph;

(3) by replacing “third and fourth” in the fifth paragraph by “second and third”.

CHARTER OF VILLE DE LÉVIS

22. Section 19 of the Charter of Ville de Lévis (chapter C-11.2) is repealed.

CHARTER OF VILLE DE LONGUEUIL

23. Section 21 of the Charter of Ville de Longueuil (chapter C-11.3) is repealed.

24. The Charter is amended by inserting the following section after section 58.3.1:

“58.3.2. The city council shall adopt, for its whole territory, the public participation policy provided for in section 80.1 of the Act respecting land use planning and development (chapter A-19.1).

If the city’s public participation policy complies with the requirements of the regulation made under section 80.3 of that Act, no instrument of the city adopted by the council under that Act is subject to approval by way of referendum.”

25. Section 2 of Schedule C to the Charter is amended by striking out “, but is not entitled to the additional remuneration provided for in a by-law adopted under the Act respecting the remuneration of elected municipal officers (chapter T-11.001)”.

26. Section 4 of Schedule C to the Charter is amended

(1) by striking out the first paragraph;

(2) by replacing “For the purposes of this section, the opposition leader” in the second paragraph by “The leader of the opposition for the city council”.

27. Section 27.1 of Schedule C to the Charter is repealed.

CHARTER OF VILLE DE MONTRÉAL

28. Section 43 of the Charter of Ville de Montréal (chapter C-11.4) is amended by striking out the second and third paragraphs.

29. Section 83 of the Charter is amended

(1) by inserting the following subparagraph after subparagraph 2.1 of the first paragraph:

“(2.2) to hold a public consultation on the draft by-law enacting the public participation policy provided for in section 80.1 of the Act respecting land use planning and development (chapter A-19.1), despite section 80.4 of that Act;”;

(2) by adding the following subparagraph after subparagraph 3 of the first paragraph:

“(4) to hold a public consultation on any element designated for that purpose in the public participation policy adopted under section 80.1 of the Act respecting land use planning and development.”

30. The Charter is amended by inserting the following section after section 89.1.1:

“89.1.2. The city council shall adopt, for its whole territory, the public participation policy provided for in section 80.1 of the Act respecting land use planning and development (chapter A-19.1).

If the city’s public participation policy complies with the requirements of the regulation made under section 80.3 of that Act, no instrument of the city adopted by the council under that Act is subject to approval by way of referendum.”

31. Divisions III and IV of Chapter IV of the Charter, comprising sections 151.8 to 151.18, are repealed.

32. Section 16 of Schedule C to the Charter is amended

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

“The majority floor leader, leader of the opposition and opposition floor leader for the city council are designated in accordance with this section.”;

(2) by striking out the second paragraph;

(3) by replacing “third and fourth” in the fifth paragraph by “second and third”.

33. Section 50.1 of Schedule C to the Charter is amended by replacing “If the deterioration of a building endangers the health or safety of the occupants of the building” in the first paragraph by “If a building is decrepit or dilapidated”.

CHARTER OF VILLE DE QUÉBEC, NATIONAL CAPITAL OF QUÉBEC

34. Section 19 of the Charter of Ville de Québec, national capital of Québec (chapter C-11.5) is repealed.

35. The Charter is amended by inserting the following section after section 74.5.1:

“74.5.2. The city council shall adopt, for its whole territory, the public participation policy provided for in section 80.1 of the Act respecting land use planning and development (chapter A-19.1).

If the city’s public participation policy complies with the requirements of the regulation made under section 80.3 of that Act, no instrument of the city adopted by the council under that Act is subject to approval by way of referendum.”

36. Divisions III and IV of Chapter IV of the Charter, comprising sections 131.8 to 131.18, are repealed.

37. Section 2 of Schedule C to the Charter is amended by striking out “, except the entitlement to additional remuneration provided for in a by-law under the Act respecting the remuneration of elected municipal officers (chapter T-11.001)”.

38. Section 8 of Schedule C to the Charter is amended

(1) by striking out the first paragraph;

(2) by replacing “For the purposes of this section, the opposition leader” in the second paragraph by “The leader of the opposition for the city council”.

39. Section 96 of Schedule C to the Charter is amended by adding the following paragraph at the end:

“The by-law may require that a program for the re-utilization of vacated land be submitted after an affirmative decision is made regarding an application for authorization to demolish, instead of before the application is considered. In such a case, the authorization is subject to the program being approved.”

40. Section 99.1 of Schedule C to the Charter is repealed.

41. Section 105.1 of Schedule C to the Charter is amended by replacing “If the deterioration of a building endangers the health or safety of the occupants of the building and if” in the first paragraph by “If a building’s dilapidated state is likely to endanger the health or safety of persons and if”.

42. Section 105.6 of Schedule C to the Charter is amended

(1) by replacing “and” by a comma;

(2) by inserting “, and whose dilapidated state entails a risk for the health or safety of persons” after “carried out”.

CITIES AND TOWNS ACT

43. Section 28 of the Cities and Towns Act (chapter C-19) is amended by adding the following sentence at the end of the first paragraph of subsection 3: “A municipality may also become surety for a solidarity cooperative whose articles include a clause prohibiting the allotment of rebates or the payment of interest on any category of preferred shares unless the rebate is allotted or the interest is paid to a municipality, the Union des municipalités du Québec or the Fédération québécoise des municipalités locales et régionales (FQM).”

44. Section 29.3 of the Act is replaced by the following section:

“29.3. Every by-law or resolution that authorizes a municipality to enter into a contract, other than a construction contract or an intermunicipal agreement, under which the municipality makes a financial commitment and from which arises, either explicitly or implicitly, an obligation for the other contracting party to build, enlarge or substantially modify a building or infrastructure used for municipal purposes must, on pain of nullity, be submitted to the approval of the qualified voters according to the procedure provided for loan by-laws.”

45. Section 105 of the Act is replaced by the following section:

“105. At the end of the fiscal year, the treasurer shall draw up the financial report for that fiscal year and certify that it is accurate. The report must include

the municipality's financial statements and any other document or information required by the Minister.

The treasurer shall also produce a statement fixing the effective aggregate taxation rate of the municipality, in accordance with Division III of Chapter XVIII.1 of the Act respecting municipal taxation (chapter F-2.1), and any other document or information required by the Minister.

The Minister may prescribe any rule relating to the documents and information referred to in the first two paragraphs."

46. Section 105.1 of the Act is amended by replacing the first paragraph by the following paragraph:

"The treasurer shall, at a sitting of the council, table the financial report, the chief auditor's report referred to in the first paragraph of section 107.14, the external auditor's report referred to in the first paragraph of section 108.2 or the first paragraph of section 108.2.1 and any other document whose tabling is prescribed by the Minister."

47. Section 105.2 of the Act is replaced by the following section:

"105.2. After the tabling referred to in section 105.1 and not later than 15 May, the clerk shall transmit the financial report, the chief auditor's report and the external auditor's report to the Minister.

The clerk shall also transmit the documents and information referred to in the second paragraph of section 105 to the Minister within the time prescribed by the Minister.

If the financial report or the other documents and information referred to in the second paragraph are not transmitted to the Minister within the prescribed time, the Minister may cause them to be prepared, for any period and at the municipality's expense, by an officer of his department or by a person authorized to act as external auditor for a municipality. If the financial report or the other documents and information are prepared by a person other than an officer of the department, the person's fees are paid by the municipality unless the Minister decides to make the payment, in which case he may require reimbursement from the municipality."

48. The Act is amended by inserting the following sections after section 105.2:

"105.2.1. If, after the transmission referred to in section 105.2, an error is found in the financial report, the treasurer may make the necessary correction. If the correction is required by the Minister, the treasurer shall make the correction as soon as possible.

The treasurer shall table any corrected report at the next regular sitting of the council, and the clerk shall give public notice of the tabling at least five days before the sitting.

The clerk shall send the corrected report to the Minister as soon as possible.

The first and third paragraphs apply, with the necessary modifications, to the documents and information referred to in the second paragraph of section 105.

“105.2.2. At a regular sitting of the council held in June, the mayor shall make a report to the citizens on the highlights of the financial report, the chief auditor’s report and the external auditor’s report.

The mayor’s report shall be disseminated in the territory of the municipality in the manner determined by the council.”

49. Section 105.4 of the Act is amended

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

“The treasurer shall table two comparative statements at the last regular sitting of the council held at least four weeks before the sitting at which the budget for the following fiscal year is to be adopted. During a year in which a general election is held in the municipality, the two comparative statements shall be tabled not later than at the last regular sitting held before the council ceases sitting in accordance with section 314.2 of the Act respecting elections and referendums in municipalities (chapter E-2.2).”;

(2) by striking out the fourth paragraph.

50. Section 107.14 of the Act is replaced by the following section:

“107.14. The chief auditor shall report to the council on the audit of the municipality’s financial statements.

In the report, which must be transmitted to the treasurer, the chief auditor shall state, in particular, whether the financial statements faithfully represent the municipality’s financial position as at 31 December and the results of its operations for the fiscal year ending on that date.

The chief auditor shall report to the treasurer on the audit of any document determined by the Minister of Municipal Affairs, Regions and Land Occupancy and on the audit of the statement fixing the aggregate taxation rate, in respect of which the chief auditor shall declare whether the effective rate was fixed in accordance with Division III of Chapter XVIII.1 of the Act respecting municipal taxation (chapter F-2.1).”

51. Section 108.2 of the Act is replaced by the following section:

“108.2. Subject to section 108.2.1, the external auditor shall audit the municipality’s financial statements for the fiscal year for which he was appointed and report to the council on the audit.

In the report, which must be transmitted to the treasurer, the external auditor shall state, in particular, whether the financial statements faithfully represent the municipality’s financial position as at 31 December and the results of its operations for the fiscal year ending on that date.

The external auditor shall report to the treasurer on the audit of any document determined by the Minister of Municipal Affairs, Regions and Land Occupancy and on the audit of the statement fixing the aggregate taxation rate, in respect of which the external auditor shall declare whether the effective rate was fixed in accordance with Division III of Chapter XVIII.1 of the Act respecting municipal taxation (chapter F-2.1).”

52. Section 108.2.1 of the Act is replaced by the following section:

“108.2.1. In the case of a municipality with a population of 100,000 or more, the external auditor shall audit, for the fiscal year for which the external auditor was appointed, the accounts relating to the chief auditor and the financial statements of the municipality and shall report to the council on the audit.

In the report on the financial statements, which must be transmitted to the treasurer, the external auditor shall state, in particular, whether the financial statements faithfully represent the municipality’s financial position as at 31 December and the results of its operations for the fiscal year ending on that date.

The external auditor shall report to the treasurer on the audit of any document determined by the Minister of Municipal Affairs, Regions and Land Occupancy.”

53. Section 108.3 of the Act is repealed.

54. Section 319 of the Act is amended by adding the following sentence at the end of the second paragraph: “Any documents useful in making decisions must, barring exceptional situations, be available to the members of the council not later than 72 hours before the time set for the commencement of the sitting.”

55. The Act is amended by inserting the following sections after section 345:

“345.1. Subject to the second paragraph of section 345.3, a municipality may, by by-law, determine the terms governing publication of its public notices. These terms may differ according to the type of notice, but the by-law must prescribe their publication on the Internet.

Where such a by-law is in force, the mode of publication that it prescribes has precedence over the mode of publication prescribed by section 345 or by any other provision of a general law or special Act.

“345.2. A by-law adopted under section 345.1 may not be repealed, but it may be amended.

“345.3. The Government may, by regulation, set minimum standards relating to publication of municipal public notices. Different standards may be set for any group of municipalities.

The regulation must prescribe measures that promote dissemination of information that is complete, that citizens find coherent and that is adapted to the circumstances.

The regulation may also prescribe that the municipalities or any group of municipalities the Government identifies must adopt a by-law under section 345.1 within the prescribed time.

“345.4. The Minister may make a regulation in the place of any municipality that fails to comply with the time prescribed under section 345.3; the regulation made by the Minister is deemed to be a by-law adopted by the council of the municipality.”

56. Section 356 of the Act is replaced by the following section:

“356. The passing of every by-law must be preceded by the tabling of a draft by-law at a sitting of the council and a notice of motion must be given at the same sitting or at a separate sitting.

Every draft by-law may be amended after it has been tabled before the council, without it being necessary to table it again.

The by-law must be passed at a separate sitting from those mentioned in the first paragraph. Not later than two days before that separate sitting, any person may obtain a copy from the person in charge of access to documents for the municipality. That person must make copies available to the public at the beginning of the sitting.

Before the by-law is passed, the clerk or the person presiding at the sitting must mention the object, scope and cost of the by-law and, where applicable, the mode of financing and the mode of payment and repayment.”

57. Section 468.26 of the Act is amended by striking out “, except the provisions relating to the minimum amount of remuneration thus fixed,”.

58. Section 468.51 of the Act is amended by inserting “, 105.2.1” after “105.2” in the first paragraph.

59. Section 474.1 of the Act is repealed.

60. Section 474.2 of the Act is amended by adding the following sentence at the end of the first paragraph: “The draft budget and the draft three-year program of capital expenditures must be available to members of the council as soon as the public notice is given.”

61. Section 477.5 of the Act is amended

(1) by inserting the following paragraph after the fourth paragraph:

“If the contract involves an expenditure of at least \$25,000 but less than \$100,000, is not referred to in the fourth paragraph, and is made under a provision of the by-law on contract management adopted under the fourth paragraph of section 573.3.1.2, the list must mention how the contract was awarded.”;

(2) by replacing “fourth and fifth” and “fifth paragraph” in the last paragraph by “fourth, fifth and sixth” and “sixth paragraph”, respectively.

62. Section 477.6 of the Act is amended by replacing the second paragraph by the following paragraphs:

“The municipality must also publish on its website,

(1) on a permanent basis, a statement concerning the publication requirement under the first paragraph and a hyperlink to the list described in section 477.5; and

(2) not later than 31 January each year, the list of all contracts involving an expenditure exceeding \$2,000 entered into in the last full fiscal year preceding that date with the same contracting party if those contracts involve a total expenditure exceeding \$25,000. The list shall indicate, for each contract, the name of the contracting party, the amount of the consideration and the object of the contract.

If the municipality does not have a website, the statement, hyperlink and list whose publication is required under the second paragraph must be published on the website of the regional county municipality whose territory includes that of the municipality or, if the regional county municipality does not have a website, on another website of which the municipality shall give public notice of the address at least once a year.”

63. Section 487.1 of the Act is amended

(1) by inserting “or subcategories” after “certain categories” in the first paragraph;

(2) by inserting the following at the end of the first paragraph: “or subcategories. It may also, in respect of the special tax, fix specific rates for the property tax on the category of non-residential immovables based on the property assessment for the same categories or subcategories of immovables for which it has chosen to apply the measure in respect of the general property tax”;

(3) by replacing “4 and 5” in subparagraph 1 of the third paragraph by “4, 5, 6 and 7”.

64. The Act is amended by inserting the following after section 500:

“II.1. — *General taxation power*

“**500.1.** Every municipality may, by by-law, impose a municipal tax in its territory, provided it is a direct tax and the by-law meets the criteria set out in the fourth paragraph.

The municipality is not authorized to impose the following taxes:

- (1) a tax in respect of the supply of a property or a service;
- (2) a tax on income, revenue, profits or receipts, or in respect of similar amounts;
- (3) a tax on paid-up capital, reserves, retained earnings, contributed surplus or indebtedness, or in respect of similar amounts;
- (4) a tax in respect of machinery and equipment used in scientific research and experimental development or in manufacturing and processing or in respect of any assets used to enhance productivity, including computer hardware and software;
- (5) a tax in respect of remuneration that an employer pays or must pay for services, including non-monetary remuneration that the employer confers or must confer;
- (6) a tax on wealth, including an inheritance tax;
- (7) a tax on an individual because the latter is present or resides in the territory of the municipality;
- (8) a tax in respect of alcoholic beverages within the meaning of section 2 of the Act respecting offences relating to alcoholic beverages (chapter I-8.1);
- (9) a tax in respect of tobacco or raw tobacco within the meaning of section 2 of the Tobacco Tax Act (chapter I-2);

(10) a tax in respect of fuel within the meaning of section 1 of the Fuel Tax Act (chapter T-1);

(11) a tax in respect of a natural resource;

(12) a tax in respect of energy, in particular electric power; or

(13) a tax collected from a person who uses a public highway within the meaning of section 4 of the Highway Safety Code (chapter C-24.2), in respect of equipment placed under, on or above a public highway to provide a public service.

