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# NATIONAL ASSEMBLY

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FIRST SESSION

THIRTY-EIGHTH LEGISLATURE

Bill 82

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

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**Introduction**

**Introduced by  
Madam Nathalie Normandeau  
Minister of Municipal Affairs and Regions**

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## **EXPLANATORY NOTES**

*This bill amends the Cities and Towns Act and the Municipal Code of Québec especially as concerns the powers of local municipalities relating to their general fund and their working-fund, and grants similar powers to regional county municipalities and intermunicipal boards. It harmonizes provisions relating to deadlines for sending in the financial reports of municipalities and various bodies, the time limit for redeeming an immovable sold for non-payment of municipal taxes, and the scheduling of council sittings. Furthermore, with respect to municipalities whose territory is divided into boroughs, the bill extends the application of the provision under which it is possible to post or publish a municipal notice only in the borough when it relates to a matter within the jurisdiction of a borough council.*

*The bill amends the Municipal Powers Act by granting regional county municipalities the same tools for lake management as already exist for watercourse management. It also facilitates the application of provisions relating to disagreements between owners over common fences or ditches, drainage ditches and clearances, and allows municipalities to order traffic signs or signals by resolution.*

*The bill amends the Act respecting elections and referendums in municipalities in order to provide, from the fiscal year 2010, for a mechanism for the annual indexation of the tariff of the remuneration payable to municipal election or referendum officers. It also grants non-domiciled voters the right to vote by mail.*

*The bill amends the Act respecting municipal taxation to relax provisions allowing municipalities to provide for the payment of municipal taxes in several instalments. It also makes concordance amendments to the provisions of the Act that allow the implementation of an equalization scheme.*

*The bill amends the Act respecting the Pension Plan of Elected Municipal Officers to harmonize it with public sector pension plans as concerns the spouse's waiver. It also makes certain amendments to such elements as the right of redemption and the administration of the plan.*

*The bill amends the Transport Act to maintain the municipalities' power to negotiate public transit and paratransit contracts without calling for tenders.*

*The bill amends the Act respecting Northern villages and the Kativik Regional Government as concerns the signing of collective agreements and simplifies the rules governing the swearing-in of members and special constables of the Kativik regional police force.*

*Lastly, the bill contains various provisions of a more local nature, as well as technical amendments.*

**LEGISLATION AMENDED BY THIS BILL:**

- Charter of Ville de Lévis (R.S.Q., chapter C-11.2);
- Charter of Ville de Longueuil (R.S.Q., chapter C-11.3);
- Charter of Ville de Montréal (R.S.Q., chapter C-11.4);
- Charter of Ville de Québec (R.S.Q., chapter C-11.5);
- Cities and Towns Act (R.S.Q., chapter C-19);
- Municipal Code of Québec (R.S.Q., chapter C-27.1);
- Act respecting the Communauté métropolitaine de Montréal (R.S.Q., chapter C-37.01);
- Act respecting the Communauté métropolitaine de Québec (R.S.Q., chapter C-37.02);
- Municipal Powers Act (R.S.Q., chapter C-47.1);
- Act respecting intermunicipal boards of transport in the area of Montréal (R.S.Q., chapter C-60.1);
- Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2);
- Act respecting municipal taxation (R.S.Q., chapter F-2.1);

- Act respecting certain public utility installations (R.S.Q., chapter I-13);
- Act respecting municipal territorial organization (R.S.Q., chapter O-9);
- Act respecting the Pension Plan of Elected Municipal Officers (R.S.Q., chapter R-9.3);
- Act respecting public transit authorities (R.S.Q., chapter S-30.01);
- Transport Act (R.S.Q., chapter T-12);
- Act respecting Northern villages and the Kativik Regional Government (R.S.Q., chapter V-6.1).

## **Bill 82**

### **AN ACT TO AMEND VARIOUS LEGISLATIVE PROVISIONS RESPECTING MUNICIPAL AFFAIRS**

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

#### **CHARTER OF VILLE DE LÉVIS**

**1.** Section 88 of the Charter of Ville de Lévis (R.S.Q., chapter C-11.2) is amended by striking out the second sentence of the second paragraph.

#### **CHARTER OF VILLE DE LONGUEUIL**

**2.** Section 71 of the Charter of Ville de Longueuil (R.S.Q., chapter C-11.3) is amended by replacing “regulation” in the second line of the third paragraph by “by-law”.

**3.** Section 72 of the Charter is amended by replacing the second paragraph by the following paragraph:

“Among the modifications to the Act respecting land use planning and development required by the application of the first paragraph, the following are applicable: section 110.10.1 of that Act does not apply, the notice required by section 126 of that Act must state that a copy of the draft by-law may be consulted at the borough office and the summary provided for in section 129 of that Act may be obtained at that office.”

**4.** Section 4 of Schedule C to the Charter is amended by replacing “council” in the second line of the third paragraph by “councillor”.

#### **CHARTER OF VILLE DE MONTRÉAL**

**5.** Section 130.3 of the Charter of Ville de Montréal (R.S.Q., chapter C-11.4) is amended by replacing subparagraphs 2 and 3 of the first paragraph by the following subparagraph:

“(2) the expressions “office of the municipality” and “in the territory of the municipality” in section 109.3 are replaced respectively by the expressions “borough office” and “in the borough”.

**6.** Section 131 of the Charter is amended by replacing the second paragraph by the following paragraph:

“Among the modifications to the Act respecting land use planning and development required by the application of the first paragraph, the following are applicable: section 110.10.1 of that Act does not apply, the notice required by section 126 of that Act must state that a copy of the draft by-law may be consulted at the borough office and the summary provided for in section 129 of that Act may be obtained at that office.”

**7.** Section 144.8 of the Charter is amended by replacing the second sentence by the following sentence: “Sections 569 to 569.0.4 of the Cities and Towns Act (chapter C-19) apply to the fund, with the necessary modifications.”

**8.** Section 102.2 of Schedule C to the Charter is amended by replacing the third paragraph by the following paragraph:

“The amount of the tax is based on the number of sign faces on the structure. A surface that displays a series of different advertisements rotating in a loop by mechanical or electronic means constitutes one sign face.”

**9.** Section 256 of Schedule C to the Charter is amended by replacing “delay” in the fourth line of the second paragraph by “time”.

