



NATIONAL ASSEMBLY

FIRST SESSION

FORTIETH LEGISLATURE

Bill 8

An Act to amend various legislative provisions concerning municipal affairs

Introduction

Introduced by
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Minister of Municipal Affairs, Regions and Land
Occupancy

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EXPLANATORY NOTES

This bill amends the Cities and Towns Act, the Municipal Code of Québec, the Act respecting the Communauté métropolitaine de Montréal, the Act respecting the Communauté métropolitaine de Québec and the Act respecting public transit authorities to enable the municipalities and bodies governed by those Acts to reject any tender from a contractor or supplier having received an unsatisfactory performance assessment with respect to a previous contract.

The Municipal Code of Québec is amended in order to shorten the time limit for sending a notice of convocation for a special sitting of the council of a regional county municipality.

The Act respecting elections and referendums in municipalities is amended in order to simplify municipal election procedures and facilitate elector participation.

The Act respecting municipal taxation is amended to allow the Minister of Municipal Affairs, Regions and Land Occupancy to modify the application period of a property assessment roll or a roll of rental values if it is demonstrated to the Minister that the extra work inherent in drawing up a number of rolls simultaneously warrants it. The Act is further amended to provide that sending to the Minister a copy of the certificate of alteration concerning an immovable in the education, health or social services network may stand in lieu of filing a demand for payment resulting from an alteration to the roll.

The Act respecting the Pension Plan of Elected Municipal Officers is amended to make an adjustment concerning waivers of spousal benefits and to modify certain aspects of the governance of the pension plan of elected municipal officers, particularly with respect to the composition of the review committee.

Various local, ad hoc and technical measures are introduced.

LEGISLATION AMENDED BY THIS BILL:

- Charter of Ville de Québec (chapter C-11.5);
- Cities and Towns Act (chapter C-19);

- Municipal Code of Québec (chapter C-27.1);
- Act respecting the Communauté métropolitaine de Montréal (chapter C-37.01);
- Act respecting the Communauté métropolitaine de Québec (chapter C-37.02);
- Act respecting elections and referendums in municipalities (chapter E-2.2);
- Act respecting municipal taxation (chapter F-2.1);
- Act respecting the Pension Plan of Elected Municipal Officers (chapter R-9.3);
- Act respecting public transit authorities (chapter S-30.01);
- Act to again amend various legislative provisions concerning municipal affairs (2005, chapter 50).

ORDER IN COUNCIL AMENDED BY THIS BILL:

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

Bill 8

AN ACT TO AMEND VARIOUS LEGISLATIVE PROVISIONS CONCERNING MUNICIPAL AFFAIRS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

CHARTER OF VILLE DE QUÉBEC

1. Section 114 of the Charter of Ville de Québec (chapter C-11.5) is amended by inserting “that the city council delegated to it under section 84.1 of Schedule C or” after “related to a power” in the third paragraph.

CITIES AND TOWNS ACT

2. Section 573 of the Cities and Towns Act (chapter C-19) is amended

(1) by inserting the following subsection after subsection 2:

“(2.0.1) A call for public tenders may provide that the municipality reserves the right to reject any tender from a contractor or supplier having received an unsatisfactory performance assessment in the two years before the tender opening date.

For the purposes of the first paragraph, a municipality may only use an unsatisfactory performance assessment if the assessment meets the following conditions:

(1) it relates to the carrying out of a contract awarded by the municipality or by the body responsible for carrying out an agreement to which the municipality is a party and which was entered into under section 29.5, 29.9.1 or 29.10;

(2) it was carried out by the person designated for that purpose by the council of the municipality or by the body;

(3) it is included in a report a copy of which was sent to the contractor or supplier not later than the 60th day after the termination of the contract concerned;

(4) the contractor or supplier was given at least 30 days after receiving a copy of the report referred to in subparagraph 3 to submit comments in writing to the municipality or body; and

(5) it is a final assessment, having been approved by the council of the municipality or by the body not later than the 60th day after receipt of the contractor's or supplier's comments or, if no comments were submitted, after the expiry of the period specified in subparagraph 4 for submitting comments. A certified copy of the approved assessment must be sent to the contractor or supplier.”;

(2) by replacing “may stipulate” in the introductory clause of subsection 2.1 by “may also provide”.