For the purposes of subparagraph 1 of the second paragraph, “property”, “supply” and “service” have the meanings assigned to them by the Act respecting the Québec sales tax (chapter T-0.1).

The by-law referred to in the first paragraph must state

(1) the subject of the tax to be imposed;

(2) the tax rate or the amount of tax payable; and

(3) how the tax is to be collected and the designation of any persons authorized to collect the tax as agents for the municipality.

The by-law referred to in the first paragraph may prescribe

(1) exemptions from the tax;

(2) penalties for failing to comply with the by-law;

(3) collection fees and fees for insufficient funds;

(4) interest and specific interest rates on outstanding taxes, penalties or fees;

(5) assessment, audit, inspection and inquiry powers;

(6) refunds and remittances;

(7) the keeping of registers;

(8) the establishment and use of dispute resolution mechanisms;

(9) the establishment and use of enforcement measures if a portion of the tax, interest, penalties or fees remains unpaid after it is due, including measures such as garnishment, seizure and sale of property;

(10) considering the debt for outstanding taxes, including interest, penalties and fees, to be a prior claim on the immovables or movables in respect of which it is due, in the same manner and with the same rank as the claims described in paragraph 5 of article 2651 of the Civil Code, and creating and registering a security by a legal hypothec on the immovables or movables; and

(11) criteria according to which the rate and the amount of the tax payable may vary.

“500.2. The municipality is not authorized to impose a tax under section 500.1 in respect of

(1) the State, the Crown in right of Canada or one of their mandataries;

(2) a school board, a general and vocational college, a university establishment within the meaning of the University Investments Act (chapter I-17) or the Conservatoire de musique et d’art dramatique du Québec;

(3) a private educational institution operated by a non-profit body in respect of an activity that is exercised in accordance with a permit issued under the Act respecting private education (chapter E-9.1), a private educational institution accredited for purposes of subsidies under that Act or an institution whose instructional program is the subject of an international agreement within the meaning of the Act respecting the Ministère des Relations internationales (chapter M-25.1.1);

(4) a public institution within the meaning of the Act respecting health services and social services (chapter S-4.2);

(5) a private institution referred to in paragraph 3 of section 99 or section 551 of the Act respecting health services and social services in respect of an activity that is exercised in accordance with a permit issued to the institution under that Act and is inherent in the mission of a local community service centre, a residential and long-term care centre or a rehabilitation centre within the meaning of that Act;

(6) a childcare centre within the meaning of the Educational Childcare Act (chapter S-4.1.1); or

(7) any other person determined by a regulation of the Government.

A tax imposed under section 500.1 does not give entitlement to payment of an amount determined under Division V of Chapter XVIII of the Act respecting municipal taxation (chapter F-2.1).

“500.3. Section 500.1 does not limit any other taxation power granted to the municipality by law.

“500.4. The use of an enforcement measure established by a by-law adopted under section 500.1 does not prevent the municipality from using any other remedy provided by law to recover the amounts owing under that by-law.

“500.5. The municipality may enter into an agreement with another person, including the State, for the collection and recovery of a tax imposed under section 500.1 and the administration and enforcement of a by-law imposing the tax. The agreement may authorize the person to collect the taxes and oversee the administration and enforcement of the by-law on the municipality’s behalf.

“II.2. — *Dues*

“500.6. Every municipality may charge dues to help fund a regulatory regime applicable to a matter under its jurisdiction. Dues may also be charged with the main goal of furthering achievement of the objectives of the regime by influencing citizens’ behaviour.

Revenues from the dues must be paid into a fund established exclusively to receive them and help fund the regime.

The first paragraph applies subject to sections 145.21 to 145.30 of the Act respecting land use planning and development (chapter A-19.1), to the extent that the dues charged are collected from an applicant referred to in subparagraph 2 of the first paragraph of section 145.21 of that Act and that the dues are used to finance an expense referred to in that subparagraph.

“500.7. The decision to charge dues is made by a by-law that must

- (1) identify the regulatory regime and its objectives;
- (2) specify to whom the dues are to be charged;
- (3) determine the amount of the dues or a way of determining the amount, including any criteria according to which the amount may vary;
- (4) establish the reserve fund and expressly identify the purposes for which the sums paid into it may be used; and
- (5) state how the dues are to be collected.

The by-law may prescribe collection fees and fees for insufficient funds.

The municipality shall send an authenticated copy of the by-law to the Minister of Municipal Affairs, Regions and Land Occupancy within 15 days after its adoption.

“500.8. The dues may be charged only to a person benefiting from the regulatory regime identified in the by-law or carrying on activities that require regulation.

“500.9. The amount of the dues may not be determined on the basis of an element referred to in subparagraphs 2 to 6 or 8 to 12 of the second paragraph of section 500.1, with the necessary modifications, or on the basis of residency in the municipality’s territory.

Any criterion according to which the amount of the dues may vary must be justified in relation to the objectives of the regulatory regime.

“500.10. The municipality may enter into an agreement with another person, including the State, providing for the collection and recovery of dues and the administration and enforcement of the by-law under which dues are charged.

“500.11. The municipality is not authorized to charge dues under section 500.6 to a person mentioned in any of subparagraphs 1 to 7 of the first paragraph of section 500.2.

The Government may prohibit the collection of dues under section 500.6 or impose restrictions with respect to such collection if it considers that those dues conflict with or duplicate dues that are or may be charged by another public body within the meaning of section 1 of the Act respecting municipal taxation (chapter F-2.1).

The Government’s decision takes effect on the date of its publication in the *Gazette officielle du Québec* or any later date mentioned in the decision.

Dues charged under section 500.6 do not give entitlement to payment of an amount determined under Division V of Chapter XVIII of the Act respecting municipal taxation.”

65. Section 547 of the Act is amended by striking out the fourth paragraph.

66. Section 556 of the Act is amended by inserting the following paragraphs after the second paragraph:

“Likewise, a loan by-law requires only the approval of the Minister if

(1) the object of the by-law is to carry out road construction, drinking water supply or waste water disposal work, work to eliminate a risk for the health or safety of persons, work required to comply with an obligation under an Act or regulation, or any incidental expenditure; and

(2) the repayment of the loan is assured by the general revenues of the municipality or is entirely borne by the owners of immovables in the entire territory of the municipality.

A loan by-law also requires only the approval of the Minister if a subsidy has been granted for at least 50% of the expenditure to be incurred and payment of the subsidy is assured by the Government or one of its ministers or bodies. In such a case, the Minister may, however, require that the loan by-law be submitted for approval to the qualified voters.”

67. Section 557 of the Act is amended

(1) by replacing “the following proportion of the qualified voters domiciled in the territory of the municipality:” in the first paragraph by “10% of the number of qualified voters in the territory of the municipality, up to a maximum of 30,000.”;

(2) by striking out subparagraphs 1 to 3 of the first paragraph.

68. Section 567 of the Act is amended by replacing subsection 3 by the following subsection:

“(3) A municipality may, by a by-law requiring only the approval of the Minister of Municipal Affairs, Regions and Land Occupancy, order a loan for an amount not exceeding the amount of a subsidy of which payment is assured by the Government or one of its ministers or bodies and for a term corresponding to the payment period of the subsidy.

The by-law’s sole object may be a loan for an amount corresponding to the subsidy and, despite section 544.1, the sums borrowed may be used, in whole or in part, to repay the general fund of the municipality.

For the purposes of the two preceding paragraphs, the amount of the loan is deemed not to exceed that of the subsidy if the amount by which the former exceeds the latter is not greater than 10% of the subsidy and corresponds to the amount needed to pay the interest on the temporary loan contracted and the financing expenses related to the securities issued.”

69. Section 573.1.0.1 of the Act is amended

(1) by striking out “Subject to section 573.1.0.1.1,” in the first paragraph;

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

“The council shall establish a selection committee consisting of at least three members, other than council members; the committee shall evaluate each tender and assign it a number of points for each criterion.”

70. Section 573.1.0.1.1 of the Act is amended

(1) by replacing “Where a contract for professional services is to be awarded, the council must” in the introductory clause of the first paragraph by “The council may”;

(2) by inserting the following subparagraphs after subparagraph 2 of the first paragraph:

“(2.1) the system must mention, if applicable, all the evaluation criteria and the minimum number of points that must be assigned to each to establish an interim score for a tender;

“(2.2) the system must mention the factor, varying between 0 and 50, to be added to the interim score in the formula in subparagraph *e* of subparagraph 3 for establishing the final score;”;

(3) by replacing “50” in subparagraph *e* of subparagraph 3 of the first paragraph by “the factor determined under subparagraph 2.2”;

(4) by replacing the second paragraph by the following paragraph:

“The call for tenders or a document to which it refers must

(1) mention all the requirements and all the criteria that will be used to evaluate the bids, in particular the minimum interim score of 70, and the bid weighting and evaluating methods based on those criteria;

(2) specify that the tender is to be submitted in an envelope containing all the documents and an envelope containing the proposed price; and

(3) mention which criterion, between the lowest proposed price and the highest interim score, will be used to break a tie in the number of points assigned to final tenders by the selection committee.”;

(5) by replacing the third paragraph by the following paragraph:

“The council may not award the contract to a person other than the person who submitted a tender within the prescribed time and whose tender received the highest final score. If more than one tender obtained the highest final score, the council shall award the contract to the person who submitted the tender that meets the criterion mentioned, in accordance with subparagraph 3 of the second paragraph, in the call for tenders or a document to which it refers.”;

(6) by striking out the fifth paragraph.

71. The Act is amended by inserting the following section after section 573.1.0.1.1:

“573.1.0.1.2. Where a contract for professional services is to be awarded, the council must use the system of bid weighting and evaluating provided for in section 573.1.0.1 or 573.1.0.1.1.”

72. Section 573.1.0.5 of the Act is amended

(1) by striking out “to award a contract described in the second paragraph” in the first paragraph;

(2) by striking out the second paragraph;

(3) by replacing “council shall establish a selection committee consisting of at least three members, other than council members; the committee” in the fourth paragraph by “selection committee”;

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

“The Minister of Municipal Affairs, Regions and Land Occupancy may, on the conditions he determines, authorize the council to pay a financial compensation to each tenderer, other than the one to whom the contract is awarded, who submitted a compliant tender. In such a case, the call for tenders must provide for such a payment and may not be published before the Minister has given his authorization.”

73. Section 573.3 of the Act is amended by replacing the last paragraph by the following paragraph:

“Section 573.1 does not apply to a contract

(1) covered by the regulation in force made under section 573.3.0.1; or

(2) whose object is the supply of insurance, equipment, materials or services and that is entered into with a solidarity cooperative whose articles include a clause prohibiting the allotment of rebates or the payment of interest on any category of preferred shares unless the rebate is allotted or the interest is paid to a municipality, the Union des municipalités du Québec or the Fédération québécoise des municipalités locales et régionales (FQM).”

74. Section 573.3.1.2 of the Act is replaced by the following section:

“573.3.1.2. Every municipality must adopt a by-law on contract management.

The by-law is applicable to all contracts, including contracts that are not described in any of the subparagraphs of the first paragraph of subsection 1 of section 573 or in section 573.3.0.2.

The by-law must include

(1) measures to ensure compliance with any applicable anti-bid-rigging legislation;

(2) measures to ensure compliance with the Lobbying Transparency and Ethics Act (chapter T-11.011) and the Code of Conduct for Lobbyists (chapter T-11.011, r. 2) adopted under that Act;

(3) measures to prevent intimidation, influence peddling and corruption;

(4) measures to prevent conflict of interest situations;

(5) measures to prevent any other situation likely to compromise the impartiality or objectivity of the call for tenders or the management of the resulting contract;

(6) measures to govern the making of decisions authorizing the amendment of a contract; and

(7) for contracts that involve an expenditure of less than \$100,000 and that may be entered into by mutual agreement, measures to ensure rotation among potential contracting parties.

The by-law may prescribe the rules governing the making of contracts that involve an expenditure of at least \$25,000 but less than \$100,000. The rules may vary according to determined categories of contracts. Where such rules are in force, section 573.1 does not apply to those contracts.

The by-law, and any other by-law regarding contract management, in particular any by-law delegating the power to incur an expense or make a contract on behalf of the municipality, must be permanently published on the website on which the municipality posts the statement and hyperlink required under the second paragraph of section 477.6.

Not later than 30 days after the day on which a by-law is adopted under this section, the clerk must send a certified copy of it to the Minister of Municipal Affairs, Regions and Land Occupancy.

The municipality shall table a report on the application of the by-law at least once a year at a sitting of the council.

As regards non-compliance with a measure included in the by-law, section 573.3.4 applies only in the case of a contract for which the contracting process began after the date as of which the measure was included in the by-law.”

75. The Act is amended by inserting the following section after section 573.3.4:

“573.3.5. Sections 573 to 573.3.4 apply, with the necessary modifications, to any body that meets one of the following conditions:

(1) it is a body declared by law to be a mandatory or agent of a municipality;

(2) the majority of the members of its board of directors must, under the rules applicable to it, be members of a council of a municipality or be appointed by a municipality;

(3) its budget is adopted or approved by a municipality;

(4) more than half of its financing is assured by funds from a municipality and its annual income is equal to or greater than \$1,000,000; or

(5) it is designated by the Minister as a body subject to those provisions.

In addition, the body that meets one of the conditions set out in the first paragraph is deemed to be a local municipality for the purposes of a regulation made under section 573.3.0.1 or 573.3.1.1.

Where, under any of sections 573 to 573.3.4, a municipality is authorized to make by-laws, a body that is not generally authorized to prescribe that a penalty may be imposed for non-compliance with a regulatory provision under its jurisdiction shall adopt, by resolution or by any means it usually employs to make decisions, the measures or provisions covered by the municipality's authorization.

This section does not apply

(1) to a body that an Act makes subject to sections 573 to 573.3.4 of this Act, articles 934 to 938.4 of the Municipal Code of Québec (chapter C-27.1), sections 106 to 118.2 of the Act respecting the Communauté métropolitaine de Montréal (chapter C-37.01), sections 99 to 111.2 of the Act respecting the Communauté métropolitaine de Québec (chapter C-37.02) or sections 92.1 to 108.2 of the Act respecting public transit authorities (chapter S-30.01);

(2) to a mixed enterprise company; or

(3) to a body that is similar to a mixed enterprise company and is constituted under a private Act, including the legal persons constituted under chapters 56, 61 and 69 of the statutes of 1994, chapter 84 of the statutes of 1995 and chapter 47 of the statutes of 2004.”

76. The Act is amended by inserting the following division after section 573.20:

“DIVISION XI.2

“DISSEMINATION OF CERTAIN INFORMATION

“**573.20.1.** The Government may, by regulation, determine the information that every municipality is required to disseminate in an open document format on a storage medium so that it can be reused.

The regulation must set out the terms governing the dissemination of such information, which terms may vary according to the different classes of municipalities.”

HIGHWAY SAFETY CODE

77. Section 329 of the Highway Safety Code (chapter C-24.2) is amended by replacing “, the second paragraph of section 628 or of section 628.1” in the third paragraph by “or the second paragraph of section 628”.

78. The Code is amended by inserting the following section after section 500.1:

“**500.2.** Despite sections 499 and 500 of this Code, a municipality may, by by-law, permit free play on a public highway under its management.

The by-law must prescribe

- (1) the zones where free play is permitted;
- (2) any applicable restrictions on traffic and any applicable safety rules;
- (3) the prohibitions respecting free play, if applicable;
- (4) any other condition related to the exercise of that permission.

The municipality must indicate, by means of proper signs or signals, the zones where free play is permitted under the by-law.

The municipality may determine the provisions of the by-law the violation of which constitutes an offence and determine the applicable fines, up to a maximum of \$120.”

79. Section 626 of the Code is amended by replacing the third, fourth and fifth paragraphs by the following paragraph:

“Any by-law or ordinance passed under subparagraph 14 of the first paragraph shall, within 15 days after it is passed, be sent to the Minister of Transport. The Minister of Transport may disallow all or part of the by-law or ordinance at any time. In such a case, the by-law or ordinance or the part of either that is disallowed ceases to have effect on the date a notice of disallowance is published in the *Gazette officielle du Québec* or on any later date specified in the notice. The Minister shall notify the municipality of his decision as soon as possible.”