#### CHARTER OF VILLE DE QUÉBEC

**10.** Section 115 of the Charter of Ville de Québec (R.S.Q., chapter C-11.5) is amended by replacing the second paragraph by the following paragraph:

“Among the modifications to the Act respecting land use planning and development required by the application of the first paragraph, the following are applicable: section 110.10.1 of that Act does not apply, the notice required by section 126 of that Act must state that a copy of the draft by-law may be consulted at the borough office and the summary provided for in section 129 of that Act may be obtained at that office.”

#### CITIES AND TOWNS ACT

**11.** Section 6 of the Cities and Towns Act (R.S.Q., chapter C-19) is amended by replacing “indifferently an ordinary or general sitting, or a special sitting” in the first and second lines of subparagraph 5 of the first paragraph by “either a regular sitting or a special sitting”.

**12.** Section 105.2 of the Act is amended by replacing “15” in the first line of the first paragraph by “30”.

**13.** Section 318 of the Act is amended by adding the following paragraph at the end:

“The clerk shall give public notice of any change in the location of sittings.”

**14.** Sections 319 and 320 of the Act are replaced by the following sections:

**“319.** The council shall hold regular sittings at least once a month.

The council shall determine the schedule of its regular sittings, setting the date and time of each sitting, before the beginning of the calendar year.

However, the council may decide that a regular sitting is to begin on a date and at a time other than those specified in the schedule.

**“320.** The clerk shall give public notice of the sitting schedule.

The clerk shall also give public notice of any regular sitting to be held on a day or at a time other than that specified in the schedule.”

**15.** Section 323 of the Act is amended by replacing “spéciale” in the first line of the first paragraph in the French text by “extraordinaire”.

**16.** Section 324 of the Act is amended by replacing “spéciale” in the first line of the first paragraph in the French text by “extraordinaire”.

**17.** Section 325 of the Act is amended in the French text

(1) by replacing “spéciales” in the first line of the first paragraph by “extraordinaires”;

(2) by replacing “spéciale” in the first line of the second paragraph by “extraordinaire”.

**18.** Section 326 of the Act is amended

(1) by striking out “special or general” in the first line;

(2) by replacing “spéciale” in the sixth line in the French text by “extraordinaire”.

**19.** Section 342 of the Act is amended by replacing “spéciale” in the third line in the French text by “extraordinaire”.

**20.** Section 345 of the Act is amended

(1) by replacing “may be posted” in the second line of the second paragraph by “is posted”;

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

“The second paragraph also applies when a provision of an Act or a charter specifies, otherwise than by a reference to the general rule set out in this section, how a public notice must be published, provided that the publication only involves posting the notice and publishing it in a newspaper.”

**21.** The Act is amended by inserting the following sections after section 468.14:

**“468.14.1.** If the management board decides to use moneys from the general fund to pay a capital expenditure incurred for the benefit of only some of the municipalities in whose territory the board has jurisdiction, it may decide to reimburse the fund by means of an aliquot share payable by the municipalities concerned.

In such a case, the management board shall authorize the use of the moneys by a by-law that specifies the amount of the moneys used and contains a detailed description of the expenditure. The by-law must also specify the term of repayment, which is not to exceed the useful life of the property that the moneys enable the board to acquire, repair, restore or build, and must require an aliquot share from the municipalities for whose benefit the expenditure is incurred.

**“468.14.2.** The aliquot share payable by the municipalities is determined using the mode of apportionment of capital expenditures contained in the agreement providing for the establishment of the management board. The aliquot share must provide for the repayment of the moneys used and the payment of a compensatory amount that may be determined by resolution and must be equal to the interest that would be payable if the board, at the date on which it authorizes the payment of the expenditure, contracted a loan on the capital market to finance that expenditure for an identical term.

**“468.14.3.** The by-law is subject to the approval of all the municipalities for whose benefit the expenditure is incurred.

A municipality whose council has not made a decision with respect to the by-law at or before the second regular sitting following receipt of an authenticated copy of the by-law is deemed to have approved it.

**“468.14.4.** The Minister of Municipal Affairs and Regions may also require that the by-law be submitted for approval to the qualified voters in the territory of each of the municipalities for whose benefit the expenditure is incurred.

To that end, the management board shall send an authenticated copy of the by-law to the Minister and give public notice of the adoption of the by-law to the municipal ratepayers concerned. The notice must be published in a newspaper in the territory of the municipalities and contain

- (1) the number, title, object and date of adoption of the by-law;

(2) the amount of the moneys to be used and the projected expenditure;  
and

(3) the right of the ratepayers concerned to send the Minister of Municipal Affairs and Regions, within 30 days after the notice is published, a request that the by-law be submitted for approval to the qualified voters of each of the municipalities for whose benefit the expenditure is incurred.

**“468.14.5.** The Minister shall inform the management board if no request is received within the time prescribed in subparagraph 3 of the second paragraph of section 468.14.4.

If a request is received, the Minister may require that the by-law be approved by the qualified voters in the territory of each of the municipalities for whose benefit the expenditure is incurred.

The Minister shall inform the management board of the decision. If the Minister decides to require the approval of the qualified voters, the Minister shall also inform each of the municipalities for whose benefit the expenditure is incurred.”

**22.** The Act is amended by inserting the following sections after section 468.45.6:

**“468.45.7.** The management board may, with a view to having at its disposal the moneys it needs for the purposes within its jurisdiction, constitute a fund known as the “working-fund” or increase the amount of the fund. To that effect, it shall pass a by-law

(1) to appropriate for that purpose all or part of the accumulated surplus of its general fund;

(2) to order a loan; or

(3) to carry out both of the above operations.

The by-law ordering a loan to constitute the working-fund or increase the amount of the fund must specify the term of the loan, which is not to exceed 10 years, and must stipulate that the repayment of the loan is to be charged to all the municipalities in whose territory the board has jurisdiction, according to the operating cost apportionment method set out in the agreement.

The amount of the fund may not exceed 20% of the appropriations provided for in the board’s budget for the current fiscal year. However, if the amount of the fund exceeds the prescribed percentage because the budget of a subsequent fiscal year provides for fewer appropriations than the budget used to determine the amount of the fund, the amount may remain unchanged.

Section 99 applies, with the necessary modifications, to the investment of the available moneys of the fund.

The interest on the working-fund and the compensatory sum provided for in section 468.45.12 are appropriated as ordinary revenue for the fiscal year in which the interest is earned and the sum collected.

If the working-fund is abolished, the moneys available in it must be used to repay a loan contracted to constitute the fund or increase the amount of the fund before they may be paid into the general fund.

