



NATIONAL ASSEMBLY

FIRST SESSION

FORTIETH LEGISLATURE

Bill 64

**An Act to amend various legislative
provisions concerning municipal affairs**

Introduction

**Introduced by
Mr. Gaétan Lelièvre
Minister for Regions**

**Québec Official Publisher
2013**

EXPLANATORY NOTES

This bill amends the Cities and Towns Act, the Municipal Code of Québec and the Charter of Ville de Montréal in order to provide that the approval of plan participants is not required for a change to a municipal employee pension plan for the purpose of enhancing benefits, which enhancement is paid out of a stabilization fund, or refunding contributions paid into such a fund.

The Municipal Powers Act is amended to allow local municipalities, on certain conditions, to build, own or operate a dam or to carry out work on one.

The Act respecting municipal taxation is amended to simplify the process for filing, with the Minister of Municipal Affairs, Regions and Land Occupancy, a demand for payment of compensation in lieu of taxes following an alteration to the property assessment roll. The Act is also amended to provide that only the land area of the territory of a municipality, as shown in the Répertoire des municipalités, is to be considered in computing the property value of the road bed of a railway.

The Act respecting the Société d'habitation du Québec is amended to allow the Government to designate a person who will be in charge of administering and distributing, according to the rules it establishes, the contributions provided for in the Société's various programs. The Act is also amended to provide for a legal hypothec in favour of the Société on the immovables it subsidizes, in order to guarantee mainly their social housing vocation.

The Act respecting Northern villages and the Kativik Regional Government is amended to allow a member of the council of a northern village, on certain conditions, to participate, deliberate and vote at a sitting of the council by telephone or another means of communication, and to allow a member of the executive committee of the Kativik Regional Government to participate, deliberate and vote at a meeting of the council by telephone or another means of communication when only the committee secretary is present at the place where the meeting is held. The Act is also amended to harmonize certain provisions regarding the ineligibility of persons to be nominated or elected members of council with provisions applicable in the other municipalities of Québec.

Finally, municipalities are temporarily authorized to borrow, on certain conditions, part of the sums related to the refund of the Québec sales tax by the Gouvernement du Québec.

LEGISLATION AMENDED BY THIS BILL:

- Charter of Ville de Montréal (chapter C-11.4);
- Cities and Towns Act (chapter C-19);
- Municipal Code of Québec (chapter C-27.1);
- Municipal Powers Act (chapter C-47.1);
- Act respecting municipal taxation (chapter F-2.1);
- Act respecting the Société d’habitation du Québec (chapter S-8);
- Act respecting Northern villages and the Kativik Regional Government (chapter V-6.1).

Bill 64

AN ACT TO AMEND VARIOUS LEGISLATIVE PROVISIONS CONCERNING MUNICIPAL AFFAIRS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

CHARTER OF VILLE DE MONTRÉAL

1. Section 37 of Schedule C to the Charter of Ville de Montréal (chapter C-11.4) is amended by adding the following sentence at the end of the first paragraph: “However, the formalities provided for in those paragraphs do not apply in the case of an amendment to such a by-law for the purpose of enhancing benefits, which enhancement is paid out of a stabilization fund established under the Supplemental Pension Plans Act (chapter R-15.1), or refunding contributions paid into such a fund.”

CITIES AND TOWNS ACT

2. Section 464 of the Cities and Towns Act (chapter C-19) is amended by adding the following sentence at the end of the fourth paragraph of subparagraph 8 of the first paragraph: “However, no approval is required in the case of an amendment to the by-law for the purpose of enhancing benefits, which enhancement is paid out of a stabilization fund established under the Supplemental Pension Plans Act (chapter R-15.1), or refunding contributions paid into such a fund.”

MUNICIPAL CODE OF QUÉBEC

3. Article 706 of the Municipal Code of Québec (chapter C-27.1) is amended by adding the following sentence at the end of the first paragraph: “However, no approval is required in the case of an amendment to the by-law for the purpose of enhancing benefits, which enhancement is paid out of a stabilization fund established under the Supplemental Pension Plans Act (chapter R-15.1), or refunding contributions paid into such a fund.”

MUNICIPAL POWERS ACT

4. The Municipal Powers Act (chapter C-47.1) is amended by inserting the following section after section 95:

“95.1. A local municipality may, for the exercise of any of its powers, own and operate a dam.

A local municipality whose territory is included in that of a regional county municipality must, before building a dam or carrying out work on a dam that could affect its impounding capacity or alter the water flow, obtain the authorization of the regional county municipality. If the dam is located in a lake or watercourse under the joint jurisdiction of two or more regional county municipalities, the local municipality must obtain the authorization of both all of those regional county municipalities or of the board of delegates, as applicable.

Such authorization may be made subject to the local municipality entering into an agreement concerning the operation of the dam.”

ACT RESPECTING MUNICIPAL TAXATION

5. Section 48 of the Act respecting municipal taxation (chapter F-2.1) is amended by replacing “total area of the territory of the local municipality on that date” by “land area of the territory of the local municipality on that date, as shown in the Répertoire des municipalités published on the website of the Ministère des Affaires municipales, des Régions et de l’Occupation du territoire”.

6. Section 254.1 of the Act is amended by adding the following sentences at the end of the second paragraph: “In such a case, sending a copy of the certificate of alteration concerning the immovable, as provided for in subparagraph 3 of the second paragraph of section 179, stands in lieu of filing such a 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 extract is received not later than 31 December of the fiscal year following the fiscal year in which the alteration is made.”