80. Section 628.1 of the Code is repealed.

81. Section 647 of the Code is amended by replacing “paragraphs 4, 5 and 8” in the first paragraph by “subparagraphs 4, 5 and 8 of the first paragraph”.

MUNICIPAL CODE OF QUÉBEC

82. Article 9 of the Municipal Code of Québec (chapter C-27.1) is amended by adding the following sentence at the end of the first paragraph: “A municipality may also become surety for a solidarity cooperative whose articles include a clause prohibiting the allotment of rebates or the payment of interest on any category of preferred shares unless the rebate is allotted or the interest is paid to a municipality, the Union des municipalités du Québec or the Fédération québécoise des municipalités locales et régionales (FQM).”

83. Article 14.1 of the Code is replaced by the following article:

“**14.1.** Every by-law or resolution that authorizes a municipality to enter into a contract, other than a construction contract or an intermunicipal agreement, under which the municipality makes a financial commitment and from which arises, either explicitly or implicitly, an obligation for the other contracting party to build, enlarge or substantially modify a building or infrastructure used for municipal purposes must, on pain of nullity, be submitted to the approval of the qualified voters according to the procedure provided for loan by-laws.”

84. The Code is amended by inserting the following article after article 142:

“**142.1.** The council may, by by-law, grant the head of the council the right, at any time, to suspend any officer or employee of the municipality until the next sitting of the council. If the head of the council avails himself of such right, he must report the suspension to the council at that sitting and state the reasons in writing.

The suspended officer or employee is not to receive any salary for the period during which he is suspended, unless the council decides otherwise.”

85. Article 148 of the Code is amended by adding the following sentence at the end of the second paragraph: “Any documents useful in making decisions must, barring exceptional situations, be available to the members of the council not later than 72 hours before the time set for the beginning of the sitting.”

86. Article 176 of the Code is replaced by the following article:

“**176.** At the end of the fiscal year, the secretary-treasurer shall draw up the financial report for that fiscal year and certify that it is accurate. The report must include the municipality’s financial statements and any other document or information required by the Minister.

The secretary-treasurer shall also produce a statement fixing the effective aggregate taxation rate of the municipality, in accordance with Division III of Chapter XVIII.1 of the Act respecting municipal taxation (chapter F-2.1), and any other document or information required by the Minister.

The Minister may prescribe any rule relating to the documents and information referred to in the first two paragraphs.”

87. Article 176.1 of the Code is amended by replacing the first paragraph by the following paragraph:

“The secretary-treasurer shall, at a sitting of the council, table the financial report, the external auditor’s report referred to in the first paragraph of article 966.2 and any other document whose tabling is prescribed by the Minister.”

88. Article 176.2 of the Code is replaced by the following article:

“**176.2.** After the tabling referred to in article 176.1 and not later than 15 May, the secretary-treasurer shall transmit the financial report and the external auditor’s report to the Minister.

The secretary-treasurer shall also transmit the documents and information referred to in the second paragraph of article 176 to the Minister within the time prescribed by the Minister.

If the financial report or the other documents and information referred to in the second paragraph are not transmitted to the Minister within the prescribed time, the Minister may cause them to be prepared, for any period and at the municipality’s expense, by an officer of his department or by a person authorized to act as external auditor for a municipality. If the financial report or the other documents and information are prepared by a person other than an officer of the department, the person’s fees are paid by the municipality unless the Minister decides to make the payment, in which case he may require reimbursement from the municipality.”

89. The Code is amended by inserting the following articles after article 176.2:

“**176.2.1.** If, after the transmission referred to in article 176.2, an error is found in the financial report, the secretary-treasurer may make the necessary correction. If the correction is required by the Minister, the secretary-treasurer shall make the correction as soon as possible.

The secretary-treasurer shall table any corrected report at the next regular sitting of the council, and the secretary-treasurer shall give public notice of the tabling at least five days before the sitting.

The secretary-treasurer shall send the corrected report to the Minister as soon as possible.

The first and third paragraphs apply, with the necessary modifications, to the documents and information referred to in the second paragraph of article 176.”

“176.2.2. At a regular sitting of the council held in June, the mayor shall make a report to the citizens on the highlights of the financial report and the external auditor’s report.

The mayor’s report shall be disseminated in the territory of the municipality in the manner determined by the council.”

90. Article 176.4 of the Code is amended

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

“The secretary-treasurer shall table two comparative statements at the last regular sitting of the council held at least four weeks before the sitting at which the budget for the following fiscal year is to be adopted. During a year in which a general election is held in the municipality, the two comparative statements shall be tabled not later than at the last regular sitting held before the council ceases sitting in accordance with section 314.2 of the Act respecting elections and referendums in municipalities (chapter E-2.2).”;

(2) by striking out the fourth paragraph.

91. The Code is amended by inserting the following articles after article 433:

“433.1. Subject to the second paragraph of article 433.3, a municipality may, by by-law, determine the terms governing publication of its public notices. These terms may differ according to the type of notice, but the by-law must prescribe their publication on the Internet.

Where such a by-law is in force, the mode of publication that it prescribes has precedence over the mode of publication prescribed by articles 431 to 433 or by any other provision of a general law or special Act.

“433.2. A by-law adopted under article 433.1 may not be repealed, but it may be amended.

“433.3. The Government may, by regulation, set minimum standards relating to publication of municipal public notices. Different standards may be set for any group of municipalities.

The regulation must prescribe measures that promote the dissemination of information that is complete, that citizens find coherent and that is adapted to the circumstances.

The regulation may also prescribe that the municipalities or any group of municipalities the Government identifies must adopt a by-law under section 433.1 within the prescribed time.

“**433.4.** The Minister may make a regulation in the place of any municipality that fails to comply with the time prescribed in accordance with article 433.3; the regulation made by the Minister is deemed to be a by-law passed by the council of the municipality.”

92. Article 445 of the Code is replaced by the following article:

“**445.** The passing of every by-law must be preceded by the tabling of a draft by-law at a sitting of the council and a notice of motion must be given at the same sitting or at a separate sitting.

Every draft by-law may be amended after it has been tabled before the council, without it being necessary to table it again.

However, in the case of a by-law passed by the council of a regional county municipality, the notice of motion and draft by-law may be replaced by a notice given by registered mail to the members of that council. The secretary-treasurer of the regional county municipality shall transmit the notice to the council members at least 10 days before the date of the sitting at which the by-law mentioned in the notice will be considered. He shall post the notice within the same time at the office of the regional county municipality.

The preceding paragraph applies, with the necessary modifications, to by-laws passed by a board of delegates.

The by-law must be passed at a separate sitting from those mentioned in the first paragraph. Not later than two days before that separate sitting, any person may obtain a copy from the person in charge of access to documents for the municipality. That person must make copies available to the public at the beginning of the sitting.

Before the by-law is passed, the secretary-treasurer or the person presiding at the sitting must mention the object, scope and cost of the by-law and, where applicable, the mode of financing and the mode of payment and repayment.”

93. Article 595 of the Code is amended by striking out “, except the provisions relating to the minimum amount of remuneration thus fixed,”.

94. Article 620 of the Code is amended by inserting “, 105.2.1” after “105.2” in the first paragraph.

95. Article 936.0.1 of the Code is amended

(1) by striking out “Subject to article 936.0.1.1,” in the first paragraph;

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

“The council shall establish a selection committee consisting of at least three members, other than council members; the committee shall evaluate each tender and assign it a number of points for each criterion.”

96. Article 936.0.1.1 of the Code is amended

(1) by replacing “Where a contract for professional services is to be awarded, the council must” in the introductory clause of the first paragraph by “The council may”;

(2) by inserting the following subparagraphs after subparagraph 2 of the first paragraph:

“(2.1) the system must mention, if applicable, all the evaluation criteria and the minimum number of points that must be assigned to each to establish an interim score for a tender;

“(2.2) the system must mention the factor, varying between 0 and 50, to be added to the interim score in the formula in subparagraph *e* of subparagraph 3 for establishing the final score.”;

(3) by replacing “50” in subparagraph *e* of subparagraph 3 of the first paragraph by “the factor determined under subparagraph 2.2”;

(4) by replacing the second paragraph by the following paragraph:

“The call for tenders or a document to which it refers must

(1) mention all the requirements and all the criteria that will be used to evaluate the bids, in particular the minimum interim score of 70, and the bid weighting and evaluating methods based on those criteria;

(2) specify that the tender is to be submitted in an envelope containing all the documents and an envelope containing the proposed price; and

(3) mention which criterion, between the lowest proposed price and the highest interim score, will be used to break a tie in the number of points assigned to final tenders by the selection committee.”;

(5) by replacing the third paragraph by the following paragraph:

“The council may not award the contract to a person other than the person who submitted a tender within the prescribed time and whose tender received the highest final score. If more than one tender obtained the highest final score, the council shall award the contract to the person who submitted the tender that meets the criterion mentioned, in accordance with subparagraph 3 of the second paragraph, in the call for tenders or a document to which it refers.”;

(6) by striking out the fifth paragraph.

97. The Code is amended by inserting the following article after article 936.0.1.1:

“936.0.1.2. Where a contract for professional services is to be awarded, the council must use the system of bid weighting and evaluating provided for in article 936.0.1 or 936.0.1.1.”

98. Article 936.0.5 of the Code is amended

(1) by striking out “to award a contract described in the second paragraph” in the first paragraph;

(2) by striking out the second paragraph;

(3) by replacing “council shall establish a selection committee consisting of at least three members, other than council members; the committee” in the fourth paragraph by “selection committee”;

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

“The Minister of Municipal Affairs, Regions and Land Occupancy may, on the conditions he determines, authorize the council to pay a financial compensation to each tenderer, other than the one to whom the contract is awarded, who submitted a compliant tender. In such a case, the call for tenders must provide for such a payment and may not be published before the Minister has given his authorization.”

99. Article 938 of the Code is amended by replacing the last paragraph by the following paragraph:

“Article 936 does not apply to a contract

(1) covered by the regulation in force made under article 938.0.1; or

(2) whose object is the supply of insurance, equipment, materials or services and that is entered into with a solidarity cooperative whose articles include a clause prohibiting the allotment of rebates or the payment of interest on any category of preferred shares unless the rebate is allotted or the interest is paid to a municipality, the Union des municipalités du Québec or the Fédération québécoise des municipalités locales et régionales (FQM).”

100. Article 938.1.2 of the Code is replaced by the following section:

“938.1.2. Every municipality must adopt a by-law on contract management.

The by-law is applicable to all contracts, including contracts that are not described in any of the subparagraphs of the first paragraph of subarticle 1 of article 935 or in article 938.0.2.

The by-law must include

- (1) measures to ensure compliance with any applicable anti-bid-rigging legislation;
- (2) measures to ensure compliance with the Lobbying Transparency and Ethics Act (chapter T-11.011) and the Code of Conduct for Lobbyists (chapter T-11.011, r. 2) adopted under that Act;
- (3) measures to prevent intimidation, influence peddling and corruption;
- (4) measures to prevent conflict of interest situations;
- (5) measures to prevent any other situation likely to compromise the impartiality or objectivity of the call for tenders or the management of the resulting contract;
- (6) measures to govern the making of decisions authorizing the amendment of a contract; and
- (7) for contracts that involve an expenditure of less than \$100,000 and that may be entered into by mutual agreement, measures to ensure rotation among potential contracting parties.

The by-law may prescribe the rules governing the making of contracts that involve an expenditure of at least \$25,000 but less than \$100,000. The rules may vary according to determined categories of contracts. Where such rules are in force, article 936 does not apply to those contracts.

The by-law, and any other by-law regarding contract management, in particular any by-law delegating the power to incur an expense or make a contract on behalf of the municipality, must be permanently published on the website on which the municipality posts the statement and hyperlink required under the second paragraph of article 961.4.

Not later than 30 days after the day on which a by-law is adopted under this article, the secretary-treasurer must send a certified copy of it to the Minister of Municipal Affairs, Regions and Land Occupancy.

The municipality shall table a report on the application of the by-law at least once a year at a sitting of the council.

As regards non-compliance with a measure included in the by-law, article 938.4 applies only in the case of a contract for which the contracting process began after the date as of which the measure was included in the by-law.”

101. Article 955 of the Code is repealed.

102. Article 956 of the Code is amended by adding the following sentence at the end of the first paragraph: “The draft budget and the draft three-year program of capital expenditures must be available to members of the council as soon as the public notice is given.”

103. Article 961.3 of the Code is amended

(1) by inserting the following paragraph after the fourth paragraph:

“If the contract involves an expenditure of at least \$25,000 but less than \$100,000, is not referred to in the fourth paragraph, and is made under a provision of the by-law on contract management adopted under the fourth paragraph of article 938.1.2, the list must mention how the contract was awarded.”;

(2) by replacing “fourth and fifth” and “fifth paragraph” in the last paragraph by “fourth, fifth and sixth” and “sixth paragraph”, respectively.

104. Article 961.4 of the Code is amended by replacing the second paragraph by the following paragraphs:

“The municipality must also publish on its website,

(1) on a permanent basis, a statement concerning the publication requirement under the first paragraph and a hyperlink to the list described in article 961.3; and

(2) not later than 31 January each year, the list of all contracts involving an expenditure exceeding \$2,000 entered into in the last full fiscal year preceding that date with the same contracting party if those contracts involve a total expenditure exceeding \$25,000. The list shall indicate, for each contract, the name of the contracting party, the amount of the consideration and the object of the contract.

If the municipality does not have a website, the statement, hyperlink and list whose publication is required under the second paragraph must be published on the website of the regional county municipality whose territory includes that of the municipality or, if the regional county municipality does not have a website, on another website of which the municipality shall give public notice of the address at least once a year.”

105. Article 966.2 of the Code is replaced by the following article:

“**966.2.** The external auditor shall audit, for the fiscal year for which he was appointed, the municipality’s financial statements and report to the council on the audit.

In the report, which shall be transmitted to the secretary-treasurer, the external auditor shall state, in particular, whether the financial statements faithfully represent the municipality's financial position as at 31 December and the results of its operations for the fiscal year ending on that date.

The external auditor shall report to the secretary-treasurer on the audit of any document determined by the Minister of Municipal Affairs, Regions and Land Occupancy and on the audit of the statement fixing the aggregate taxation rate, in respect of which the chief auditor shall declare whether the effective rate was fixed in accordance with Division III of Chapter XVIII.1 of the Act respecting municipal taxation (chapter F-2.1).”

106. Article 966.3 of the Code is repealed.

107. Article 979.1 of the Code is amended

(1) by inserting “or subcategories” after “certain categories” in the first paragraph;

(2) by inserting the following at the end of the first paragraph: “or subcategories. It may also, in respect of the special tax, fix specific rates for the property tax on the category of non-residential immovables based on the property assessment for the same categories or subcategories of immovables for which it has chosen to apply the measure in respect of the general property tax”;

(3) by replacing “4 and 5” in subparagraph 1 of the third paragraph by “4, 5, 6 and 7”.

108. The Code is amended by inserting the following chapters after article 1000:

“CHAPTER II.1

“GENERAL TAXATION POWER

“1000.1. Every local municipality may, by by-law, impose a municipal tax in its territory, provided it is a direct tax and the by-law meets the criteria set out in the fourth paragraph.

The municipality is not authorized to impose the following taxes:

(1) a tax in respect of the supply of a property or a service;

(2) a tax on income, revenue, profits or receipts, or in respect of similar amounts;

(3) a tax on paid-up capital, reserves, retained earnings, contributed surplus or indebtedness, or in respect of similar amounts;

(4) a tax in respect of machinery and equipment used in scientific research and experimental development or in manufacturing and processing or in respect of any assets used to enhance productivity, including computer hardware and software;

(5) a tax in respect of remuneration that an employer pays or must pay for services, including non-monetary remuneration that the employer confers or must confer;

(6) a tax on wealth, including an inheritance tax;

(7) a tax on an individual because the latter is present or resides in the territory of the municipality;

(8) a tax in respect of alcoholic beverages within the meaning of section 2 of the Act respecting offences relating to alcoholic beverages (chapter I-8.1);

(9) a tax in respect of tobacco or raw tobacco within the meaning of section 2 of the Tobacco Tax Act (chapter I-2);

(10) a tax in respect of fuel within the meaning of section 1 of the Fuel Tax Act (chapter T-1);

(11) a tax in respect of a natural resource;

(12) a tax in respect of energy, in particular electric power; or

(13) a tax collected from a person who uses a public highway within the meaning of section 4 of the Highway Safety Code (chapter C-24.2), in respect of equipment placed under, on or above a public highway to provide a public service.