**“468.45.8.** A member of the board of directors who, knowingly, by a vote or otherwise, authorizes

(1) the constitution of a working-fund or its capital endowment for an amount exceeding the percentage prescribed in the third paragraph of section 468.45.7;

(2) the investment of the moneys in the fund otherwise than in the manner prescribed in the fourth paragraph of section 468.45.7; or

(3) the use of the available moneys, if the working-fund is abolished, otherwise than in the manner prescribed in the sixth paragraph of section 468.45.7

may be declared disqualified to hold municipal office for two years and may be held personally liable towards the management board for any loss or damage suffered by it.

The liability mentioned in the first paragraph is joint and several and it applies to every officer or employee of the management board who knowingly is a party to the unlawful act.

Proceedings for the declaration of disqualification are taken in accordance with articles 838 to 843 of the Code of Civil Procedure (chapter C-25); an ordinary action is taken to obtain compensation for loss or damage. Any ratepayer may exercise such recourses.

Disqualification may also be declared by means of an action for declaration of disqualification under the Act respecting elections and referendums in municipalities (chapter E-2.2).

**“468.45.9.** The management board may borrow from the working-fund pending the collection of revenues, or in order to pay all or part of an expense resulting from the implementation of a departure incentive program for the officers and employees of the management board or to pay a capital expenditure. The resolution authorizing the loan must specify the term of repayment, which may not exceed one year, five years or ten years, depending on the purpose of the loan.

**“468.45.10.** Every year, the management board shall provide out of its general fund a sum sufficient to repay a loan from the working-fund.

**“468.45.11.** If the loan is used to pay a capital expenditure incurred for the benefit of only some of the municipalities in whose territory the management board has jurisdiction, the board may decide that the loan is to be repaid by means of an aliquot share payable by the municipalities concerned.

In such a case, the management board shall authorize the loan from the working-fund by a by-law that specifies the amount of the loan and contains a detailed description of the expenditure. The by-law must also specify the term of repayment, which is not to exceed 10 years, and must require an aliquot share from the municipalities for whose benefit the expenditure is incurred.

**“468.45.12.** The aliquot share payable by the municipalities is determined using the mode of apportionment of capital expenditures contained in the agreement providing for the establishment of the management board. The aliquot share must provide for the repayment of the loan and the payment of a compensatory amount that may be determined by resolution and must be equal to the interest that would be payable if the board, at the date on which it authorizes the payment of the expenditure, contracted a loan on the capital market to finance that expenditure for an identical term.

**“468.45.13.** The by-law is subject to the approval of all the municipalities for whose benefit the expenditure is incurred.

A municipality whose council has not made a decision with respect to the by-law at or before the second regular sitting following receipt of an authenticated copy of the by-law is deemed to have approved it.

**“468.45.14.** The Minister of Municipal Affairs and Regions may require that the by-law be submitted for approval to the qualified voters in the territory of each of the municipalities for whose benefit the expenditure is incurred.

To that end, the management board shall send an authenticated copy of the by-law to the Minister and give public notice of the adoption of the by-law to the municipal ratepayers concerned. The notice must be published in a newspaper in the territory of the municipalities and contain

- (1) the number, title, object and date of adoption of the by-law;
- (2) the amount of the projected loan and the use to be made of the sums borrowed from the fund; and

(3) the right of the ratepayers concerned to send the Minister of Municipal Affairs and Regions, within 30 days after the notice is published, a request that the by-law be submitted for approval to the qualified voters of each of the municipalities for whose benefit the expenditure is incurred.

**“468.45.15.** The Minister shall inform the management board if no request is received within the time prescribed in subparagraph 3 of the second paragraph of section 468.45.14.

If a request is received, the Minister may require that the by-law be approved by the qualified voters in the territory of each of the municipalities for whose benefit the expenditure is incurred.

The Minister shall inform the management board of the decision. If the Minister decides to require the approval of the qualified voters, the Minister shall also inform each of the municipalities for whose benefit the expenditure is incurred.”

**23.** Section 468.51 of the Act is amended

- (1) by striking out “section 569,” in the fourth line of the first paragraph;
- (2) by inserting the following paragraph after the first paragraph:

“For the purposes of section 105.2, the reports must be sent not later than 15 April. They must also be sent to each municipality in whose territory the board has jurisdiction.”;

- (3) by striking out the second paragraph.

**24.** The Act is amended by inserting the following sections after section 476:

**“476.1.** If the council decides to use moneys from the general fund to pay a capital expenditure incurred for the benefit of a specific sector of the territory of the municipality, it may decide to reimburse the fund by means of either a special tax imposed on all the taxable immovables situated in the sector or compensation payable by the owners or occupants of those immovables.

In such a case, the council must authorize the use of the moneys by a by-law that specifies the amount of the moneys used and contains a detailed description of the expenditure. The by-law must also specify the term of repayment, which is not to exceed the useful life of the property that the moneys enable the municipality to acquire, repair, restore or build, and must impose a special tax on all the taxable immovables situated in the sector or require compensation from the owners or occupants of those immovables.

**“476.2.** The tax imposed or the compensation required must provide for the repayment of the moneys used and the payment of a compensatory amount which may be determined by resolution and must be equal to the interest that would be payable if the municipality, at the date on which it authorizes the payment of the expenditure, contracted a loan on the capital market to finance that expenditure for an identical term.

**“476.3.** The by-law is subject to the approval of the qualified voters of the sector.

However, a by-law adopted by the council of a municipality of 100,000 or more inhabitants is not subject to such approval when it authorizes the use of moneys for a type of expenditure and a loan by-law for that type of expenditure would have been exempted from such approval.”

**25.** Section 544 of the Act is amended by replacing “imposes, for repayment of the loan, a” in the first line of subparagraph 2 of the second paragraph by “prescribes, for the repayment of the loan, the annual appropriation of a portion of the general revenues of the municipality or the imposition of a”.

**26.** Section 569 of the Act is amended

(1) by inserting “the annual appropriation of a portion of the general revenues of the municipality or” after “loan” in the second line of the third paragraph of subsection 1;

(2) by replacing subsections 2 and 2.1 by the following subsection:

“(2) The council may borrow from the working-fund pending the collection of revenues, or in order to pay all or part of an expense resulting from the implementation of a departure incentive program for the officers and employees of the municipality or to pay a capital expenditure. The resolution authorizing the loan must specify the term of repayment, which may not exceed one year, five years or ten years, depending on the purpose of the loan.”;

(3) by replacing subsection 4 by the following subsection:

“(4) The interest on the working-fund and the compensatory sum provided for in section 569.0.3 are appropriated as ordinary revenue for the fiscal year in which the interest is earned and the sum collected.”;

(4) by replacing subparagraph *a* of the first paragraph of subsection 5 by the following subparagraph:

“(a) the constitution of a working-fund or its capital endowment for an amount exceeding the percentage prescribed in subsection 1.1;”.