MUNICIPAL CODE OF QUÉBEC

3. Article 156 of the Municipal Code of Québec (chapter C-27.1) is amended by replacing “10” in the first paragraph by “three”.

4. Article 935 of the Code is amended

(1) by inserting the following subarticle after subarticle 2 of the first paragraph:

“(2.0.1) A call for public tenders may provide that the municipality reserves the right to reject any tender from a contractor or supplier having received an unsatisfactory performance assessment in the two years before the tender opening date.

For the purposes of the first paragraph, a municipality may only use an unsatisfactory performance assessment if the assessment meets the following conditions:

(1) it relates to the carrying out of a contract awarded by the municipality or by the body responsible for carrying out an agreement to which the municipality is a party and which was entered into under article 14.3, 14.7.1 or 14.8;

(2) it was carried out by the person designated for that purpose by the council of the municipality or by the body;

(3) it is included in a report a copy of which was sent to the contractor or supplier not later than the 60th day after the termination of the contract concerned;

(4) the contractor or supplier was given at least 30 days after receiving a copy of the report referred to in subparagraph 3 to submit comments in writing to the municipality or body; and

(5) it is a final assessment, having been approved by the council of the municipality or by the body not later than the 60th day after receipt of the contractor's or supplier's comments or, if no comments were submitted, after the expiry of the period specified in subparagraph 4 for submitting comments.

A certified copy of the approved assessment must be sent to the contractor or supplier.”;

(2) by replacing “may stipulate” in the introductory clause of subarticle 2.1 of the first paragraph by “may also provide”;

(3) by striking out the second paragraph.

ACT RESPECTING THE COMMUNAUTÉ MÉTROPOLITAINE DE MONTRÉAL

5. Section 107 of the Act respecting the Communauté métropolitaine de Montréal (chapter C-37.01) is amended by replacing “sixth, seventh and eighth” in the second paragraph by “eighth, ninth and tenth”.

6. Section 108 of the Act is amended

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

“A call for public tenders may provide that the Community reserves the right to reject any tender from a contractor or supplier having received an unsatisfactory performance assessment in the two years before the tender opening date.

For the purposes of the fifth paragraph, the Community may only use an unsatisfactory performance assessment if the assessment meets the following conditions:

(1) it relates to the carrying out of a contract awarded by the Community;

(2) it was carried out by the person designated for that purpose by the council;

(3) it is included in a report a copy of which was sent to the contractor or supplier not later than the 60th day after the termination of the contract concerned;

(4) the contractor or supplier was given at least 30 days after receiving a copy of the report referred to in subparagraph 3 to submit comments in writing to the Community; and

(5) it is a final assessment, having been approved by the council not later than the 60th day after receipt of the contractor’s or supplier’s comments or, if no comments were submitted, after the expiry of the period specified in subparagraph 4 for submitting comments. A certified copy of the approved assessment must be sent to the contractor or supplier.”;

(2) by replacing “may stipulate” in the introductory clause of the fifth paragraph by “may also provide”.

7. Section 109 of the Act is amended by replacing “eighth” in the fourth paragraph by “tenth”.

8. Section 109.1 of the Act is amended

(1) by replacing “seventh” in subparagraph *d* of subparagraph 3 of the first paragraph by “ninth”;

(2) by replacing “eighth” in the fourth paragraph by “tenth”.

9. Section 110 of the Act is amended by replacing “fifth” in the second paragraph by “seventh”.

10. Section 112 of the Act is amended by replacing “fifth and eighth” by “seventh and tenth”.

11. Section 112.1 of the Act is amended by replacing “eighth” in the second paragraph by “tenth”.

12. Section 118.2 of the Act is amended by replacing “sixth” in the first paragraph by “eighth”.

ACT RESPECTING THE COMMUNAUTÉ MÉTROPOLITAINE DE QUÉBEC

13. Section 100 of the Act respecting the Communauté métropolitaine de Québec (chapter C-37.02) is amended by replacing “sixth, seventh and eighth” in the second paragraph by “eighth, ninth and tenth”.

14. Section 101 of the Act is amended

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

“A call for public tenders may provide that the Community reserves the right to reject any tender from a contractor or supplier having received an unsatisfactory performance assessment in the two years before the tender opening date.