For the purposes of subparagraph 1 of the second paragraph, “property”, “supply” and “service” have the meanings assigned to them by the Act respecting the Québec sales tax (chapter T-0.1).

The by-law referred to in the first paragraph must state

(1) the subject of the tax to be imposed;

(2) the tax rate or the amount of tax payable; and

(3) how the tax is to be collected and the designation of any persons authorized to collect the tax as agents for the municipality.

The by-law referred to in the first paragraph may prescribe

(1) exemptions from the tax;

(2) penalties for failing to comply with the by-law;

- (3) collection fees and fees for insufficient funds;
- (4) interest and specific interest rates on outstanding taxes, penalties or fees;
- (5) assessment, audit, inspection and inquiry powers;
- (6) refunds and remittances;
- (7) the keeping of registers;
- (8) the establishment and use of dispute resolution mechanisms;
- (9) the establishment and use of enforcement measures if a portion of the tax, interest, penalties or fees remains unpaid after it is due, including measures such as garnishment, seizure and sale of property;
- (10) considering the debt for outstanding taxes, including interest, penalties and fees, to be a prior claim on the immovables or movables in respect of which it is due, in the same manner and with the same rank as the claims described in paragraph 5 of article 2651 of the Civil Code, and creating and registering a security by a legal hypothec on the immovables or movables; and
- (11) criteria according to which the rate and the amount of the tax payable may vary.

“1000.2. The municipality is not authorized to impose a tax under article 1000.1 in respect of

- (1) the State, the Crown in right of Canada or one of their mandataries;
- (2) a school board, a general and vocational college, a university establishment within the meaning of the University Investments Act (chapter I-17) or the Conservatoire de musique et d’art dramatique du Québec;
- (3) a private educational institution operated by a non-profit body in respect of an activity that is exercised in accordance with a permit issued under the Act respecting private education (chapter E-9.1), a private educational institution accredited for purposes of subsidies under that Act or an institution whose instructional program is the subject of an international agreement within the meaning of the Act respecting the Ministère des Relations internationales (chapter M-25.1.1);
- (4) a public institution within the meaning of the Act respecting health services and social services (chapter S-4.2);

(5) a private institution referred to in paragraph 3 of section 99 or section 551 of the Act respecting health services and social services in respect of an activity that is exercised in accordance with a permit issued to the institution under that Act and is inherent in the mission of a local community service centre, a residential and long-term care centre or a rehabilitation centre within the meaning of that Act;

(6) a childcare centre within the meaning of the Educational Childcare Act (chapter S-4.1.1); or

(7) any other person determined by a regulation of the Government.

A tax imposed under article 1000.1 does not give entitlement to the payment of an amount determined under Division V of Chapter XVIII of the Act respecting municipal taxation (chapter F-2.1).

“1000.3. Article 1000.1 does not limit any other taxation power granted to the municipality by law.

“1000.4. The use of an enforcement measure established by a by-law adopted under article 1000.1 does not prevent the municipality from using any other remedy provided by law to recover the amounts owing under this chapter.

“1000.5. The municipality may enter into an agreement with another person, including the State, for the collection and recovery of a tax imposed under article 1000.1 and the administration and enforcement of a by-law imposing the tax. The agreement may authorize the person to collect the taxes and oversee the administration and enforcement of the by-law on the municipality’s behalf.

“CHAPTER II.2

“DUES

“1000.6. Every local municipality may charge dues to help fund a regulatory regime applicable to a matter under its jurisdiction. Dues may also be charged with the main goal of furthering achievement of the objectives of the regime by influencing citizens’ behaviour.

Revenues from the dues must be paid into a fund established exclusively to receive them and help fund the regime.

The first paragraph applies subject to sections 145.21 to 145.30 of the Act respecting land use planning and development (chapter A-19.1), to the extent that the dues charged are collected from an applicant for a building or subdivision permit or for a certificate of authorization or occupancy and that the dues are used to finance an expense referred to in subparagraph 2 of the first paragraph of section 145.21 of that Act.

“1000.7. The decision to charge dues is made by a by-law that must

- (1) identify the regulatory regime and its objectives;
- (2) specify to whom the dues are to be charged;
- (3) determine the amount of the dues or a way of determining the amount, including any criteria according to which the amount may vary;
- (4) establish the reserve fund and expressly identify the purposes for which the sums paid into it may be used; and
- (5) state how the dues are to be collected.

The by-law may prescribe collection fees and fees for insufficient funds.

The municipality shall send an authenticated copy of the by-law to the Minister of Municipal Affairs, Regions and Land Occupancy within 15 days after its adoption.

“1000.8. The dues may be charged only to a person benefiting from the regulatory regime identified in the by-law or carrying on activities that require regulation.

“1000.9. The amount of the dues may not be determined on the basis of an element referred to in subparagraphs 2 to 6 or 8 to 12 of the second paragraph of article 1000.1, with the necessary modifications, or on the basis of residency in the municipality’s territory.

Any criterion according to which the amount of the dues may vary must be justified in relation to the objectives of the regulatory regime.

“1000.10. The municipality may enter into an agreement with another person, including the State, providing for the collection and recovery of dues and the administration and enforcement of the by-law under which dues are charged.

“1000.11. The municipality is not authorized to charge dues under article 1000.6 to a person mentioned in any of subparagraphs 1 to 7 of the first paragraph of article 1000.2.

The Government may prohibit the collection of dues under article 1000.6 or impose restrictions with respect to such collection if it considers that those dues conflict with or duplicate dues that are or may be charged by another public body within the meaning of section 1 of the Act respecting municipal taxation (chapter F-2.1).

The Government’s decision takes effect on the date of its publication in the *Gazette officielle du Québec* or any later date mentioned in the decision.

Dues charged under article 1000.6 do not give entitlement to the payment of an amount determined under Division V of Chapter XVIII of the Act respecting municipal taxation.”

109. Article 1061 of the Code is amended by inserting the following paragraphs after the third paragraph:

“Likewise, a loan by-law requires only the approval of the Minister if

(1) the object of the by-law is to carry out road construction, drinking water supply or waste water disposal work, work to eliminate a risk for the health or safety of persons, work required to comply with an obligation under an Act or regulation, or any incidental expenditure; and

(2) the repayment of the loan is assured by the general revenues of the municipality or is entirely borne by the owners of immovables in the entire territory of the municipality.

A loan by-law also requires only the approval of the Minister if a subsidy has been granted for at least 50% of the expenditure to be incurred and payment of the subsidy is assured by the Government or one of its ministers or bodies. In such a case, the Minister may, however, require that the loan by-law be submitted for approval to the qualified voters.”

110. The Code is amended by inserting the following article after article 1061:

“1061.1. A municipality may, by a by-law requiring only the approval of the Minister of Municipal Affairs, Regions and Land Occupancy, order a loan for an amount not exceeding the amount of a subsidy of which payment is assured by the Government or one of its ministers or bodies and for a term corresponding to the payment period of the subsidy.

The by-law’s sole object may be a loan for an amount corresponding to the subsidy and, despite article 1063.1, the sums borrowed may be used, in whole or in part, to repay the general fund of the municipality.

For the purposes of the two preceding paragraphs, the amount of the loan is deemed not to exceed that of the subsidy if the amount by which the former exceeds the latter is not greater than 10% of the subsidy and corresponds to the amount needed to pay the interest on the temporary loan contracted and the financing expenses related to the securities issued.”

111. Article 1062 of the Code is amended

(1) by replacing “the following proportion of qualified voters domiciled in the territory of the municipality:” in the first paragraph by “10% of the number of qualified voters in the territory of the municipality, up to a maximum of 30,000.”;

(2) by striking out subparagraphs 1 to 3 of the first paragraph.

112. Article 1072 of the Code is amended by striking out the fourth paragraph.

113. Article 1093.1 of the Code is repealed.

114. The Code is amended by inserting the following title after article 1104.8:

“TITLE XXVIII.2

“DISSEMINATION OF CERTAIN INFORMATION

“1104.9. The Government may, by regulation, determine the information that every municipality is required to disseminate in an open document format on a storage medium so that it can be reused.

The regulation must set out the terms governing the dissemination of such information, which terms may vary according to the different classes of municipalities.”

**ACT RESPECTING THE COMMUNAUTÉ MÉTROPOLITAINE DE
MONTREAL**

115. Section 105.2 of the Act respecting the Communauté métropolitaine de Montréal (chapter C-37.01) is amended

(1) by inserting the following paragraph after the fourth paragraph:

“If the contract involves an expenditure of at least \$25,000 but less than \$100,000, is not referred to in the fourth paragraph, and is made under a provision of the by-law on contract management adopted under the fourth paragraph of section 113.2, the list must mention how the contract was awarded.”;

(2) by replacing “fourth and fifth” and “fifth paragraph” in the last paragraph by “fourth, fifth and sixth” and “sixth paragraph”, respectively.

116. Section 105.3 of the Act is amended by adding the following paragraph at the end:

“The Community must also post on its website, not later than 31 January, the list of all contracts involving an expenditure exceeding \$2,000 entered into in the last full fiscal year preceding that date with the same contracting party if those contracts involve a total expenditure exceeding \$25,000. The list must state, for each contract, the name of the contracting party, the amount of the consideration and the object of the contract.”

117. Section 109 of the Act is amended

- (1) by striking out “Subject to section 109.1,” in the first paragraph;
- (2) by inserting the following paragraph after the second paragraph:

“The Community shall establish a selection committee consisting of at least three members, other than council members; the committee shall evaluate each tender and assign it a number of points for each criterion.”

118. Section 109.1 of the Act is amended

(1) by replacing “Where a contract for professional services is to be awarded, the Community must” in the introductory clause of the first paragraph by “The Community may”;

(2) by inserting the following subparagraphs after subparagraph 2 of the first paragraph:

“(2.1) the system must mention, if applicable, all the evaluation criteria and the minimum number of points that must be assigned to each to establish an interim score for a tender;

“(2.2) the system must mention the factor, varying between 0 and 50, to be added to the interim score in the formula in subparagraph *e* of subparagraph 3 for establishing the final score;”;

(3) by replacing “50” in subparagraph *e* of subparagraph 3 of the first paragraph by “the factor determined under subparagraph 2.2”;

(4) by replacing the second paragraph by the following paragraph:

“The call for tenders or a document to which it refers must

(1) mention all the requirements and all the criteria that will be used to evaluate the bids, in particular the minimum interim score of 70, and the bid weighting and evaluating methods based on those criteria;

(2) specify that the tender is to be submitted in an envelope containing all the documents and an envelope containing the proposed price; and

(3) mention which criterion, between the lowest proposed price and the highest interim score, will be used to break a tie in the number of points assigned to final tenders by the selection committee.”;

(5) by replacing the third paragraph by the following paragraph:

“The council may not award the contract to a person other than the person who submitted a tender within the prescribed time and whose tender received

the highest final score. If more than one tender obtained the highest final score, the council shall award the contract to the person who submitted the tender that meets the criterion mentioned, in accordance with subparagraph 3 of the second paragraph, in the call for tenders or a document to which it refers.”;

(6) by striking out the fifth paragraph.

119. The Act is amended by inserting the following section after section 109.1:

“**109.2.** Where a contract for professional services is to be awarded, the Community must use the system of bid weighting and evaluating provided for in section 109 or 109.1.”

120. The Act is amended by inserting the following sections after section 112:

“**112.0.0.1.** If the Community uses a system of bid weighting and evaluating described in section 109, it may, in the call for tenders, provide that the opening of tenders will be followed by individual discussions with each tenderer to further define the technical or financial aspects of the project and allow the tenderer to submit a final tender that reflects the outcome of those discussions.

A call for tenders for such contracts must also contain

(1) the rules for breaking a tie in the points assigned to final tenders by the selection committee;

(2) the procedure and the time period, which may not exceed six months, for holding discussions; and

(3) provisions allowing the Community to ensure compliance at all times with the rules applicable to it, in particular with respect to access to the documents of public bodies and the protection of personal information.

The selection committee shall evaluate each final tender and, for each criterion mentioned in the call for tenders described in the first paragraph, assign points which the secretary of the selection committee shall record in the secretary’s report referred to in section 112.0.0.8.

The Minister of Municipal Affairs, Regions and Land Occupancy may, on the conditions he determines, authorize the Community to pay a financial compensation to each tenderer, other than the one to whom the contract is awarded, who has submitted a compliant tender. In such a case, the call for tenders must provide for such a payment and may not be published before the Minister has given his authorization.

“**112.0.0.2.** In addition to any publication required under subparagraph 1 of the second paragraph of section 108, every call for final tenders must be sent in writing to each tenderer referred to in the first paragraph of section 112.0.0.1.

“**112.0.0.3.** In the case of a call for tenders described in section 112.0.0.1 or 112.0.0.2, the prohibition set out in the eighth paragraph of section 108 applies until the reports referred to in section 112.0.0.8 are tabled.

“**112.0.0.4.** The ninth paragraph of section 108 does not apply to a tender submitted following a call for tenders described in section 112.0.0.1 or 112.0.0.2.

Such tenders must be opened in the presence of the secretary of the selection committee; the secretary shall record the names of the tenderers and the price of each tender in the secretary’s report referred to in section 112.0.0.8.

“**112.0.0.5.** If the Community establishes a qualification process described in section 110 to award a single contract under section 112.0.0.1, it may set a limit, which may not be less than three, on the number of suppliers to which it will grant qualification.

“**112.0.0.6.** Any provision required in order to bring the parties to enter into a contract may be negotiated with the person that obtained the highest score, provided the provision conserves the basic elements of the calls for tenders described in sections 112.0.0.1 and 112.0.0.2 and the basic elements of the tender.

“**112.0.0.7.** The discussions and negotiations described in sections 112.0.0.1 and 112.0.0.6 are, in the case of the Community, under the responsibility of a person identified in the call for tenders who may neither be a council member nor a member or the secretary of the selection committee. The person shall record the dates and subjects of any discussions or negotiations in the person’s report referred to in section 112.0.0.8.

“**112.0.0.8.** The contract may not be entered into before the secretary of the selection committee and the person referred to in section 112.0.0.7 table their reports before the council.

The report of the person referred to in section 112.0.0.7 must certify that any discussions or negotiations were carried out in compliance with the applicable provisions and that all tenderers were treated equally. The report of the secretary of the selection committee must do likewise with respect to every other step of the tendering process.”

121. Section 113.2 of the Act is replaced by the following section:

“**113.2.** The Community must adopt a by-law on contract management.

The by-law is applicable to all contracts, including contracts that are not described in any of the subparagraphs of the first paragraph of section 106 or in section 112.2.

The by-law must include

(1) measures to ensure compliance with any applicable anti-bid-rigging legislation;

(2) measures to ensure compliance with the Lobbying Transparency and Ethics Act (chapter T-11.011) and the Code of Conduct for Lobbyists (chapter T-11.011, r. 2) adopted under that Act;

(3) measures to prevent intimidation, influence peddling and corruption;

(4) measures to prevent conflict of interest situations;

(5) measures to prevent any other situation likely to compromise the impartiality or objectivity of the call for tenders or the management of the resulting contract;

(6) measures to govern the making of decisions authorizing the amendment of a contract; and

(7) for contracts that involve an expenditure of less than \$100,000 and that may be entered into by mutual agreement, measures to ensure rotation among potential contracting parties.

The by-law may prescribe the rules governing the making of contracts that involve an expenditure of at least \$25,000 but less than \$100,000. The rules may vary according to determined categories of contracts. Where such rules are in force, neither the second paragraph of section 106 nor section 107 apply to those contracts.

The by-law, and any other by-law regarding contract management, in particular any by-law delegating the power to incur an expense or make a contract, must be permanently published on the Community's website.