**27.** The Act is amended by inserting the following sections after section 569:

**“569.0.1.** Every year, the council shall provide out of its general revenue a sum sufficient to repay a loan from the working-fund.

**“569.0.2.** If the loan is used to pay a capital expenditure for the benefit of a specific sector of the territory of the municipality, the council may decide to reimburse the fund by means of either a special tax imposed on all the taxable immovables situated in the sector or compensation payable by the owners or occupants of those immovables.

In such a case, the council shall authorize the loan from the working-fund by a by-law that specifies the amount of the loan and contains a detailed description of the expenditure. The by-law must also specify the term of repayment, which is not to exceed 10 years, and must impose a special tax on all the taxable immovables situated in the sector or require compensation from the owners or occupants of those immovables.

**“569.0.3.** The tax imposed or the compensation required must provide for the repayment of the loan and the payment of a compensatory amount which may be determined by resolution and must be equal to the interest that would be payable if the municipality, at the date on which it authorizes the payment of the expenditure, contracted a loan on the capital market to finance that expenditure for an identical term.

**“569.0.4.** The by-law is subject to the approval of the qualified voters of the sector.

However, a by-law adopted by the council of a municipality of 100,000 or more inhabitants is not subject to such approval when it authorizes the use of moneys for a type of expenditure and a loan by-law for that type of expenditure would have been exempted from such approval.”

## MUNICIPAL CODE OF QUÉBEC

**28.** Article 25 of the Municipal Code of Québec (R.S.Q., chapter C-27.1) is amended by replacing paragraph 14 by the following paragraph:

“(14) the word “sitting” used alone means either a regular sitting or a special sitting;”.

**29.** Article 82 of the Code is amended by replacing “session régulière” in the fifth and sixth lines of the second paragraph in the French text by “séance ordinaire”.

**30.** Article 135 of the Code is amended by replacing “session spéciale” in the first and second lines of the second paragraph in the French text by “séance extraordinaire”.

**31.** Article 142 of the Code is amended by replacing “next general sitting, or, after notice, at a special sitting” in the third line of subarticle 3 by “next regular sitting or, after notice, at a special sitting”.

**32.** The Code is amended by inserting the following article after article 145:

“**145.1.** The secretary-treasurer shall give public notice of any change in the location of sittings.”

**33.** Article 148 of the Code is replaced by the following articles:

“**148.** The council of a regional county municipality shall hold regular sittings at least once every two months, including one on the fourth Wednesday in November. The council of a local municipality shall hold regular sittings at least once a month.

The council shall determine the schedule of its regular sittings, setting the date and time of each sitting, before the beginning of the calendar year.

However, the council may decide that a regular sitting is to begin on a date and at a time other than that specified in the schedule.

“**148.0.1.** The secretary-treasurer shall give public notice of the schedule.

The secretary-treasurer shall also give notice of any regular sitting to be held on a day or at a time other than those specified in the schedule.

“**148.0.2.** At the November sitting, the council of the regional county municipality must, among other things, adopt the budget of the municipality for the next fiscal year.

The Minister of Municipal Affairs and Regions may, on the Minister’s initiative, allow the councils of the regional county municipalities or a category of them to adopt the budget after the regular sitting in November, at a sitting to be held not later than the date set by the Minister.

On sufficient proof that the council of the regional county municipality is unable to adopt the budget at the regular sitting in November or within the time determined by the Minister under the second paragraph, the Minister may grant any additional time the Minister determines for that purpose.”

**34.** Article 149 of the Code is replaced by the following article:

“**149.** The sittings are public, and the proceedings must be audible and intelligible.”

**35.** Article 151 of the Code is repealed.

**36.** Article 152 of the Code is amended by replacing “session spéciale” in the first line in the French text by “séance extraordinaire”.

**37.** Article 153 of the Code is amended in the French text

(1) by replacing “session spéciale” in the first line of the first paragraph by “séance extraordinaire”;

(2) by replacing “session” in the first line of the second paragraph by “séance”;

(3) by replacing “session” in the second line of the third paragraph by “séance”.

**38.** Article 154 of the Code is amended by replacing “ordinary or special sitting” in the first line by “sitting”.

**39.** Article 155 of the Code is amended in the French text

(1) by replacing “session” in the second line of the first paragraph by “séance”;

(2) by replacing “session” in the fourth line of the second paragraph by “séance”;

(3) by replacing “session spéciale” in the fifth line of the second paragraph by “séance extraordinaire”;

(4) by replacing “session” in the sixth line of the second paragraph by “séance”.

**40.** Article 156 of the Code is amended by replacing “spéciales” in the first line of the first paragraph in the French text by “extraordinaires”.

**41.** Article 164.1 of the Code is amended

(1) by inserting “or of Municipalité régionale de comté de Minganie” after “Caniapiscau” in the second line of the first paragraph;

(2) by replacing “régulière” in the third line of the third paragraph in the French text by “ordinaire”.

**42.** Article 176.2 of the Code is amended by replacing “15” in the first line of the first paragraph by “30”.

**43.** The Code is amended by inserting the following articles after article 583:

**“583.1.** If the management board decides to use moneys from the general fund to pay a capital expenditure incurred for the benefit of only some of the municipalities in whose territory the board has jurisdiction, it may decide to reimburse the fund by means of an aliquot share payable by the municipalities concerned.

In such a case, the board shall authorize the use of the moneys by a by-law that specifies the amount of the moneys used and contains a detailed description of the expenditure. The by-law must also specify the term of repayment, which is not to exceed the useful life of the property that the moneys enable the board to acquire, repair, restore or build, and must require an aliquot share from the municipalities for whose benefit the expenditure is incurred.

**“583.2.** The aliquot share payable by the municipalities is determined using the mode of apportionment of capital expenditures contained in the agreement providing for the establishment of the management board. The aliquot share must provide for the repayment of the moneys used and the payment of a compensatory amount that may be determined by resolution and must be equal to the interest that would be payable if the board, at the date on which it authorizes the payment of the expenditure, contracted a loan on the capital market to finance that expenditure for an identical term.