For the purposes of the fifth paragraph, the Community may only use an unsatisfactory performance assessment if the assessment meets the following conditions:

(1) it relates to the carrying out of a contract awarded by the Community;

(2) it was carried out by the person designated for that purpose by the council;

(3) it is included in a report a copy of which was sent to the contractor or supplier not later than the 60th day after the termination of the contract concerned;

(4) the contractor or supplier was given at least 30 days after receiving a copy of the report referred to in subparagraph 3 to submit comments in writing to the Community; and

(5) it is a final assessment, having been approved by the council not later than the 60th day after receipt of the contractor's or supplier's comments or, if no comments were submitted, after the expiry of the period specified in subparagraph 4 for submitting comments. A certified copy of the approved assessment must be sent to the contractor or supplier.”;

(2) by replacing “may stipulate” in the introductory clause of the fifth paragraph by “may also provide”.

15. Section 102 of the Act is amended by replacing “eighth” in the fourth paragraph by “tenth”.

16. Section 102.1 of the Act is amended

(1) by replacing “seventh” in subparagraph *d* of subparagraph 3 of the first paragraph by “ninth”;

(2) by replacing “eighth” in the fourth paragraph by “tenth”.

17. Section 103 of the Act is amended by replacing “fifth” in the second paragraph by “seventh”.

18. Section 105 of the Act is amended by replacing “fifth and eighth” by “seventh and tenth”.

19. Section 105.1 of the Act is amended by replacing “eighth” in the second paragraph by “tenth”.

20. Section 111.2 of the Act is amended by replacing “sixth” in the first paragraph by “eighth”.

ACT RESPECTING ELECTIONS AND REFERENDUMS IN MUNICIPALITIES

21. Section 132 of the Act respecting elections and referendums in municipalities (chapter E-2.2) is amended

(1) by adding the following sentence at the end of the first paragraph: “The times must be between 9 a.m. and 9 p.m. from Monday to Friday, and between 9 a.m. and 5 p.m. on Saturday and Sunday.”;

(2) by replacing “including at least once in the evening” in the second paragraph by “for a period of at least three consecutive hours each day, including once in the evening from 6 to 9 p.m.”;

(3) by striking out the third paragraph.

22. Section 137 of the Act is amended by adding the following subparagraph at the end of the third paragraph:

“(4) the application for striking off is presented under section 129 by an elector domiciled at the address under which the name of the person concerned is entered.”

23. Section 174 of the Act is amended

(1) by replacing “eighth, seventh or sixth” in the third paragraph by “ninth, eighth, sixth or fifth”;

(2) by adding the following sentence at the end of the third paragraph: “However, the returning officer may not decide that such a polling station is to receive electors’ votes on the sixth day before polling day if the advance poll is also being held on that day.”

24. Section 179 of the Act is amended by replacing “12:00 p.m.” in the first paragraph by “9:30 a.m.”.

25. Section 185 of the Act is amended by adding the following paragraph at the end:

“Despite the preceding paragraphs, the returning officer may, in accordance with the directives of the chief electoral officer, allow the counting of the votes cast in an advance polling station to take place from 6 p.m. on polling day.”

26. Section 210 of the Act is amended by replacing “10” by “9:30”.

27. Section 229 of the Act is amended by inserting “and subject to the fourth paragraph of section 185” after “closing of the poll” in the first paragraph.

28. Section 641.2 of the Act is amended by replacing “for contravening any of sections 429, 430 and 431 or an offence under any of paragraphs 2 to 4 of section 610” in the first paragraph by “under any of paragraphs 2 to 4 of section 610 or paragraph 2 of section 610.1”.

ACT RESPECTING MUNICIPAL TAXATION

29. The Act respecting municipal taxation (chapter F-2.1) is amended by inserting the following section after section 14.1:

“**14.2.** Despite sections 14 and 14.1, the Minister may extend or shorten the application period of the roll in force or the next roll of one or more local municipalities under the jurisdiction of the same municipal body responsible for assessment.

The Minister may exercise the power granted in the first paragraph on an application with reasons by the body if it demonstrates to the Minister that the extra work inherent in drawing up a number of the rolls simultaneously warrants it.

A copy of the application must be sent to every local municipality concerned and notice of it must be published in a newspaper in the territory of those municipalities. The notice must state that, within 30 days of publication of the notice, any person may submit to the Minister an objection to the application, in writing, and must specify where objections must be sent. The body shall send a copy of the notice to the Minister as soon as possible after its publication, with proof of the date of publication.