Not later than 30 days after the day on which a by-law is adopted under this section, the secretary of the Community must send a certified copy of it to the Minister of Municipal Affairs, Regions and Land Occupancy.

The Community shall table a report on the application of the by-law at least once a year at a sitting of the council.

As regards non-compliance with a measure included in the by-law, section 118.2 applies only in the case of a contract for which the contracting process began after the date as of which the measure was included in the by-law."

122. Section 162 of the Act is repealed.

123. Section 207 of the Act is replaced by the following section:

“207. At the end of the fiscal year, the treasurer shall draw up the financial report for that fiscal year and certify that it is accurate. The report must include the Community’s financial statements and any other document or information required by the Minister.

The treasurer shall also produce any other document or information required by the Minister.

The Minister may prescribe any rule relating to the documents and information referred to in the first two paragraphs.”

124. Section 208 of the Act is replaced by the following section:

“208. The treasurer shall, at a meeting of the council, table the financial report, the auditor’s report transmitted under section 215 and any other document whose tabling is prescribed by the Minister.”

125. Section 209 of the Act is replaced by the following section:

“209. After the tabling referred to in section 208 and not later than 15 May, the secretary shall transmit the financial report and the auditor’s report to the Minister and to each municipality whose territory is situated within the territory of the Community.

The secretary shall also transmit the documents and information referred to in the second paragraph of section 207 to the Minister within the time prescribed by the Minister.”

126. The Act is amended by inserting the following section after section 209:

“209.1. If, after the transmission referred to in section 209, an error is found in the financial report, the treasurer may make the necessary correction. If the correction is required by the Minister, the treasurer shall make the correction as soon as possible. The treasurer shall table any corrected report at the next sitting of the council and the secretary shall transmit it to the Minister and to each municipality referred to in section 209.

The first paragraph applies, with the necessary modifications, to the documents and information referred to in the second paragraph of section 207.”

127. Section 210 of the Act is amended by striking out the second paragraph.

128. The Act is amended by inserting the following section after section 210:

“210.1. At a regular sitting of the council held in June, the chair of the executive committee shall make a report to the citizens on the financial report and the auditor’s report.

The chair’s report shall be disseminated in the territory of the Community in the manner determined by the council.”

ACT RESPECTING THE COMMUNAUTÉ MÉTROPOLITAINE DE
QUÉBEC

129. Section 98.2 of the Act respecting the Communauté métropolitaine de Québec (chapter C-37.02) is amended

(1) by inserting the following paragraph after the fourth paragraph:

“If the contract involves an expenditure of at least \$25,000 but less than \$100,000, is not referred to in the fourth paragraph and is made under a provision of the by-law on contract management adopted under the fourth paragraph of section 106.2, the list must mention how the contract was awarded.”;

(2) by replacing “fourth and fifth” and “fifth paragraph” in the last paragraph by “fourth, fifth and sixth” and “sixth paragraph”, respectively.

130. Section 98.3 of the Act is amended by adding the following paragraph at the end:

“The Community must also post on its website, not later than 31 January, the list of all contracts involving an expenditure exceeding \$2,000 entered into in the last full fiscal year preceding that date with the same contracting party if those contracts involve a total expenditure exceeding \$25,000. The list must state, for each contract, the name of the contracting party, the amount of the consideration and the object of the contract.”

131. Section 102 of the Act is amended

(1) by striking out “Subject to section 102.1,” in the first paragraph;

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

“The Community shall establish a selection committee consisting of at least three members, other than council members; the committee shall evaluate each tender and assign it a number of points for each criterion.”

132. Section 102.1 of the Act is amended

(1) by replacing “Where a contract for professional services is to be awarded, the Community must” in the introductory clause of the first paragraph by “The Community may”;

(2) by inserting the following subparagraphs after subparagraph 2 of the first paragraph:

“(2.1) the system must mention, if applicable, all the evaluation criteria and the minimum number of points that must be assigned to each to establish an interim score for a tender;

“(2.2) the system must mention the factor, varying between 0 and 50, to be added to the interim score in the formula in subparagraph *e* of subparagraph 3 for establishing the final score;”;

(3) by replacing “50” in subparagraph *e* of subparagraph 3 of the first paragraph by “the factor determined under subparagraph 2.2”;

(4) by replacing the second paragraph by the following paragraph:

“The call for tenders or a document to which it refers must

(1) mention all the requirements and all the criteria that will be used to evaluate the bids, in particular the minimum interim score of 70, and the bid weighting and evaluating methods based on those criteria;

(2) specify that the tender is to be submitted in an envelope containing all the documents and an envelope containing the proposed price; and

(3) mention which criterion, between the lowest proposed price and the highest interim score, will be used to break a tie in the number of points assigned to final tenders by the selection committee.”;

(5) by replacing the third paragraph by the following paragraph:

“The council may not award the contract to a person other than the person who submitted a tender within the prescribed time and whose tender received the highest final score. If more than one tender obtained the highest final score, the council shall award the contract to the person who submitted the tender respecting the criterion mentioned, in accordance with subparagraph 3 of the second paragraph, in the call for tenders or a document to which it refers.”;

(6) by striking out the fifth paragraph.

133. The Act is amended by inserting the following section after section 102.1:

“102.2. Where a contract for professional services is to be awarded, the Community must use the system of bid weighting and evaluating provided for in section 102 or 102.1.”

134. The Act is amended by inserting the following sections after section 105:

“105.0.0.1. If the Community uses a system of bid weighting and evaluating described in section 102, it may, in the call for tenders, provide that the opening of tenders will be followed by individual discussions with each tenderer to further define the technical or financial aspects of the project and allow the tenderer to submit a final tender that reflects the outcome of those discussions.

A call for tenders for such contracts must also contain

(1) the rules for breaking a tie in the points assigned to final tenders by the selection committee;

(2) the procedure and the time period, which may not exceed six months, for holding discussions; and

(3) provisions allowing the Community to ensure compliance at all times with the rules applicable to it, in particular with respect to access to the documents held by public bodies and the protection of personal information.

The selection committee shall evaluate each final tender and, for each criterion mentioned in the call for tenders described in the first paragraph, assign points which the secretary of the selection committee shall record in the secretary's report referred to in section 105.0.0.8.

The Minister of Municipal Affairs, Regions and Land Occupancy may, on the conditions he determines, authorize the Community to pay a financial compensation to each tenderer, other than the one to whom the contract is awarded, who has submitted a compliant tender. In such a case, the call for tenders must provide for such a payment and may not be published before the Minister has given his authorization.

“105.0.0.2. In addition to any publication required under subparagraph 1 of the second paragraph of section 101, every call for final tenders must be sent in writing to each tenderer referred to in the first paragraph of section 105.0.0.1.

“105.0.0.3. In the case of a call for tenders described in section 105.0.0.1 or 105.0.0.2, the prohibition set out in the eighth paragraph of section 101 applies until the reports referred to in section 105.0.0.8 are tabled.

“105.0.0.4. The ninth paragraph of section 101 does not apply to a tender submitted following a call for tenders described in section 105.0.0.1 or 105.0.0.2.

Such tenders must be opened in the presence of the secretary of the selection committee; the secretary shall record the names of the tenderers and the price of each tender in the secretary’s report referred to in section 105.0.0.8.

“105.0.0.5. If the Community establishes a qualification process described in section 103 to award a single contract under section 105.0.0.1, it may set a limit, which may not be less than three, on the number of suppliers to which it will grant qualification.

“105.0.0.6. Any provision required in order to bring the parties to enter into a contract may be negotiated with the person that obtained the highest score, provided the provision conserves the basic elements of the calls for tenders described in sections 105.0.0.1 and 105.0.0.2 and the basic elements of the tender.

“105.0.0.7. The discussions and negotiations described in sections 105.0.0.1 and 105.0.0.6 are, in the case of the Community, under the responsibility of a person identified in the call for tenders who may neither be a council member nor a member or the secretary of the selection committee. The person shall record the dates and subjects of any discussions or negotiations in the person’s report referred to in section 105.0.0.8.

“105.0.0.8. The contract may not be entered into before the secretary of the selection committee and the person referred to in section 105.0.0.7 table their reports before the council.

The report of the person referred to in section 105.0.0.7 must certify that any discussions or negotiations were carried out in compliance with the applicable provisions and that all tenderers were treated equally. The report of the secretary of the selection committee must do likewise with respect to every other step of the tendering process.”

135. Section 106.2 of the Act is replaced by the following section:

“106.2. The Community must adopt a by-law on contract management.

The by-law is applicable to all contracts, including contracts that are not described in any of the subparagraphs of the first paragraph of section 99 or in section 105.2.

The by-law must include

(1) measures to ensure compliance with any applicable anti-bid-rigging legislation;

(2) measures to ensure compliance with the Lobbying Transparency and Ethics Act (chapter T-11.011) and the Code of Conduct for Lobbyists (chapter T-11.011, r. 2) adopted under that Act;

(3) measures to prevent intimidation, influence peddling and corruption;

(4) measures to prevent conflict of interest situations;

(5) measures to prevent any other situation likely to compromise the impartiality or objectivity of the call for tenders or the management of the resulting contract;

(6) measures to govern the making of decisions authorizing the amendment of a contract; and

(7) for contracts that involve an expenditure of less than \$100,000 and that may be entered into by mutual agreement, measures to ensure rotation among potential contracting parties.

The by-law may prescribe the rules governing the making of contracts that involve an expenditure of at least \$25,000 but less than \$100,000. The rules may vary according to determined categories of contracts. Where such rules are in force, neither the second paragraph of section 99 nor section 100 apply to those contracts.

The by-law, and any other by-law regarding contract management, in particular any by-law delegating the power to incur an expense or make a contract, must be permanently published on the Community's website.

Not later than 30 days after the day on which a by-law is adopted under this section, the secretary of the Community must send a certified copy of it to the Minister of Municipal Affairs, Regions and Land Occupancy.

The Community shall table a report on the application of the by-law at least once a year at a sitting of the council.

As regards non-compliance with a measure included in the by-law, section 111.2 applies only in the case of a contract for which the contracting process began after the date as of which the measure was included in the by-law."

136. Section 154 of the Act is repealed.

137. Section 194 of the Act is replaced by the following section:

194. At the end of the fiscal year, the treasurer shall draw up the financial report for that fiscal year and certify that it is accurate. The report must include the Community's financial statements and any other document or information required by the Minister.

The treasurer shall also produce any other document or information required by the Minister.

The Minister may prescribe any rule relating to the documents and information referred to in the first two paragraphs.”

138. Section 195 of the Act is replaced by the following section:

“**195.** The treasurer shall, at a meeting of the council, table the financial report, the auditor’s report transmitted under section 202 and any other document whose tabling is prescribed by the Minister.”

139. Section 196 of the Act is replaced by the following section:

“**196.** After the tabling referred to in section 195 and not later than 15 May, the secretary shall transmit the financial report and the auditor’s report to the Minister and to each municipality whose territory is situated within the territory of the Community.

The secretary shall also transmit the documents and information referred to in the second paragraph of section 194 to the Minister within the time prescribed by the Minister.”

140. The Act is amended by inserting the following section after section 196:

“**196.1.** If, after the transmission referred to in section 196, an error is found in the financial report, the treasurer may make the necessary correction. If the correction is required by the Minister, the treasurer shall make the correction as soon as possible. The treasurer shall table any corrected report at the next sitting of the council and the secretary shall transmit it to the Minister and to each municipality referred to in section 196.

The first paragraph applies, with the necessary modifications, to the documents and information referred to in the second paragraph of section 194.”

141. The Act is amended by inserting the following section after section 197:

“**197.1.** At a regular sitting of the council held in June, the chair of the executive committee shall make a report to the citizens on the financial report and the auditor’s report.

The chair’s report shall be disseminated in the territory of the Community in the manner determined by the council.”

MUNICIPAL POWERS ACT

142. The Municipal Powers Act (chapter C-47.1) is amended by inserting the following section after section 91:

“91.1. A local municipality may grant assistance to any solidarity cooperative whose articles include a clause prohibiting the allotment of rebates or the payment of interest on any category of preferred shares unless the rebate is allotted or the interest is paid to a municipality, the Union des municipalités du Québec or the Fédération québécoise des municipalités locales et régionales (FQM).

The Municipal Aid Prohibition Act (chapter I-15) does not apply to assistance granted under the first paragraph.”

143. Section 92.1 of the Act is amended by replacing the last sentence of the second paragraph by the following sentence: “The value of the assistance that may be granted in this way for all of the beneficiaries may not exceed, per fiscal year, \$300,000 for Ville de Montréal and for Ville de Québec and \$250,000 for any other municipality.”

144. Section 92.2 of the Act is amended by replacing the first paragraph by the following paragraphs:

“Only a person that operates a private-sector enterprise for profit or a cooperative that owns or occupies an immovable included in a unit of assessment listed under one of the headings that the Minister, by regulation, determines from among those in the manual referred to in the Regulation respecting the real estate assessment roll made under paragraph 1 of section 263 of the Act respecting municipal taxation (chapter F-2.1) is eligible for the tax credit provided for in the first paragraph of section 92.1.

Any regulation made by the Minister under the first paragraph comes into force on 1 January of the year following the year it is made.

A person that, under the program adopted by the municipality under section 92.1, has an effective right to a tax credit for one or more particular municipal fiscal years does not lose that right, for those fiscal years, solely because a regulation of the Minister comes into force.”

145. The Act is amended by inserting the following section after section 123:

“123.1. A regional county municipality may grant assistance to any solidarity cooperative whose articles include a clause prohibiting the allotment of rebates or the payment of interest on any category of preferred shares unless the rebate is allotted or the interest is paid to a municipality, the Union des municipalités du Québec or the Fédération québécoise des municipalités locales et régionales (FQM).”

146. Section 125 of the Act is amended

(1) by replacing the first two paragraphs by the following paragraphs:

“A regional county municipality may establish an investment fund intended to provide financial support to enterprises in a start-up or developmental phase and give or lend money to such a fund.

The fund must be administered by the regional county municipality or by a non-profit body established for that purpose.”;

(2) by adding the following sentences at the end of the third paragraph: “The regional county municipality may entrust to a committee it establishes for that purpose, composed of representatives of the business community and any other civil society stakeholder it deems relevant, the selection of beneficiaries of financial assistance that may be granted in accordance with the rules it determines. The regional county municipality establishes the committee’s mode of operation.”

ACT RESPECTING DUTIES ON TRANSFERS OF IMMOVABLES**147.** Section 2 of the Act respecting duties on transfers of immovables (chapter D-15.1) is amended

(1) by replacing “to calculate the duties on the transfer of an immovable situated entirely within its territory, Ville de Montréal” in the third paragraph by “a municipality”;

(2) by adding the following sentence at the end of the third paragraph: “A rate set under this paragraph may not, except in the case of Ville de Montréal, exceed 3%.”;

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

“In the case of the transfer of an immovable situated in the territory of more than one municipality and in respect of which, under the third paragraph, different rates are applicable to a given part of the basis of imposition, the rate established by each municipality applies only to the portion of the part that corresponds to the portion of the basis of imposition attributable to the territory of each municipality.”

148. The Act is amended by inserting the following section after section 2:

2.1. Each of the amounts establishing the parts of the basis of imposition provided for in the first paragraph of section 2 shall be indexed annually. The indexation shall consist in increasing the amount applicable for the preceding fiscal year by a percentage corresponding to the rate of increase, according to the Institut de la statistique du Québec, of the all-items Consumer Price Index for Québec.

That rate is established by

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

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

If the indexation results in a number that includes tens or units, those tens and units are not considered and, if those tens and units would have represented a number greater than 49, the result is rounded up to the nearest hundred.

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

Not later than 31 July before the beginning of the fiscal year concerned, the Minister of Municipal Affairs, Regions and Land Occupancy shall publish a notice in the *Gazette officielle du Québec*

(1) stating the percentage corresponding to the rate of increase used to establish any amount applicable for that fiscal year or, as the case may be, stating that an increase is impossible for that fiscal year; and

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

149. Section 7 of the Act is amended

(1) by inserting “, after the portion referred to in the second paragraph is deducted, if applicable,” after “shall be shared”;

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

“However, any portion of the duties resulting from the application of a rate in accordance with the third paragraph of section 2 belongs of right to the municipality in whose territory the rate is applicable.”