ACT RESPECTING THE SOCIÉTÉ D’HABITATION DU QUÉBEC

7. The Act respecting the Société d’habitation du Québec (chapter S-8) is amended by inserting the following after section 68.10:

“§7. — *Legal hypothecs*

“**68.11.** The obligations of an owner of a housing immovable under an operating agreement are guaranteed by a legal hypothec in favour of the Société on the immovable for the amount of the financial assistance granted by the Société.

Despite article 2725 of the Civil Code, notice of a legal hypothec need not be served on the debtor if the operating agreement mentions the hypothec and this provision.

“§8. — *Management of contributions paid under housing programs*

“**68.12.** If the Société specifies, in its housing programs, that contributions must be paid by the bodies receiving financial assistance under those programs, the Government designates the person in charge of receiving, administering and distributing those contributions, according to the rules it establishes.”

ACT RESPECTING NORTHERN VILLAGES AND THE KATIVIK
REGIONAL GOVERNMENT

8. Section 20 of the Act respecting Northern villages and the Kativik Regional Government (chapter V-6.1) is amended

(1) by inserting “where a position as officer is in question,” before “any” in subparagraph 6 of the first paragraph;

(2) by inserting “where a position as officer is in question,” before “any” in subparagraph 7 of the first paragraph;

(3) by inserting the following subparagraph after subparagraph *d* of subparagraph 8 of the first paragraph:

“(e) any person found guilty of an act punishable under a law of Canada or Québec by imprisonment for two years or more and sentenced to a term of 30 days or more, whether or not the sentence has been served; the disqualification lasts for a period equal to twice the term of imprisonment, and starts on the day the judgment convicting the person becomes final or the day the final sentence is pronounced, whichever is later.”

9. The Act is amended by inserting the following section after section 117:

“**117.1.** If the circumstances so justify, a member of the council may participate, deliberate and vote at a sitting of the council by telephone or other means of communication if the following conditions are met:

(1) the telephone or other means of communication used enables all persons participating or present at the sitting to hear one another;

(2) the majority of the council members physically present at the place determined for the sitting give their consent;

(3) at the time the sitting is held, the mayor, the acting mayor or the member appointed to preside over the sitting, and the secretary-treasurer are physically present at the place determined for the sitting. In addition, for general or regular sittings of the council, the members in sufficient number to constitute the quorum are also physically present.

The minutes of the sitting must mention any consent given to allow a member of the council to avail himself of the right described in the first paragraph, the

name of any member of the council who availed himself of that right and the means of communication used by the member.

A member of the council who participates, deliberates and votes at a sitting in accordance with this section is deemed to be present at that sitting.”

10. Section 294 of the Act is amended

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

“However, a member may only avail himself of that right if the secretary of the executive committee is physically present at the time the meeting is to be held at the place determined, in accordance with section 292, for meetings of the executive committee.”;

(2) by striking out the third paragraph.

MISCELLANEOUS AND FINAL PROVISIONS

11. A municipality may, during each of the fiscal years mentioned in the second paragraph and by a by-law requiring only the approval of the Minister of Municipal Affairs, Regions and Land Occupancy, order a loan that cannot exceed the amount that, for each such fiscal year, corresponds to the percentages, set out in that paragraph, of the compensation prescribed for the municipality for 2013 in Schedule II.1.1 to the Regulation respecting the Québec sales tax (chapter T-0.1, r. 2).

The maximum amount of such a loan is

(1) 50% of the amount of the compensation for a loan ordered during the 2014 fiscal year;

(2) 37.5% of the amount of the compensation for a loan ordered during the 2015 fiscal year;

(3) 25% of the amount of the compensation for a loan ordered during the 2016 fiscal year;

(4) 12.5% of the amount of the compensation for a loan ordered during the 2017 fiscal year.

The term of repayment of the loan may not exceed 10 years and the expenses incurred for the interest and for the establishment of a sinking fund must be provided by means of a special tax imposed by the by-law and levied annually, until the expiry of the term of the loan, on all the taxable immovable property in the territory of the municipality or by an appropriation out of the general revenues of the municipality.

To obtain all or part of the amounts referred to in the second paragraph, a municipality may, by by-law, authorize the borrowing of available monies from the general fund or the working fund. The by-law must specify the amount and the source of the monies borrowed and provide for the repayment of the loan, over a maximum term of 10 years, from the general revenues of the municipality.

The total of the amounts borrowed by a municipality under the by-laws referred to in the first and fourth paragraphs cannot exceed, for a single fiscal year, the maximum amount provided for in the second paragraph for that fiscal year.

12. Section 5 has effect in respect of any property assessment roll or roll of rental values as of the 2014 municipal fiscal year.

As necessary, the assessor alters the property assessment roll and, if applicable, the roll of rental values to reflect the change in value of any land referred to in section 47 of the Act respecting municipal taxation (chapter F-2.1) as a result of the amendment made to section 48 of that Act by section 5 of this Act.

The alteration made by the assessor is deemed to be made under section 174 or 174.2 of the Act respecting municipal taxation and has effect from

(1) 1 January 2014, in the case of an alteration made not later than 31 December 2015; or

(2) the first day of the fiscal year preceding the fiscal year during which it is made, in all other cases.

13. This Act comes into force on *(insert the date of assent to this Act)*.