The Minister shall notify the body in writing of any opposition received within the prescribed time limit.

If a decision in favour of the body is made, the Minister shall publish a notice to that effect in the *Gazette officielle du Québec*. The last fiscal year of the new application period of the roll is considered to be the third year of application of the roll.

The power granted under this section applies subject to section 81 of the Act respecting the exercise of certain municipal powers in certain urban agglomerations (chapter E-20.001)."

30. Section 254.1 of the Act is amended by adding the following at the end of the second paragraph: "In such a case, it is the sending of a copy of the certificate of alteration concerning the immovable, as provided for in subparagraph 3 of the second paragraph of section 179, that stands in lieu of filing the demand for payment. The substitution is only valid if the certificate includes every entry contained on the roll and needed to calculate the amount and if the copy is received not later than 31 December of the fiscal year that follows the fiscal year during which the alteration is made."

ACT RESPECTING THE PENSION PLAN OF ELECTED MUNICIPAL OFFICERS

31. Section 54.2 of the Act respecting the Pension Plan of Elected Municipal Officers (chapter R-9.3) is amended by adding the following sentence at the end of the second paragraph: "It does, however, entail a waiver of the benefits arising from the supplementary benefits plans established under sections 76.4 and 80.1."

32. Section 64 of the Act is amended

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

"64. Once every three years, the pension committee established under section 70.1 must request that the Commission have an actuarial valuation of

this plan prepared by the actuaries it designates. If the pension committee fails to make such a request and if more than three years have elapsed since the last actuarial valuation, the Commission must have the actuarial valuation prepared.”;

(2) by replacing “pension committee referred to in section 70.1,” in the second paragraph by “pension committee”.

33. Section 70.6.2 of the Act is amended by adding the following paragraph after paragraph 4:

“(5) the consultation on the appointment of the chair.”

34. Section 72 of the Act is amended by replacing the second paragraph by the following paragraph:

“The committee is composed of four members appointed by the pension committee. Two of those members are chosen to represent the Government, including one from the Ministère des Affaires municipales, des Régions et de l’Occupation du territoire, one is chosen to represent the Union des municipalités du Québec and one is chosen to represent the Fédération québécoise des municipalités locales et régionales (FQM).”

ACT RESPECTING PUBLIC TRANSIT AUTHORITIES

35. Section 94 of the Act respecting public transit authorities (chapter S-30.01) is amended by replacing “sixth, seventh and eighth” in the second paragraph by “eighth, ninth and tenth”.

36. Section 95 of the Act is amended

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

“A call for public tenders may provide that the transit authority reserves the right to reject any tender from a contractor or supplier having received an unsatisfactory performance assessment in the two years before the tender opening date.

For the purposes of the fifth paragraph, the transit authority may only use an unsatisfactory performance assessment if the assessment meets the following conditions:

(1) it relates to the carrying out of a contract awarded by the transit authority;

(2) it was carried out by the person designated for that purpose by the board of directors;

(3) it is included in a report a copy of which was sent to the contractor or supplier not later than the 60th day after the termination of the contract concerned;

(4) the contractor or supplier was given at least 30 days after receiving a copy of the report referred to in subparagraph 3 to submit comments in writing to the transit authority; and

(5) it is a final assessment, having been approved by the board of directors not later than the 60th day after receipt of the contractor's or supplier's comments or, if no comments were submitted, after the expiry of the period specified in subparagraph 4 for submitting comments. A certified copy of the approved assessment must be sent to the contractor or supplier.”;

(2) by replacing “may stipulate” in the introductory clause of the fifth paragraph by “may also provide”.

37. Section 96 of the Act is amended by replacing “eighth” in the fourth paragraph by “tenth”.

38. Section 96.1 of the Act is amended

(1) by replacing “seventh” in subparagraph *d* of subparagraph 3 of the first paragraph by “ninth”;

(2) by replacing “eighth” in the fourth paragraph by “tenth”.