ACT RESPECTING ELECTIONS AND REFERENDUMS IN MUNICIPALITIES

150. Section 305 of the Act respecting elections and referendums in municipalities (chapter E-2.2) is amended

(1) by inserting “a solidarity cooperative,” after “(chapter A-2.1),” in paragraph 2.1;

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

“For the purposes of subparagraph 2.1 of the first paragraph, a solidarity cooperative is a solidarity cooperative whose articles include a clause prohibiting the allotment of rebates and the payment of interest on any category of preferred shares, unless the rebate is allotted or the interest is paid to a municipality, the Union des municipalités du Québec or the Fédération québécoise des municipalités locales et régionales (FQM).”

151. Section 553 of the Act is amended by replacing subparagraphs 2 to 4 of the first paragraph by the following subparagraph:

“(2) the lesser of 30,000 and the number obtained by adding 13 to the number corresponding to 10% of the qualified voters beyond the first 25, where there are over 25.”

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

152. Section 34 of the Act respecting the exercise of certain municipal powers in certain urban agglomerations (chapter E-20.001) is amended by adding “and a draft by-law” at the end of the second paragraph.

153. Section 85 of the Act is amended by inserting “otherwise than under section 500.1 of the Cities and Towns Act (chapter C-19) or article 1000.1 of the Municipal Code of Québec (chapter C-27.1)” at the end of the first paragraph.

154. Section 97 of the Act is repealed.

155. The Act is amended by inserting the following section after section 99.1:

“99.2. The urban agglomeration may, by a by-law subject to the right of objection provided for in section 115, exercise the power granted under section 500.6 of the Cities and Towns Act (chapter C-19) or article 1000.6 of the Municipal Code of Québec (chapter C-27.1), as the case may be.”

156. Section 115 of the Act is amended

(1) by replacing “or 85” in the first paragraph by “, 85 or 99.2”;

(2) by inserting “and a draft by-law” after “motion” in the last paragraph.

157. Section 118.10 of the Act is amended by inserting “99.2,” after “69,”.

158. Section 118.12 of the Act is amended by inserting “99.2,” after “69,”.

159. Section 118.39 of the Act is amended by inserting “, 99.2” after “69”.

160. Section 118.95 of the Act is amended by inserting “99.2,” after “69,”.

161. Section 139 of the Act is amended by striking out “, including the application of the minimum and maximum set out in the Act respecting the remuneration of elected municipal officers (chapter T-11.001)” in subparagraph 1 of the first paragraph.

ACT RESPECTING MUNICIPAL TAXATION

162. The Act respecting municipal taxation (chapter F-2.1) is amended by inserting the following section after section 71:

“**71.1.** If a municipality, by resolution of its council adopted before the roll is deposited in accordance with section 70 and not later than 15 September, has expressed its intention to establish subcategories of immovables within the category of non-residential immovables in accordance with section 244.64.1 and following,

(1) the roll that the assessor deposits at the office of the clerk in accordance with section 70 is a preliminary roll;

(2) section 71 does not apply to the deposit of that preliminary roll;

(3) the resolution adopted under section 244.64.1 may only be adopted after the preliminary roll is deposited at the office of the clerk; and

(4) the definitive roll must be deposited at the office of the clerk not later than 1 November.

Only alterations to register subcategories in the roll may be made to the preliminary roll in order to establish the definitive roll.

A resolution referred to in the first paragraph and adopted after the roll is deposited in accordance with section 70 is without effect.”

163. Section 72 of the Act is amended by replacing all occurrences of “70 or 71” by “70, 71 or 71.1”.

164. Section 244.39 of the Act is amended by replacing “projected aggregate taxation” in the second paragraph by “basic”.

165. Section 244.40 of the Act is amended

(1) by replacing “3” in the first paragraph by “4.1 in the case of a municipality having a population of less than 5,000 inhabitants and whose territory is not included in an urban agglomeration, provided for in Title II of the Act respecting the exercise of certain municipal powers in certain urban agglomerations (chapter E-20.001), having a total population of more than 5,000 inhabitants, and 4.4 in all other cases”;

(2) by replacing “3.7” in subparagraphs 2 to 5 of the second paragraph by “4.8”;

(3) by replacing “3.4” in subparagraphs 6 to 9 of the second paragraph by “4.45”;

(4) by adding the following subparagraphs at the end of the second paragraph:

“(10) in the case of Ville de Terrebonne: 4.45; and

“(11) in the case of any municipality whose territory is included in the Communauté maritime des Îles-de-la-Madeleine: 4.8.”

166. Section 244.43 of the Act is amended

(1) by replacing “70” in the second paragraph by “66.6”;

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

“The rate specific to the category of industrial immovables shall not exceed 133.3% of the rate specific to the category of non-residential immovables nor the product obtained by multiplying the municipality’s basic rate by the coefficient applicable under section 244.44.”;

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

“For the purposes of the third paragraph, if subcategories are established in accordance with subdivision 6 of this division, a reference to the rate specific to the category of non-residential immovables is deemed to be a reference to the rate specific to the reference subcategory.”

167. Section 244.44 of the Act is replaced by the following section:

“244.44. The applicable coefficient is 4.5 in the case of a municipality having a population of less than 5,000 inhabitants and whose territory is not included in an urban agglomeration, provided for in Title II of the Act respecting the exercise of certain municipal powers in certain urban agglomerations (chapter E-20.001), having a total population of more than 5,000 inhabitants, and 5 in all other cases.

However, a municipality whose territory is included in the urban agglomeration of Montréal provided for in section 4 of the Act respecting the exercise of certain municipal powers in certain urban agglomerations may, by by-law, determine a coefficient that is greater than the one applicable to it under the first paragraph.”

168. Sections 244.45 to 244.45.4 of the Act are repealed.

169. Section 244.46 of the Act is amended by replacing the second paragraph by the following paragraph:

“It shall not exceed 133.3% of the basic rate.”

170. Sections 244.47 to 244.48.1 of the Act are repealed.

171. Section 244.49.0.1 of the Act is amended by replacing “the minimum rate specific to that category” in the second paragraph by “66.6% of that rate”.

172. Sections 244.49.0.2 to 244.49.0.4 of the Act are repealed.

173. The Act is amended by inserting the following subdivisions after section 244.64:

“§6.—*Rules relating to the establishment of subcategories of immovables within the category of non-residential immovables*

“244.64.1. For the purpose of setting, for a given fiscal year, two or more rates specific to the category of non-residential immovables, any local municipality may, in accordance with this subdivision, divide the composition of that category, as provided for in section 244.33, into up to a maximum of four subcategories of immovables, including a reference subcategory.

The resolution establishing the subcategories referred to in the first paragraph must be adopted before the deposit of the roll concerned and may not be amended or repealed after the deposit. It has effect for the purposes of the fiscal years to which the roll applies.

“244.64.2. Any criterion for determining the subcategories, other than the reference subcategory, must be based on a characteristic of the non-residential immovables entered on the roll.

The location of an immovable in the territory of a municipality may not be used as a determining criterion.

“244.64.3. The composition of the reference subcategory shall vary according to the various assumptions concerning the existence of rates specific to the other subcategories and to the category of industrial immovables.

On the assumption that a rate specific to one or more other subcategories exists, a unit of assessment belongs to the reference subcategory if it does not belong to the subcategory or one of the subcategories, as the case may be, in respect of which the assumption is made.

For the purposes of this subdivision, a unit of assessment that would belong to the category of industrial immovables, on the assumption that a rate specific to that category exists, belongs to the reference subcategory in the event that the assumption is not realized.

“244.64.4. Section 57.1.1 applies, with the necessary modifications, to the identification of the units of assessment that belong to the subcategories established by the resolution adopted under section 244.64.1 and the entry of the information required for the purposes of this subdivision. Among the modifications required for the purposes of section 57.1.1, the resolution that must, under the fourth paragraph of that section, be transmitted to the municipal body responsible for assessment is the resolution referred to in the first paragraph of section 71.1 rather than the one referred to in the second paragraph of section 57.1.1.

Any assessment notice sent to a person under this Act must, if applicable, specify the subcategory determined under this subdivision to which the unit of assessment belongs and provide any information required for the purposes of this subdivision regarding that unit.

“244.64.5. If a resolution adopted under section 244.64.1 is in force, the municipality may, for a fiscal year to which that resolution applies, set a rate specific to any subcategory determined by that resolution.

“244.64.6. The rules in section 244.39 for establishing the rate specific to the category of non-residential immovables apply, with the necessary modifications, to the rate specific to any subcategory.

The rate specific to any subcategory other than the reference subcategory must also be equal to or greater than 66.6% of the rate specific to the reference subcategory and may not exceed 133.3% of that rate.

“244.64.7. Section 244.32, the second paragraph of section 244.36.1 and sections 244.50 to 244.58 apply, with the necessary modifications, to the subcategories contemplated in this subdivision and the rates set in accordance with it.

For that application, a reference to a rate specific to the category of non-residential immovables is deemed to be a reference to the rate specific to the subcategory to which the unit of assessment concerned by the application belongs.

However, if a unit of assessment belongs to more than one subcategory or to a combination of more than one category and subcategories and the value of the unit or part of a unit associated with such a combination is less than 25 million dollars, the unit or part, as the case may be, is deemed to belong to the category or subcategory corresponding to the predominant part of its value.

If the value of the unit or part of a unit associated with such a combination is equal to or greater than 25 million dollars, that value shall be divided among the applicable categories and subcategories in proportion to the value of each part representing 30% or more of that value.

“244.64.8. If a provision of an Act refers to the category of non-residential immovables, that provision is deemed to refer, with the necessary modifications, to any subcategory established in accordance with this subdivision.

“§7.— Rules relating to the establishment of separate property tax rates for the category of non-residential immovables based on the property assessment

“244.64.9. The municipality may, rather than set a single rate specific to the category of non-residential immovables, to each subcategory of non-residential immovables or to the category of industrial immovables, set a second, higher rate, applicable beginning only at a certain level of taxable value specified by the municipality.

The second rate may not exceed 133.3% of the first and the product obtained by multiplying the municipality’s basic rate by, in the case of an immovable in the category or a subcategory of non-residential immovables, the coefficient applicable under section 244.40 or, in the case of an immovable within the category of industrial immovables, the coefficient applicable under section 244.44.

However, a second rate may only be applied to a category or subcategory of non-residential immovables if the municipality has adopted a strategy intended to reduce the difference in the tax burden applicable in respect of residential and non-residential immovables.”

174. Section 244.69 of the Act is amended by replacing “is” in the first paragraph by “and draft by-law are”.

175. Section 253.27 of the Act is amended by adding the following paragraphs at the end:

“The resolution may also specify that the averaging applies only to the units of assessment belonging to

- (1) the group described in section 244.31; or
- (2) the group comprised of all the units of assessment not included in the group referred to in subparagraph 1.

For the purposes of the fourth paragraph,

(1) an immovable described in paragraph 13, 14, 15, 16 or 17 of section 204 is deemed to belong to the group described in subparagraph 2 of that paragraph; and

(2) if a unit belongs to both groups, the averaging applies only to the part of the value of the unit that can be attributed to any category of the group referred to in the resolution.”

176. Section 253.28 of the Act is amended by inserting “Subject to the power provided for in the fourth paragraph of section 253.27,” at the beginning of the first paragraph.

177. Section 253.37 of the Act is amended by adding the following paragraphs at the end:

“The municipality may, in the by-law, specify that the abatement applies only to the units of assessment belonging to

(1) the group described in section 244.31; or

(2) the group comprised of all the units of assessment not included in the group referred to in subparagraph 1.

For the purposes of the fourth paragraph, if a unit belongs to both groups, the abatement shall apply only to the part of the tax associated with any category of the group referred to in the by-law.”

178. Section 253.53 of the Act is amended by adding the following at the end of the second paragraph: “It may, in particular, specify that the surcharge applies only to the units of assessment belonging to

(1) the group described in section 244.31; or

(2) the group comprised of all the units of assessment not included in the group referred to in subparagraph 1.

For the purposes of the second paragraph, if a unit belongs to both groups, the surcharge applies only to the part of the tax associated with any category of the group referred to in the by-law.”

179. Section 253.54 of the Act is amended by inserting “244.64.4, 244.64.8,” after “sections” in the third paragraph.

ACT ESTABLISHING THE EEYOU ISTCHEE JAMES BAY REGIONAL GOVERNMENT

180. Section 40 of the Act establishing the Eeyou Istchee James Bay Regional Government (chapter G-1.04) is amended by replacing “21 to 23” in the first paragraph by “19.1”.

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

181. Section 21.1 of the Act respecting the Ministère des Affaires municipales, des Régions et de l’Occupation du territoire (chapter M-22.1) is amended by adding the following paragraph at the end:

“It is the preferred forum for consultation between the Government and the municipal sector.”

182. Section 21.2 of the Act is replaced by the following section:

“21.2. The Table Québec-municipalités is composed of the Minister, the president of the Fédération québécoise des municipalités locales et régionales (FQM), the president of the Union des municipalités du Québec, the mayor of Ville de Montréal and the mayor of Ville de Québec.

It is chaired by the Minister or the Prime Minister, either of whom may invite any person to participate in the work of the Table.”

183. The Act is amended by inserting the following section after section 21.23.1:

“21.23.2. Despite sections 197, 201 and 202 of the Act respecting land use planning and development (chapter A-19.1), any decision of the council of a regional county municipality relating to the administration of the sums received from the Fund, including the decision to entrust that administration to the executive committee or a member of that committee or to the general manager, must be made by an affirmative vote of the majority of the members present, regardless of the number of votes granted to them in the order constituting the regional county municipality, and the total of the populations awarded to the representatives who cast the affirmative votes must be equal to more than half of the total of the populations awarded to the representatives who voted.”

ACT RESPECTING THE MINISTÈRE DU CONSEIL EXÉCUTIF

184. Section 3.41.1 of the Act respecting the Ministère du Conseil exécutif (chapter M-30) is amended by replacing “National Capital and National Capital Region” and “national capital and its region” by “Capitale-Nationale Region” and “Capitale-Nationale region”, respectively.

185. Section 3.41.5 of the Act is amended by replacing “national capital and its region and help further their” in the first paragraph by “Capitale-Nationale region and help further its”.

CULTURAL HERITAGE ACT

186. Section 179.1 of the Cultural Heritage Act (chapter P-9.002) is amended

(1) by replacing “in relation to the division, subdivision, redivision or parcelling out of a lot or to the making of a construction, other than the building or erection of an immovable” in the first paragraph by “except those relating to the building or erection of a main building and the total demolition of a building”;

(2) by replacing “as regards the demolition of all or part of an immovable, the erection of a new construction and the excavation of ground, even inside a building, when it is incidental to such demolition or erection work” in the second paragraph by “those relating to the total demolition of a building, the erection of a new main building, the partial demolition of a building in connection with that erection, and the excavation of ground in connection with that erection or with either of those demolitions”;

(3) by inserting the following paragraph after the second paragraph:

“However, Ville de Québec exercises all the Minister’s powers under sections 49, 64 and 65 as regards an intervention it carries out on an immovable it owns.”

187. The Act is amended by inserting the following section after section 179.3:

“**179.3.1.** The Minister may make a regulation to define “building” and “main building” for the purposes of section 179.1.”

ACT RESPECTING LIQUOR PERMITS

188. Section 39 of the Act respecting liquor permits (chapter P-9.1) is amended by replacing “, where required by the municipality in whose territory the establishment is situated, a certificate of occupancy of the establishment issued by the municipality” in subparagraph 3 of the first paragraph by “a certificate issued by the clerk or the secretary-treasurer of the municipality in whose territory the establishment is situated attesting that the establishment complies with the municipal planning by-laws”.

189. Section 74 of the Act is amended by replacing the first paragraph by the following paragraph:

“The board shall grant the authorization provided for in section 73, on payment of the duties determined in accordance with the regulations, if

(1) it considers that the activity it authorizes is not likely to disturb public tranquility and that the room or terrace where that activity will take place is arranged in accordance with the standards prescribed for that purpose by regulation; and

(2) the permit holder holds a certificate issued by the clerk or the secretary-treasurer of the municipality in whose territory the establishment is situated attesting that the activity complies with the municipal planning by-laws.”