**“583.3.** The by-law is subject to the approval of all the municipalities for whose benefit the expenditure is incurred.

A municipality whose council has not made a decision with respect to the by-law at or before the second regular sitting following receipt of an authenticated copy of the by-law is deemed to have approved it.

**“583.4.** The Minister of Municipal Affairs and Regions may also require that the by-law be submitted for approval to the qualified voters in the territory of each of the municipalities for whose benefit the expenditure is incurred.

To that end, the management board shall send an authenticated copy of the by-law to the Minister and give public notice of the adoption of the by-law to the municipal ratepayers concerned. The notice must be published in a newspaper in the territory of the municipalities and contain

- (1) the number, title, object and date of adoption of the by-law;
  - (2) the amount of the moneys to be used and the projected expenditure;
- and

(3) the right of the ratepayers concerned to send the Minister of Municipal Affairs and Regions, within 30 days after the notice is published, a request that the by-law be submitted for approval to the qualified voters of each of the municipalities for whose benefit the expenditure is incurred.

**“583.5.** The Minister shall inform the management board if no request is received within the time prescribed in subparagraph 3 of the second paragraph of article 583.4.

If a request is received, the Minister may require that the by-law be approved by the qualified voters in the territory of each of the municipalities for whose benefit the expenditure is incurred.

The Minister shall inform the management board of the decision. If the Minister decides to require the approval of the qualified voters, the Minister shall also inform each of the municipalities for whose benefit the expenditure is incurred.”

**44.** The Code is amended by inserting the following articles after article 614.6:

**“614.7.** The management board may, with a view to having at its disposal the moneys it needs for the purposes within its jurisdiction, constitute a fund known as the “working-fund” or increase the amount of the fund. To that effect, it shall adopt a by-law

(1) to appropriate for that purpose all or part of the accumulated surplus of its general fund;

(2) to order a loan; or

(3) to carry out both of the above operations.

The by-law ordering a loan to constitute the working-fund or increase the amount of the fund must specify the term of the loan, which is not to exceed 10 years, and must stipulate that the repayment of the loan is to be charged to all the municipalities in whose territory the board has jurisdiction, according to the operating cost apportionment method set out in the agreement.

The amount of the fund may not exceed 20% of the appropriations provided for in the board’s budget for the current fiscal year. However, if the amount of the fund exceeds the prescribed percentage because the budget of a subsequent fiscal year provides for fewer appropriations than the budget used to determine the amount of the fund, the amount may remain unchanged.

Article 203 applies, with the necessary modifications, to the investment of the available moneys of the fund.

The interest on the working-fund and the compensatory sum provided for in article 614.12 are appropriated as ordinary revenue for the fiscal year in which the interest is earned and the sum collected.

If the working-fund is abolished, the moneys available in it must be used to repay a loan contracted to constitute the fund or increase the amount of the fund before they may be paid into the general fund.

**“614.8.** A member of the board of directors who, knowingly, by a vote or otherwise, authorizes

(1) the constitution of a working-fund or its capital endowment for an amount exceeding the percentage prescribed in the third paragraph of article 614.7;

(2) the investment of the moneys in the fund otherwise than in the manner prescribed in the fourth paragraph of article 614.7; or

(3) the use of the available moneys, if the working-fund is abolished, otherwise than in the manner prescribed in the sixth paragraph of article 614.7

may be declared disqualified to hold municipal office for two years and may be held personally liable towards the management board for any loss or damage suffered by it.

The liability mentioned in the first paragraph is joint and several and it applies to every officer or employee of the management board who knowingly is a party to the unlawful act.

Proceedings for the declaration of disqualification are taken in accordance with articles 838 to 843 of the Code of Civil Procedure (chapter C-25); an ordinary action is taken to obtain compensation for loss or damage. Any ratepayer may exercise such recourses.

Disqualification may also be declared by means of an action for declaration of disqualification under the Act respecting elections and referendums in municipalities (chapter E-2.2).

**“614.9.** The management board may borrow from the working-fund pending the collection of revenues, or in order to pay all or part of an expense resulting from the implementation of a departure incentive program for the officers and employees of the board or to pay a capital expenditure. The resolution authorizing the loan must specify the term of repayment, which may not exceed one year, five years or ten years, depending on the purpose of the loan.

**“614.10.** Every year, the management board shall provide out of its general fund a sum sufficient to repay a loan from the working-fund.

**“614.11.** If the loan is used to pay a capital expenditure incurred for the benefit of only some of the municipalities in whose territory the management board has jurisdiction, the board may decide that the loan is to be repaid by means of an aliquot share payable by the municipalities concerned.

In such a case, the management board shall authorize the loan from the working-fund by a by-law that specifies the amount of the loan and contains a detailed description of the expenditure. The by-law must also specify the term of repayment, which is not to exceed 10 years, and must require an aliquot share from the municipalities for whose benefit the expenditure is incurred.

**“614.12.** The aliquot share payable by the municipalities is determined using the mode of apportionment of capital expenditures contained in the agreement providing for the establishment of the management board. The aliquot share must provide for the repayment of the loan and the payment of a compensatory amount which may be determined by resolution and must be equal to the interest that would be payable if the board, at the date on which it authorizes the payment of the expenditure, contracted a loan on the capital market to finance that expenditure for an identical term.

**“614.13.** The by-law is subject to the approval of all the municipalities for whose benefit the expenditure is incurred.

A municipality whose council has not made a decision with respect to the by-law at or before the second regular sitting following receipt of an authenticated copy of the by-law is deemed to have approved it.

**“614.14.** The Minister of Municipal Affairs and Regions may require that the by-law be submitted for approval to the qualified voters in the territory of each of the municipalities for whose benefit the expenditure is incurred.

To that end, the management board shall send an authenticated copy of the by-law to the Minister and give public notice of the adoption of the by-law to the municipal ratepayers concerned. The notice must be published in a newspaper in the territory of the municipalities and contain

- (1) the number, title, object and date of adoption of the by-law;
- (2) the amount of the projected loan and the use to be made of the sums borrowed from the fund; and
- (3) the right of the ratepayers concerned to send the Minister of Municipal Affairs and Regions, within 30 days after the notice is published, a request that the by-law be submitted for approval to the qualified voters of each of the municipalities for whose benefit the expenditure is incurred.

**“614.15.** The Minister shall inform the management board if no request is received within the time prescribed in subparagraph 3 of the second paragraph of article 614.14.