39. Section 97 of the Act is amended by replacing “fifth” in the second paragraph by “seventh”.

40. Section 99 of the Act is amended by replacing “fifth and eighth” by “seventh and tenth”.

41. Section 100 of the Act is amended by replacing “eighth” in the second paragraph by “tenth”.

42. Section 108.2 of the Act is amended by replacing “sixth” in the first paragraph by “eighth”.

ACT TO AGAIN AMEND VARIOUS LEGISLATIVE PROVISIONS CONCERNING MUNICIPAL AFFAIRS

43. Section 133 of the Act to again amend various legislative provisions concerning municipal affairs (2005, chapter 50), amended by section 37 of chapter 19 of the statutes of 2008, section 102 of chapter 18 of the statutes of 2010 and section 27 of chapter 33 of the statutes of 2011, is again amended by replacing “2012” in the second paragraph by “2013”.

OTHER AMENDING PROVISIONS

44. Section 67 of Order in Council 1229-2005 (2005, G.O. 2, 5176A) concerning the urban agglomeration of Montréal, amended by section 130 of chapter 60 of the statutes of 2006, section 33 of chapter 19 of the statutes of

2008, section 111 of chapter 18 of the statutes of 2010 and section 28 of chapter 33 of the statutes of 2011, is again amended by replacing “2012” in the second paragraph by “2013”.

45. Section 68 of the Order in Council, replaced by section 34 of chapter 19 of the statutes of 2008 and amended by section 112 of chapter 18 of the statutes of 2010 and section 29 of chapter 33 of the statutes of 2011, is again amended by replacing “2012” in the fifth paragraph by “2013”.

MISCELLANEOUS PROVISIONS

46. The property assessment rolls of Municipalité de Béarn, Municipalité de Duhamel-Ouest, Municipalité de Laverlochère, Municipalité de Lorrainville, Municipalité de Saint-Bruno-de-Guigues, Municipalité de Saint-Eugène-de-Guigues, Paroisse de Saint-Édouard-de-Fabre and Ville de Ville-Marie, in force from 1 January 2013, will remain in force until the end of the fiscal year 2013. The fiscal year 2013 is considered to be the third year of application of those rolls.

The rolls referred to in the first paragraph are deemed to have been drawn up for the fiscal years 2011, 2012 and 2013 for the purpose of determining the three consecutive fiscal years for which the subsequent rolls must be drawn up under section 14 of the Act respecting municipal taxation (chapter F-2.1).

47. The property assessment rolls of Cantons-Unis de Latulipe-et-Gaboury, Municipalité de Fugèreville, Municipalité de Laforce, Municipalité de Moffet and Ville de Belleterre, in force from 1 January 2013, will remain in force until the end of the fiscal year 2014. The fiscal year 2014 is considered to be the third year of application of those rolls.

The rolls referred to in the first paragraph are deemed to have been drawn up for the fiscal years 2012, 2013 and 2014 for the purpose of determining the three consecutive fiscal years for which the subsequent rolls must be drawn up under section 14 of the Act respecting municipal taxation.

48. The property assessment roll of Ville de Plessisville, in force from 1 January 2013, will remain in force until the end of the fiscal year 2014. The fiscal year 2014 is considered to be the third year of application of that roll.

The roll referred to in the first paragraph is deemed to have been drawn up for the fiscal years 2012, 2013 and 2014 for the purpose of determining the three consecutive fiscal years for which the subsequent roll must be drawn up under section 14 of the Act respecting municipal taxation.

49. The property assessment roll of Canton de Hemmingford, in force from 1 January 2011, will remain in force until the end of the fiscal year 2014. The fiscal year 2014 is considered to be the third year of application of that roll.

The roll referred to in the first paragraph is deemed to have been drawn up for the fiscal years 2012, 2013 and 2014 for the purpose of determining the three consecutive fiscal years for which the subsequent roll must be drawn up under section 14 of the Act respecting municipal taxation.

50. The property assessment rolls of Municipalité de Saint-Édouard, Municipalité de Saint-Patrice-de-Sherrington, Paroisse de Saint-Bernard-de-Lacolle and Village de Hemmingford, in force from 1 January 2013, will remain in force until the end of the fiscal year 2016. The fiscal year 2016 is considered to be the third year of application of those rolls.

The rolls referred to in the first paragraph are deemed to have been drawn up for the fiscal years 2014, 2015 and 2016 for the purpose of determining the three consecutive fiscal years for which the subsequent rolls must be drawn up under section 14 of the Act respecting municipal taxation.

FINAL PROVISION

51. This Act comes into force on (*insert the date of assent to this Act*), except section 30, which comes into force on 1 January 2013.