ACT RESPECTING THE PRESERVATION OF AGRICULTURAL LAND AND AGRICULTURAL ACTIVITIES

190. Section 40 of the Act respecting the preservation of agricultural land and agricultural activities (chapter P-41.1) is amended

(1) by replacing “it owns” in the second paragraph by “is owned by that legal person, partnership, shareholder or member”;

(2) by inserting “a child of the shareholder or member or for” after “a residence for” in the third paragraph.

191. Section 58.5 of the Act is amended by adding the following paragraph at the end:

“An application is also not admissible if it does not meet the conditions for a favourable decision regarding the application of collective scope to which it relates.”

192. Section 59.4 of the Act is repealed.

193. Section 61.1 of the Act is amended by inserting “In the territory of a community, census agglomeration or census metropolitan area as defined by Statistics Canada,” at the beginning of the first paragraph.

194. Section 61.1.1 of the Act is amended by striking out “nor to an application relating to a farm-based tourism activity as determined by regulation under section 80”.

195. Section 62 of the Act is amended by adding the following subparagraph at the end of the second paragraph:

“(11) if applicable, the development plan for the agricultural zone of the regional county municipality concerned.”

196. Section 80 of the Act is amended

(1) by striking out paragraph 7.2;

(2) by adding the following paragraphs at the end:

“The Government may also, by regulation, determine the cases and circumstances in which the following uses are allowed without the authorization of the commission:

(1) a use ancillary to an agricultural operation or an equestrian centre;

(2) a farm tourism-related use;

(3) a secondary use in a residence or a multigenerational dwelling in a residence; and

(4) land improvements promoting the practice of agriculture.

For the purposes of subparagraph 2 of the second paragraph, “farm tourism” means tourism activity that is complementary to agriculture and carried on on a farm, where tourists or excursionists are received by farm producers, who provide them with information and allow them to discover the farming environment, agriculture and agricultural production.

A regulation made under the second paragraph must also prescribe rules that minimize the impact of allowed uses of land on existing agricultural activities and enterprises or their development and on possible agricultural uses of neighbouring lots.”

ACT RESPECTING THE RÉSEAU DE TRANSPORT MÉTROPOLITAIN

197. Section 65 of the Act respecting the Réseau de transport métropolitain (chapter R-25.01) is replaced by the following section:

“**65.** At the end of the fiscal year, the Network’s treasurer draws up the financial report for that fiscal year and certifies that it is accurate. The report must include the Network’s financial statements and any other document or information required by the Minister of Municipal Affairs, Regions and Land Occupancy or the Communauté métropolitaine de Montréal.

The treasurer must also produce any other document or information required by that minister.

That minister may prescribe any rule relating to the documents or information mentioned in the first two paragraphs.”

198. The Act is amended by inserting the following section after section 68:

“**68.1.** If, after the activity report is submitted under section 68, an error is found in the financial report, the treasurer may make the necessary correction. If the correction is required by the Minister of Municipal Affairs, Regions and Land Occupancy, the treasurer must make the necessary correction as soon as possible. The treasurer must table any corrected report before the Network’s board of directors and the Network must send it to that Minister, to the Minister of Municipal Affairs, Regions and Land Occupancy and to the Communauté métropolitaine de Montréal.

The first paragraph applies, with the necessary modifications, to the documents and information mentioned in the second paragraph of section 65.”

ACT RESPECTING PUBLIC TRANSIT AUTHORITIES

199. Section 40 of the Act respecting public transit authorities (chapter S-30.01) is amended by replacing “section 23” in the third paragraph by “section 19.1”.

200. Section 92.2 of the Act is amended

(1) by inserting the following paragraph after the fourth paragraph:

“If a contract involves an expenditure of at least \$25,000 and less than \$100,000, is not referred to in the fourth paragraph and is made in accordance with a provision of the by-law on contract management adopted under the fourth paragraph of section 103.2, the list must mention how the contract was awarded.”;

(2) by replacing “fourth and fifth” and “fifth paragraph” in the last paragraph by “fourth, fifth and sixth” and “sixth paragraph”, respectively.

201. Section 92.3 of the Act is amended by adding the following paragraph at the end:

“The transit authority must also post on its website, not later than 31 January, the list of all contracts involving an expenditure exceeding \$2,000 entered into in the last full fiscal year preceding that date with the same contracting party if those contracts involve a total expenditure exceeding \$25,000. That list must state, for each contract, the name of the contracting party, the amount of the consideration and the object of the contract.”

202. Section 96 of the Act is amended

(1) by striking out “Subject to section 96.1,” in the first paragraph;

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

“The transit authority shall establish a selection committee of at least three members, other than members of the board of directors; the committee must evaluate each tender and assign it a number of points for each criterion.”

203. Section 96.1 of the Act is amended

(1) by replacing “Where a contract for professional services is to be awarded, a transit authority must” in the introductory clause of the first paragraph by “A transit authority may”;

(2) by inserting the following subparagraphs after subparagraph 2 of the first paragraph:

“(2.1) the system must mention, if applicable, all the evaluation criteria and the minimum number of points that must be assigned to each to establish an interim score for a tender;

“(2.2) the system must mention the factor, varying between 0 and 50, to be added to the interim score in the formula in subparagraph *e* of subparagraph 3 for establishing the final score;”;

(3) by replacing “50” in subparagraph *e* of subparagraph 3 of the first paragraph by “the factor determined under subparagraph 2.2”;

(4) by replacing the second paragraph by the following paragraph:

“The call for tenders or a document to which it refers must

(1) mention all the requirements and all the criteria that will be used to evaluate the bids, in particular the minimum interim score of 70, and the bid weighting and evaluating methods based on those criteria;

(2) specify that the tender is to be submitted in an envelope containing all the documents and an envelope containing the proposed price;

(3) mention which criterion, between the lowest proposed price and the highest interim score, will be used to break a tie in the number of points assigned to the final tenders by the selection committee.”;

(5) by replacing the third paragraph by the following paragraph:

“The board of directors may not award the contract to a person other than the person who submitted a tender within the prescribed time and whose tender received the highest final score. If more than one tender received the highest final score, the board shall award the contract to the person who submitted the tender that meets the criterion mentioned, in accordance with subparagraph 3 of the second paragraph, in the call for tenders or a document to which it refers.”;

(6) by striking out the fifth paragraph.

204. The Act is amended by inserting the following section after section 96.1:

“**96.2.** Where a contract for professional services is to be awarded, a transit authority must use the system of bid weighting and evaluating provided for in section 96 or 96.1.”

205. The Act is amended by inserting the following sections after section 99:

“**99.0.1.** If the transit authority uses a system of bid weighting and evaluating described in section 96, it may, in the call for tenders, provide that the opening of tenders will be followed by individual discussions with each tenderer to further define the technical or financial aspects of the project and allow the tenderer to submit a final tender that reflects the outcome of those discussions.

The call for tenders for such contracts must also contain

(1) the rules for breaking a tie in the points assigned to final tenders by the selection committee;

(2) the procedure and the time period, which may not exceed six months, for holding discussions; and

(3) provisions allowing the transit authority to ensure compliance at all times with the rules applicable to it, in particular with respect to access to the documents of public bodies and the protection of personal information.

The selection committee must evaluate each final tender and, for each criterion mentioned in the call for tenders described in the first paragraph, assign points which the secretary of the selection committee shall record in the secretary's report referred to in section 99.0.8.

The Minister of Municipal Affairs, Regions and Land Occupancy may, on the conditions he determines, authorize the transit authority to pay a financial compensation to each tenderer, other than the one to whom the contract is awarded, who submitted a compliant tender. In such a case, the call for tenders must provide for such a payment and may not be published before the Minister has given his authorization.

“99.0.2. In addition to any publication required under subparagraph 1 of the second paragraph of section 95, every call for final tenders must be sent in writing to each tenderer referred to in the first paragraph of section 99.0.1.

“99.0.3. In the case of a call for tenders described in section 99.0.1 or 99.0.2, the prohibition set out in the eighth paragraph of section 95 applies until the reports referred to in section 99.0.8 are tabled.

“99.0.4. The ninth paragraph of section 95 does not apply to a tender submitted following a call for tenders described in section 99.0.1 or 99.0.2.

Such tenders must be opened in the presence of the secretary of the selection committee; the secretary shall record the names of the tenderers and the price of each tender in the secretary's report referred to in section 99.0.8.

“99.0.5. If the transit authority establishes a qualification process described in section 97 to award a single contract referred to in section 99.0.1, it may set a limit, which may not be less than three, on the number of suppliers to which it will grant qualification.

“99.0.6. Any provision required in order to bring the parties to enter into a contract may be negotiated with the person that obtained the highest score, provided the provision conserves the basic elements of the calls for tenders described in sections 99.0.1 and 99.0.2 and the basic elements of the tender.

“99.0.7. The discussions and negotiations described in sections 99.0.1 and 99.0.6 are, in the case of the transit authority, under the responsibility of a person identified in the call for tenders who may neither be a board member nor a member or the secretary of the selection committee. The person shall record the dates and subjects of any discussions or negotiations in the person's report referred to in section 99.0.8.

“99.0.3. The contract may not be entered into before the secretary of the selection committee and the person referred to in section 99.0.7 table their reports before the board.

The report of the person referred to in section 99.0.7 must certify that any discussions or negotiations were carried out in compliance with the applicable provisions and that all tenderers were treated equally. The report of the secretary of the selection committee must do likewise with respect to every other step of the tendering process.”

206. Section 103.2 of the Act is replaced by the following section:

“103.2. Every transit authority must adopt a by-law on contract management.

The by-law is applicable to all contracts, including contracts that are not described in any of the subparagraphs of the first paragraph of section 93 or in section 101.

The by-law must include

(1) measures to ensure compliance with any applicable anti-bid-rigging legislation;

(2) measures to ensure compliance with the Lobbying Transparency and Ethics Act (chapter T-11.011) and the Code of Conduct for Lobbyists (chapter T-11.011, r. 2) adopted under that Act;

(3) measures to prevent intimidation, influence peddling and corruption;

(4) measures to prevent conflict of interest situations;

(5) measures to prevent any other situation likely to compromise the impartiality or objectivity of the call for tenders or the management of the resulting contract;

(6) measures to govern the making of decisions authorizing the amendment of a contract; and

(7) for contracts that involve an expenditure of less than \$100,000 and that may be entered into by mutual agreement, measures to ensure rotation among potential contracting parties.

The by-law may prescribe the rules governing the making of contracts that involve an expenditure of at least \$25,000 but less than \$100,000. The rules may vary according to determined categories of contracts. Where such rules are in force, neither the second paragraph of section 93 nor section 94 apply to those contracts.

The by-law, and any other by-law regarding contract management, in particular any by-law delegating the power to incur an expense or make a contract, must be permanently published on the transit authority's website.

Not later than 30 days after the day on which a by-law is adopted under this section, the secretary of the transit authority must send a certified copy of it to the Minister of Municipal Affairs, Regions and Land Occupancy.

The transit authority shall table a report on the application of the by-law at least once a year at a sitting of the board of directors.

As regards non-compliance with a measure included in the by-law, section 108.2 applies only in the case of a contract for which the contracting process began after the date as of which the measure was included in the by-law.”

207. Section 136 of the Act is replaced by the following section:

“**136.** At the end of the fiscal year, the treasurer shall draw up the financial report for the past fiscal year and certify that it is accurate. The report must include the financial statements and any other document or information required by the Minister of Municipal Affairs, Regions and Land Occupancy.

The treasurer shall also produce any other document or information required by that Minister.

That Minister may prescribe any rule relating to the documents and information referred to in the first two paragraphs.”

208. Section 137 of the Act is amended by replacing the second sentence by the following sentence: “The auditor shall send his or her report to the treasurer.”

209. Section 138 of the Act is replaced by the following section:

“**138.** The treasurer must, at a meeting of the board of directors, table the financial report, the auditor's report sent in accordance with section 137 and any other document the tabling of which is prescribed by the Minister of Municipal Affairs, Regions and Land Occupancy.”

210. Section 139 of the Act is replaced by the following section:

“**139.** After the tabling referred to in section 138 and not later than 15 April, the secretary shall send the financial report and the auditor's report to the Minister of Municipal Affairs, Regions and Land Occupancy and to the clerk of the city.

The secretary shall also send to that minister, within the time prescribed by the latter, the documents and information referred to in the second paragraph of section 136.”

211. The Act is amended by inserting the following section after section 139:

“139.1. If, after the sending referred to in section 139, an error is found in the financial report, the treasurer may make the necessary correction. If the correction is required by the Minister of Municipal Affairs, Regions and Land Occupancy, the treasurer must make the necessary correction as soon as possible. The treasurer must table any corrected report before the board of directors and the secretary must send it to that Minister and to the clerk of the city.

The first paragraph applies, with the necessary modifications, to the documents and information referred to in the second paragraph of section 136.”

ACT RESPECTING THE REMUNERATION OF ELECTED MUNICIPAL OFFICERS

212. Section 2 of the Act respecting the remuneration of elected municipal officers (chapter T-11.001) is replaced by the following section:

“2. The council of a municipality shall, by by-law, fix the remuneration of its mayor or warden and of its other members.

The by-law may only be adopted if the vote of the mayor or warden is included in the two-thirds majority vote, in favour of the by-law, of the members of the council of the municipality.

The by-law may have retroactive effect from 1 January of the year in which it comes into force.

For the purposes of this Act,

(1) “mandatary body of the municipality” means any body declared by law to be a mandatary or agent of the municipality and any body whose board of directors is composed in the majority of members of the council of the municipality and whose budget is adopted by the council of the municipality;

(2) “supramunicipal body” means a supramunicipal body within the meaning of sections 18 and 19 of the Act respecting the Pension Plan of Elected Municipal Officers (chapter R-9.3).”

213. Sections 2.1 to 2.3 of the Act are repealed.

214. Section 4 of the Act is repealed.

215. Section 8 of the Act is amended

- (1) by replacing “sixth” in subparagraph 4 of the second paragraph by “third”;
- (2) by striking out the third paragraph.

216. Section 9 of the Act is amended by replacing “basic remuneration or additional” in the first paragraph by “current”.

217. Section 11 of the Act is replaced by the following section:

“11. The treasurer or secretary-treasurer of a municipality whose by-laws are in force shall include, in the financial report of the municipality, a statement on the remuneration and expense allowance received by each council member from the municipality, a mandatory body of the municipality or a supramunicipal body. That information must also be published on the municipality’s website or, if the local municipality does not have a website, on the website of the regional county municipality whose territory includes that of the municipality.”

218. Division II of Chapter II of the Act, comprising sections 12 to 17, is repealed.

219. Section 19 of the Act is amended by replacing the first paragraph by the following paragraphs:

“Every member of the council of a municipality receives, in addition to any remuneration fixed in a by-law adopted under section 2, an expense allowance of an amount equal to one-half of that remuneration, up to \$16,476.

The amount provided for in the first paragraph must be adjusted on 1 January each year according to the change in the average Consumer Price Index for the preceding year, based on the index established for the whole of Québec by Statistics Canada.

That amount is rounded down to the nearest dollar if it includes a dollar fraction that is less than \$0.50 or up to the nearest dollar if it includes a dollar fraction that is equal to or greater than \$0.50. The Minister of Municipal Affairs, Regions and Land Occupancy shall publish the results of that adjustment in the *Gazette officielle du Québec*.”

220. The Act is amended by inserting the following section after section 19:

“19.1. If a member of the council of a municipality is entitled to receive an expense allowance from a mandatory body of the municipality or from a supramunicipal body, whether the allowance is referred to as such or by any other name, the maximum provided for in section 19 applies to the aggregate of the allowances the member is entitled to receive from the municipality and from such a body.

If the aggregate of the expense allowances which the member would be entitled to receive is greater than the maximum prescribed, the excess amount is subtracted from the amount the member would be entitled to receive from the mandatory body of the municipality or from the supramunicipal body.

Where the member would be entitled to receive an amount from several bodies, the excess amount is subtracted proportionately from each amount.”