If a request is received, the Minister may require that the by-law be approved by the qualified voters in the territory of each of the municipalities for whose benefit the expenditure is incurred.

The Minister shall inform the management board of the decision. If the Minister decides to require the approval of the qualified voters, the Minister shall also inform each of the municipalities for whose benefit the expenditure is incurred.”

**45.** Article 620 of the Code is amended

(1) by striking out “section 569,” in the fourth line of the first paragraph;

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

“For the purposes of section 105.2 of the Cities and Towns Act, the reports must be sent not later than 15 April. They must also be sent to each municipality in whose territory the board has jurisdiction.”;

(3) by striking out the second paragraph.

**46.** The Code is amended by inserting the following articles after article 960:

**“960.0.1.** If the council of a local municipality decides to use moneys from the general fund to pay a capital expenditure incurred for the benefit of a specific sector of the territory of the municipality, it may decide to reimburse the fund by means of either a special tax imposed on all the taxable immovables situated in the sector or compensation payable by the owners or occupants of those immovables.

In such a case, the council shall authorize the use of the moneys by a by-law that specifies the amount of the moneys used and contains a detailed description of the expenditure. The by-law must also specify the term of repayment, which is not to exceed the useful life of the property that the moneys enable the municipality to acquire, repair, restore or build, and must impose a special tax on all the taxable immovables situated in the sector or require compensation from the owners or occupants of those immovables.

**“960.0.2.** The tax imposed or the compensation required must provide for the repayment of the moneys used and the payment of a compensatory amount which may be determined by resolution and must be equal to the interest that would be payable if the municipality, at the date on which it authorizes the payment of the expenditure, contracted a loan on the capital market to finance that expenditure for an identical term.

**“960.0.3.** The by-law is subject to the approval of the qualified voters of the sector.

**“960.0.4.** If the council of a regional county municipality decides to use moneys from the general fund to pay a capital expenditure incurred for the benefit of only some of the local municipalities whose territory is situated in the territory of the regional county municipality, it may decide to reimburse the fund by means of an aliquot share payable by the local municipalities concerned.

In such a case, the council must authorize the use of the moneys by a by-law that specifies the amount of the moneys used and contains a detailed description of the expenditure. The by-law must also specify the term of repayment, which is not to exceed the useful life of the property that the moneys enable the regional county municipality to acquire, repair, restore or build, and must require an aliquot share from the local municipalities for whose benefit the expenditure is incurred.

**“960.0.5.** The aliquot share payable by the municipalities must provide for the repayment of the moneys used and the payment of a compensatory amount that may be determined by resolution and must be equal to the interest that would be payable if the regional county municipality, at the date on which it authorizes the payment of the expenditure, contracted a loan on the capital market to finance that expenditure for an identical term.

**“960.0.6.** For an affirmative decision to be made under article 960.0.4 or 960.0.5, in addition to the majority required under section 201 of the Act respecting land use planning and development (chapter A-19.1), a majority of the votes cast by the representatives of the local municipalities for whose benefit the expenditure is incurred must also be cast in the affirmative, and the total population awarded to those representatives who cast affirmative votes must be equal to more than half of the total population awarded to all the representatives of the local municipalities concerned.”

**47.** Article 968 of the Code is amended by replacing “The council, at a regular or special meeting,” in the fifth line of the first paragraph by “The council”.

**48.** Article 975 of the Code is amended by replacing “second, third or fourth paragraph of article 148” in the first and second lines of the first paragraph by “first, second or third paragraph of article 148.0.2”.

**49.** Article 1036 of the Code is amended

(1) by replacing “the two years next following” in the second and third lines of the second paragraph by “the year”;

(2) by replacing “the first two years he is in possession thereof” in the second line of the third paragraph by “the first year he is in possession of it”.

**50.** Article 1043 of the Code is amended by replacing “within two years from” in the first line by “within one year after”.

**51.** Article 1044 of the Code is amended

(1) by replacing “two years’ time” in the third line of the first paragraph by “one year”;

(2) by replacing “delay” in the second line of the second paragraph by “time”.

**52.** Article 1050 of the Code is amended by replacing “by two years from” in the second and third lines by “one year after”.

**53.** Article 1057 of the Code is amended

(1) by replacing “two years after” in the second line by “the year following”;

(2) by replacing “every fraction of a year being reckoned as a year” in the last line by “a fraction of the year being counted as a year”.

**54.** Article 1060 of the Code is amended by replacing “every fraction of a year being reckoned as a year” in the fifth line of the first paragraph by “a fraction of the year being counted as a year”.

**55.** Article 1063 of the Code is amended

(1) by inserting “adopted by the council of a local municipality and” after “by-law” in the first line of the second paragraph;

(2) by replacing “imposes, for repayment of the loan, a” in the first line of subparagraph 1 of the second paragraph by “prescribes, for repayment of the loan, the annual appropriation of a portion of the general revenues of the municipality or the imposition of a”.

**56.** Article 1094 of the Code is amended

(1) by inserting “the annual appropriation of a portion of the general revenues of the municipality or” after “prescribe” in the second line of the third paragraph of subarticle 1;

(2) by inserting “the annual appropriation of a portion of the general revenues of the municipality or” after “prescribing” in the sixth line of the third paragraph of subarticle 1;

(3) by replacing subarticles 2 and 2.1 by the following subarticle:

“(2) The municipality may borrow from the working-fund pending the collection of revenues, or in order to pay all or part of an expense resulting from the implementation of a departure incentive program for the officers and employees of the municipality or to pay a capital expenditure. The resolution authorizing the loan must specify the term of repayment, which may not exceed one year, five years or ten years, depending on the purpose of the loan.”;

(4) by replacing subarticle 4 by the following subarticle:

“(4) The interest on the working-fund and the compensatory sum provided for in article 1094.0.3 or 1094.0.6 are appropriated as ordinary revenue for the fiscal year in which the interest is earned and the sum collected.”;

(5) by replacing subparagraph *a* of the first paragraph of subarticle 5 by the following subparagraph:

“(a) the constitution of a working-fund or its capital endowment for an amount exceeding the percentage prescribed in subarticle 1.1;”.

**57.** The Code is amended by inserting the following articles after article 1094:

“**1094.0.1.** Subject to articles 1094.0.2 and 1094.0.5, every year, a municipality shall provide out of its general fund a sum sufficient to repay a loan from the working-fund.

“**1094.0.2.** If the loan from the working-fund of a local municipality is used to pay a capital expenditure incurred for the benefit of a specific sector of the territory of the municipality, the local municipality may decide to reimburse the fund by means of either a special tax imposed on all the taxable immovables situated in the sector or compensation payable by the owners or occupants of those immovables.

In such a case, the council shall authorize the loan from the working-fund by a by-law that specifies the amount of the loan and contains a detailed description of the expenditure. The by-law must also specify the term of repayment, which is not to exceed 10 years, and must impose a special tax on all the taxable immovables situated in the sector or require compensation from the owners or occupants of those immovables.

“**1094.0.3.** The tax imposed or the compensation required must provide for the repayment of the loan and the payment of a compensatory amount which may be determined by resolution and must be equal to the interest that would be payable if the municipality, at the date on which it authorizes the payment of the expenditure, contracted a loan on the capital market to finance that expenditure for an identical term.

“**1094.0.4.** The by-law is subject to the approval of the qualified voters of the sector.

**“1094.0.5.** If a loan from the working-fund of a regional county municipality is used to pay a capital expenditure incurred for the benefit of only some of the local municipalities whose territory is situated in the territory of the regional county municipality, the regional county municipality may decide to reimburse the fund by means of an aliquot share payable by the local municipalities concerned.

In such a case, the council shall authorize the loan from the working-fund by a by-law that specifies the amount of the loan and contains a detailed description of the expenditure. The by-law must also specify the term of repayment, which is not to exceed 10 years, and must require an aliquot share from the local municipalities for whose benefit the expenditure is incurred.

**“1094.0.6.** The aliquot share payable by the municipalities must provide for the repayment of the loan and the payment of a compensatory amount that may be determined by resolution and must be equal to the interest that would be payable if the regional county municipality, at the date on which it authorizes the payment of the expenditure, contracted a loan on the capital market to finance that expenditure for an identical term.

**“1094.0.7.** For an affirmative decision to be made under article 1094.0.5 or 1094.0.6, in addition to the majority required under section 201 of the Act respecting land use planning and development (chapter A-19.1), a majority of the votes cast by the representatives of the local municipalities for whose benefit the expenditure is incurred must be cast in the affirmative, and the total population awarded to those representatives who cast affirmative votes must be equal to more than half of the total population awarded to all the representatives of the local municipalities concerned.”

**58.** Article 1121 of the Code is amended by replacing “two years” in the third line of the second paragraph by “one year”.

**59.** The Code is amended by replacing “session” and “sessions” wherever they appear in the French text, except article 691, by “séance” and “séances”, respectively.

#### ACT RESPECTING THE COMMUNAUTÉ MÉTROPOLITAINE DE MONTRÉAL

**60.** Section 4 of the Act respecting the Communauté métropolitaine de Montréal (R.S.Q., chapter C-37.01) is amended by replacing “agglomeration” wherever it appears by “urban agglomeration”.

#### ACT RESPECTING THE COMMUNAUTÉ MÉTROPOLITAINE DE QUÉBEC

**61.** Section 4 of the Act respecting the Communauté métropolitaine de Québec (R.S.Q., chapter C-37.02) is amended by replacing “agglomeration” wherever it appears by “urban agglomeration”.

## MUNICIPAL POWERS ACT

**62.** Section 35 of the Municipal Powers Act (R.S.Q., chapter C-47.1) is amended

(1) by adding the following paragraph after the second paragraph:

“The designated person may retain the services of an expert to assist in examining any matter or resolving any disagreement referred to the designated person in the exercise of the functions of office.”;

(2) by inserting “and of the expert” after “designated person” in the first line of the third paragraph.

**63.** Section 41 of the Act is amended

(1) by replacing “The designated person’s remuneration and expenses” in the first line of the first paragraph by “The remuneration and expenses of the designated person and those of any expert whose services are retained by the designated person”;

(2) by adding “and of the expert” at the end of the second paragraph.

**64.** The Act is amended by inserting the following section after section 41:

“**41.1.** Any amount owed to the designated person or to an expert whose services are retained by the designated person are considered a claim and a tax other than a property tax of the municipality where the work is requested under section 36.”

**65.** Section 67 of the Act is amended by striking out “regulatory” in the first line of paragraph 1.

**66.** Section 110 of the Act is amended by replacing “and 108” in the second paragraph by “to 109”.

## ACT RESPECTING INTERMUNICIPAL BOARDS OF TRANSPORT IN THE AREA OF MONTRÉAL

**67.** Section 10 of the Act respecting intermunicipal boards of transport in the area of Montréal (R.S.Q., chapter C-60.1) is amended

(1) by replacing “adapted as required, apply to the board” at the end of the first paragraph by “apply to the board with the necessary modifications. More specifically,

“(1) for the purposes of section 105.2 of the Cities and Towns Act, the reports must be sent not later than 15 April and they must also be sent to each municipality that is a party to the agreement constituting the board;

“(2) for the purposes of section 468.34 of the Act, the budget must be sent not later than 1 November and it must also be sent to the Agence métropolitaine de transport; and

“(3) for the purposes of section 468.36 of the Act, the supplementary budget must also be sent to the Agence métropolitaine de transport.”;

(2) by striking out the second paragraph.

## ACT RESPECTING ELECTIONS AND REFERENDUMS IN MUNICIPALITIES

**68.** Section 66 of the Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2) is amended

(1) by inserting “468.45.8,” after “sections” in the second line of the second paragraph;

(2) by inserting “614.8,” after “articles” in the third line of the second paragraph.

**69.** Section 408 of the Act is amended by replacing “it has already been filed with the authorization” in the second and third lines of subparagraph 2 of the second paragraph by “they have already been filed with the application”.

**70.** The Act is amended by inserting the following sections after section 580:

“**580.1.** An amount established in the regulation made under section 580 is indexed in accordance with sections 580.2 to 580.4.

“**580.2.** Subject to section 580.3, the amount applicable for a given fiscal year, referred to as “the fiscal year concerned”, is the result obtained by indexing upward the amount applicable for the preceding fiscal year.

Indexation consists in increasing the amount applicable for the preceding fiscal year by a percentage corresponding to the rate of increase, according to Statistics Canada, of the Consumer Price Index for Canada.

That rate is established by

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

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

If indexation results in a mixed number,

(1) for an amount under \$1, only the first three decimal places are considered;

(2) for any other amount, only the integer is used and it is rounded up if the first decimal is greater than 4.

**“580.3.** If an increase is not possible for the fiscal year concerned, the amount applicable for that fiscal year is equal to the amount applicable for the preceding fiscal year.