221. Section 20 of the Act is repealed.

222. Division IV of Chapter II of the Act, comprising sections 21 to 23, is repealed.

223. Section 24 of the Act is amended by striking out “or provided for in section 17” in the first paragraph.

224. Division VI of Chapter II of the Act, comprising sections 24.1 to 24.4, is repealed.

TRANSPORT ACT

225. Section 48.27 of the Transport Act (chapter T-12) is repealed.

ACT RESPECTING OFF-HIGHWAY VEHICLES

226. Section 47.2 of the Act respecting off-highway vehicles (chapter V-1.2) is amended by replacing the last sentence of the third paragraph by the following sentences: “The Minister may disallow all or part of the by-law at any time. In such a case, the by-law or part of the by-law that has been disallowed ceases to have effect on the date a notice of disallowance is published in the *Gazette officielle du Québec* or on any later date specified in the notice. The Minister notifies the municipality of his decision as soon as possible.”

227. Section 48 of the Act is amended by replacing “together with a report on the consultation provided for in the preceding paragraphs. The by-law comes into force 90 days after it is passed unless it is the subject of a notice of disallowance published by the Minister in the *Gazette officielle du Québec*” in the fourth paragraph by “. The Minister may disallow all or part of the by-law at any time. In such a case, the by-law or part of the by-law that has been disallowed ceases to have effect on the date a notice of disallowance is published in the *Gazette officielle du Québec* or on any later date specified in the notice. The Minister notifies the municipality of his decision as soon as possible”.

ACT RESPECTING NORTHERN VILLAGES AND THE KATIVIK REGIONAL GOVERNMENT

228. Section 40 of the Act respecting Northern villages and the Kativik Regional Government (chapter V-6.1) is amended by replacing “22” in the first paragraph of subsection 2.1 by “19”.

229. Section 296.2 of the Act is amended by replacing “22” in the first, second and third paragraphs by “19”.

REGULATION AUTHORIZING THE SIGNING BY A FUNCTIONARY
OF CERTAIN DEEDS, DOCUMENTS AND WRITINGS OF THE
MINISTÈRE DES TRANSPORTS

230. Section 26.1 of the Regulation authorizing the signing by a functionary of certain deeds, documents and writings of the Ministère des Transports (chapter M-28, r. 5) is repealed.

ORDER IN COUNCIL CONCERNING THE URBAN AGGLOMERATION
OF MONT-TREMBLANT

231. Section 12 of Order in Council 846-2005 dated 14 September 2005 (2005, G.O. 2, 4316), concerning the urban agglomeration of Mont-Tremblant, is amended by striking out “, despite section 17 of the Act,” in the first paragraph.

232. Section 13 of the Order in Council is amended by striking out “basic or additional” in the second and fourth paragraphs.

233. Sections 14 and 15 of the Order in Council are repealed.

234. Section 16 of the Order in Council is amended

(1) by striking out “remuneration or” in the first paragraph;

(2) by replacing “remuneration or compensation that a person would otherwise be entitled to receive from the central municipality only, or from both the central municipality and the reconstituted municipality, exceeds the maximum under section 21 or 22, as the case may be,” in the second paragraph by “compensation that a person would otherwise be entitled to receive from the central municipality only, or from both the central municipality and the reconstituted municipality, exceeds the maximum under section 19”.

ORDER IN COUNCIL CONCERNING THE URBAN AGGLOMERATION
OF LA TUQUE

235. Section 14 of Order in Council 1055-2005 dated 9 November 2005 (2005, G.O. 2, 4958), concerning the urban agglomeration of La Tuque, is amended by striking out “, despite section 17 of the Act,” in the first paragraph.

236. Section 15 of the Order in Council is amended by striking out “basic or additional” in the second and fourth paragraphs.

237. Sections 16 and 17 of the Order in Council are repealed.

238. Section 18 of the Order in Council is amended

(1) by striking out “remuneration or” in the first paragraph;

(2) by replacing “remuneration or compensation that a person would otherwise be entitled to receive from the central municipality only, or from both the central municipality and the reconstituted municipality, exceeds the maximum under section 21 or 22, as the case may be,” in the second paragraph by “compensation that a person would otherwise be entitled to receive from the central municipality only, or from both the central municipality and the reconstituted municipality, exceeds the maximum under section 19”.

ORDER IN COUNCIL CONCERNING THE URBAN AGGLOMERATION OF SAINTE-AGATHE-DES-MONTS

239. Section 12 of Order in Council 1059-2005 dated 9 November 2005 (2005, G.O. 2, 4973), concerning the urban agglomeration of Sainte-Agathe-des-Monts, is amended by striking out “, despite section 17 of the Act,” in the first paragraph.

240. Section 13 of the Order in Council is amended by striking out “basic or additional” in the second and fourth paragraphs.

241. Sections 14 and 15 of the Order in Council are repealed.

242. Section 16 of the Order in Council is amended

(1) by striking out “remuneration or” in the first paragraph;

(2) by replacing “remuneration or compensation that a person would otherwise be entitled to receive from the central municipality only, or from both the central municipality and the reconstituted municipality, exceeds the maximum under section 21 or 22, as the case may be,” in the second paragraph by “compensation that a person would otherwise be entitled to receive from the central municipality only, or from both the central municipality and the reconstituted municipality, exceeds the maximum under section 19”.

ORDER IN COUNCIL CONCERNING THE URBAN AGGLOMERATION OF MONT-LAURIER

243. Section 12 of Order in Council 1062-2005 dated 9 November 2005 (2005, G.O. 2, 4986), concerning the urban agglomeration of Mont-Laurier, is amended by striking out “, despite section 17 of the Act,” in the first paragraph.

244. Section 13 of the Order in Council is amended by striking out “basic or additional” in the second and fourth paragraphs.

245. Sections 14 and 15 of the Order in Council are repealed.

246. Section 16 of the Order in Council is amended

(1) by striking out “remuneration or” in the first paragraph;

(2) by replacing “remuneration or compensation that a person would otherwise be entitled to receive from the central municipality only, or from both the central municipality and the reconstituted municipality, exceeds the maximum under section 21 or 22, as the case may be,” in the second paragraph by “compensation that a person would otherwise be entitled to receive from the central municipality only, or from both the central municipality and the reconstituted municipality, exceeds the maximum under section 19”.

ORDER IN COUNCIL CONCERNING THE URBAN AGGLOMERATION OF SAINTE-MARGUERITE-ESTÉREL

247. Section 12 of Order in Council 1065-2005 dated 9 November 2005 (2005, G.O. 2, 4999), concerning the urban agglomeration of Sainte-Marguerite-Estérel, is amended by striking out “, despite section 17 of the Act,” in the first paragraph.

248. Section 13 of the Order in Council is amended by striking out “basic or additional” in the second and fourth paragraphs.

249. Sections 14 and 15 of the Order in Council are repealed.

250. Section 16 of the Order in Council is amended

(1) by striking out “remuneration or” in the first paragraph;

(2) by replacing “remuneration or compensation that a person would otherwise be entitled to receive from the central municipality only, or from both the central municipality and the reconstituted municipality, exceeds the maximum under section 21 or 22, as the case may be,” in the second paragraph by “compensation that a person would otherwise be entitled to receive from the central municipality only, or from both the central municipality and the reconstituted municipality, exceeds the maximum under section 19”.

ORDER IN COUNCIL CONCERNING THE URBAN AGGLOMERATION OF COOKSHIRE-EATON

251. Section 12 of Order in Council 1068-2005 dated 9 November 2005 (2005, G.O. 2, 5011), concerning the urban agglomeration of Cookshire-Eaton, is amended by striking out “, despite section 17 of the Act,” in the first paragraph.

252. Section 13 of the Order in Council is amended by striking out “basic or additional” in the second and fourth paragraphs.

253. Sections 14 and 15 of the Order in Council are repealed.

254. Section 16 of the Order in Council is amended

(1) by striking out “remuneration or” in the first paragraph;

(2) by replacing “remuneration or compensation that a person would otherwise be entitled to receive from the central municipality only, or from both the central municipality and the reconstituted municipality, exceeds the maximum under section 21 or 22, as the case may be,” in the second paragraph by “compensation that a person would otherwise be entitled to receive from the central municipality only, or from both the central municipality and the reconstituted municipality, exceeds the maximum under section 19”.

ORDER IN COUNCIL CONCERNING THE URBAN AGGLOMERATION OF RIVIÈRE-ROUGE

255. Section 12 of Order in Council 1072-2005 dated 9 November 2005 (2005, G.O. 2, 5023), concerning the urban agglomeration of Rivière-Rouge, is amended by striking out “, despite section 17 of the Act,” in the first paragraph.

256. Section 13 of the Order in Council is amended by striking out “basic or additional” in the second and fourth paragraphs.

257. Sections 14 and 15 of the Order in Council are repealed.

258. Section 16 of the Order in Council is amended

(1) by striking out “remuneration or” in the first paragraph;

(2) by replacing “remuneration or compensation that a person would otherwise be entitled to receive from the central municipality only, or from both the central municipality and the reconstituted municipality, exceeds the maximum under section 21 or 22, as the case may be,” in the second paragraph by “compensation that a person would otherwise be entitled to receive from the central municipality only, or from both the central municipality and the reconstituted municipality, exceeds the maximum under section 19”.

ORDER IN COUNCIL CONCERNING THE URBAN AGGLOMERATION OF ÎLES-DE-LA-MADELEINE

259. Section 12 of Order in Council 1130-2005 dated 23 November 2005 (2005, G.O. 2, 5133), concerning the urban agglomeration of Îles-de-la-Madeleine, is amended by striking out “, despite section 17 of the Act,” in the first paragraph.

260. Section 13 of the Order in Council is amended by striking out “basic or additional” in the second and fourth paragraphs.

261. Sections 14 and 15 of the Order in Council are repealed.

262. Section 16 of the Order in Council is amended

(1) by striking out “remuneration or” in the first paragraph;

(2) by replacing “remuneration or compensation that a person would otherwise be entitled to receive from the central municipality only, or from both the central municipality and the reconstituted municipality, exceeds the maximum under section 21 or 22, as the case may be,” in the second paragraph by “compensation that a person would otherwise be entitled to receive from the central municipality only, or from both the central municipality and the reconstituted municipality, exceeds the maximum under section 19”.

ORDER IN COUNCIL CONCERNING THE URBAN AGGLOMERATION OF QUÉBEC

263. Section 18 of Order in Council 1211-2005 dated 7 December 2005 (2005, G.O. 2, 5134A), concerning the urban agglomeration of Québec, is amended by striking out “, despite section 17 of the Act,” in the first paragraph.

264. Section 19 of the Order in Council is amended

(1) by striking out “basic or additional” in the first sentence of the second paragraph;

(2) by striking out the second sentence of the second paragraph;

(3) by striking out “basic or additional” in the fourth paragraph.

265. Sections 20 and 21 of the Order in Council are repealed.

266. Section 22 of the Order in Council is amended

(1) by striking out “remuneration or” in the first paragraph;

(2) by replacing “remuneration or compensation that a person would otherwise be entitled to receive from the central municipality only, or from both the central municipality and the reconstituted municipality, exceeds the maximum under section 21 or 22, as the case may be,” in the second paragraph by “compensation that a person would otherwise be entitled to receive from the central municipality only, or from both the central municipality and the reconstituted municipality, exceeds the maximum under section 19”.

ORDER IN COUNCIL CONCERNING THE URBAN AGGLOMERATION OF LONGUEUIL

267. Section 19 of Order in Council 1214-2005 dated 7 December 2005 (2005, G.O. 2, 5159A), concerning the urban agglomeration of Longueuil, is amended by striking out “, despite section 17 of the Act,” in the first paragraph.

268. Section 20 of the Order in Council is amended

(1) by striking out “basic or additional” in the first sentence of the second paragraph;

(2) by striking out the second sentence of the second paragraph;

(3) by striking out “basic or additional” in the fourth paragraph.

269. Sections 21 and 22 of the Order in Council are repealed.

270. Section 23 of the Order in Council is amended

(1) by striking out “remuneration or” in the first paragraph;

(2) by replacing “remuneration or compensation that a person would otherwise be entitled to receive from the central municipality only, or from both the central municipality and the reconstituted municipality, exceeds the maximum under section 21 or 22, as the case may be,” in the second paragraph by “compensation that a person would otherwise be entitled to receive from the central municipality only, or from both the central municipality and the reconstituted municipality, exceeds the maximum under section 19”.

ORDER IN COUNCIL CONCERNING THE URBAN AGGLOMERATION OF MONTRÉAL

271. Section 20 of Order in Council 1229-2005 dated 8 December 2005 (2005, G.O. 2, 5176A), concerning the urban agglomeration of Montréal, is amended by striking out “, despite section 17 of the Act,” in the first paragraph.

272. Section 21 of the Order in Council is amended

(1) by striking out “basic or additional” in the first sentence of the second paragraph;

(2) by striking out the second sentence of the second paragraph;

(3) by striking out “basic or additional” in the fourth paragraph.

273. Sections 22 and 23 of the Order in Council are repealed.

274. Section 24 of the Order in Council is amended

(1) by striking out “remuneration or” in the first paragraph;

(2) by replacing “remuneration or compensation that a person would otherwise be entitled to receive from the central municipality only, or from both the central municipality and the reconstituted municipality, exceeds the maximum under section 21 or 22, as the case may be,” in the second paragraph by “compensation that a person would otherwise be entitled to receive from the central municipality only, or from both the central municipality and the reconstituted municipality, exceeds the maximum under section 19”.

MISCELLANEOUS, TRANSITIONAL AND FINAL PROVISIONS

275. All references to the contract management policy in the following Acts are replaced by a reference to the by-law on contract management:

- (1) the Cities and Towns Act (chapter C-19);
- (2) the Municipal Code of Québec (chapter C-27.1);
- (3) the Act respecting the Communauté métropolitaine de Montréal (chapter C-37.01);
- (4) the Act respecting the Communauté métropolitaine de Québec (chapter C-37.02); and
- (5) the Act respecting public transit authorities (chapter S-30.01).

276. Despite sections 197, 201 and 202 of the Act respecting land use planning and development (chapter A-19.1), any decision of the council of a regional county municipality relating to the use of amounts paid under the natural resource royalty income sharing program must be made by an affirmative vote of the majority of the members present, regardless of the number of votes granted to them in the order constituting the regional county municipality, and the total of the populations awarded to those representatives who cast affirmative votes must be equal to more than half of the total of the populations awarded to the representatives who voted.

277. The public participation policy provided for in section 80.1 of the Act respecting land use planning and development, enacted by section 4, may be adopted as of the date of coming into force of the first regulation made under section 80.3 of that Act, also enacted by section 4.

278. All contract management policies adopted under section 573.3.1.2 of the Cities and Towns Act, article 938.1.2 of the Municipal Code of Québec, section 113.2 of the Act respecting the Communauté métropolitaine de Montréal, section 106.2 of the Act respecting the Communauté métropolitaine de Québec and section 103.2 of the Act respecting public transit authorities are deemed to be by-laws on contract management adopted under the same article and sections, as amended by this Act.

This section does not apply to a body that is not generally authorized to prescribe that a penalty may be imposed for non-compliance with a regulatory provision under its jurisdiction.

279. Section 92.2 of the Municipal Powers Act (chapter C-47.1), as it read before being amended by section 144, continues to apply until the coming into force of the first regulation made by the Minister under section 92.2, as amended.

280. A by-law adopted under section 2 of the Act respecting the remuneration of elected municipal officers (chapter T-11.001) and in force on 1 January 2018 continues to apply until it is amended or replaced under section 2, as amended by section 212.

The remuneration of the members of the council of a municipality that does not have such a by-law is, until the adoption of a by-law under section 2 of that Act, as amended by section 212, the remuneration applicable under sections 12 to 16 of the Act respecting the remuneration of elected municipal officers, as they read before being repealed by section 218, according to the amounts set out in the notice published under section 24.4 of that Act for the 2017 fiscal year.

281. Section 264.0.9 of the Act respecting land use planning and development applies to Ville de Sherbrooke despite any provision of the Act respecting Ville de Sherbrooke (2013, chapter 41).

282. This Act comes into force on 16 June 2017, except sections 19 to 23, 25 to 28, 31, 32, 34, 36 to 38, 45 to 48, 50 to 53, 57, 58, 61, 64, 74, 75, 86 to 89, 93, 94, 100, 103, 105, 106, 108, 115, 121, 123 to 129, 135, 137 to 141, 161, 180, 197 to 200, 206 to 224, 228, 229, 231 to 275 and 278, which come into force on 1 January 2018.