**“580.4.** Before the beginning of the fiscal year concerned, the Minister of Municipal Affairs and Regions shall publish a notice in the *Gazette officielle du Québec*

(1) either stating the rate of increase used to establish any amount applicable for that fiscal year or stating that an increase is not possible for that fiscal year; and

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

**71.** The Act is amended by inserting the following section after section 582:

**“582.1.** The Minister may, by regulation, determine the manner in which a person entered as an elector or a qualified voter on the list of electors or referendum list in a capacity other than that of a domiciled person may exercise the right to vote by mail.

The chief electoral officer must be consulted on the draft regulation before it is published in accordance with section 8 of the Regulations Act (chapter R-18.1).”

**72.** The Act is amended by inserting the following section after section 659.3:

**“659.4.** If a regulation made under section 582.1 is in force, a municipality may provide that a person entered as an elector or a qualified voter on the list of electors or referendum list in a capacity other than that of a domiciled person may, on request, exercise the right to vote by mail in accordance with the regulation.

The resolution of the municipality must be passed not later than 1 July of the calendar year in which a general election is to be held or, in the case of a by-election, not later than the fifteenth day after the day on which the council is informed of the polling date. In the case of a referendum poll, the resolution must be made during the sitting of the council during which the polling date is to be set. The same rules apply to a resolution passed to annul a previous resolution.

The clerk or secretary-treasurer shall send an authenticated copy of a resolution referred to in the second paragraph to the Minister of Municipal Affairs and Regions and to the chief electoral officer as soon as possible after the resolution is passed.

Until the resolution of the municipality is rescinded, it is valid for the purposes of any subsequent poll.

Voting by mail applies for the purposes of a poll to elect a warden in the territory of the municipality if the territory is comprised in that of the regional county municipality whose warden is elected in accordance with section 210.29.2 of the Act respecting municipal territorial organization (chapter O-9).

Section 659.2 does not apply to voting by mail.”

#### ACT RESPECTING MUNICIPAL TAXATION

**73.** Section 57.1.1 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1) is amended

(1) by replacing “categories” in the third line of the first paragraph by “classes”;

(2) by replacing “category” in the fifth line of the first paragraph by “class”.

**74.** Section 244.59 of the Act is amended by striking out “from” in the third line of the second paragraph.

**75.** Section 252 of the Act is amended

(1) by replacing the last sentence of the first paragraph by the following sentence: “The council may, by by-law, determine that a debtor may make a greater number of equal instalments; in that case, it shall set the final date on which each instalment subsequent to the first instalment may be made.”;

(2) by replacing the first sentence of the second paragraph by the following sentence: “The final date on which the single payment or first instalment of municipal property taxes may be made is the thirtieth day after the account is sent; if the taxes may be paid in two instalments, the final date on which the second instalment may be made is the ninetieth day after the last day on which the first instalment may be made.”;

(3) by replacing “generally applicable pursuant to the” in the second line of the fifth paragraph by “applicable under the first or”.

**76.** Section 252.1 of the Act is amended

(1) by replacing “from whom payment of” in the second line by “required to pay”;

(2) by striking out the second “of” in the third line.

**77.** Section 261 of the Act is replaced by the following section:

**“261.** The Government must, by regulation, establish an equalization scheme, the object of which is the payment of a sum to a local municipality where the standardized property value per inhabitant, the average value of the dwellings or any other measure of value is, in all or some respects, lower than the median of those values for the local municipalities subject to this Act.

The regulation sets, among other things, the eligibility rules for the scheme, the rules for determining the sum to which a municipality is entitled, which may vary from one municipality or category of municipality mentioned or defined in the regulation to another, and the rules governing how the sums are to be paid.”

**78.** Section 262 of the Act is amended by replacing paragraph 7 by the following paragraph:

“(7) establish the equalization scheme provided for in section 261 and set the rules provided for in the second paragraph of that section;”.

**79.** Section 263.1 of the Act is amended by inserting “261,” after “section” in the first line.

#### ACT RESPECTING CERTAIN PUBLIC UTILITY INSTALLATIONS

**80.** Section 3 of the Act respecting certain public utility installations (R.S.Q., chapter I-13) is amended by replacing “Régie” in the first line and in the last line by “Commission municipale du Québec”.

#### ACT RESPECTING MUNICIPAL TERRITORIAL ORGANIZATION

**81.** Section 210.29.2 of the Act respecting municipal territorial organization (R.S.Q., chapter O-9) is amended by inserting “, among other things,” after “is” in the first line of the third paragraph.

**82.** Schedule I to the Act is amended by inserting the following section after section 30:

**“30.1.** Section 659.4 is replaced by the following section:

**“659.4.** If a regulation made under section 582.1 is in force, the regional county municipality may provide that a person entered as an elector, in a capacity other than that of a domiciled person, on the list of electors for the unorganized territory may, on request, exercise the right to vote by mail in accordance with the regulation.

The resolution of the regional county municipality must be passed not later than 1 July of the calendar year in which a general election is to be held or, in the case of a by-election, not later than the fifteenth day after the day on which the council is informed of the polling date. The same rules apply to a resolution passed to annul a previous resolution.

The secretary-treasurer shall send an authenticated copy of any resolution referred to in the second paragraph to the Minister of Municipal Affairs and Regions and to the chief electoral officer as soon as possible after the resolution is passed.

Until the resolution of the regional county municipality is rescinded, it is valid for the purposes of any subsequent poll.””

#### ACT RESPECTING THE PENSION PLAN OF ELECTED MUNICIPAL OFFICERS

**83.** Section 41 of the Act respecting the Pension Plan of Elected Municipal Officers (R.S.Q., chapter R-9.3) is replaced by the following section:

**“41.** A pension is payable to a pensioner until the first day of the month following the pensioner’s death or, in the case of a person who ceased to participate in the plan while entitled to a pension, from the date on which the person would have been entitled to receive a pension without actuarial reduction until the first day of the month following the person’s death.”

**84.** The Act is amended by inserting the following division after section 54.1:

#### “DIVISION IV

#### “WAIVER

**“54.2.** The spouse may waive the spousal benefits granted under this plan before the date of the death of the person who participates in the plan, of the person who ceased to participate in the plan or of the pensioner. The spouse may also revoke the waiver before that date.

The spouse’s waiver does not entail a waiver of the rights arising from sections 78 and 79.

To be valid, the waiver or revocation must bear on all spousal benefits and be served on the Commission by means of a notice that must be received on a date that is prior to the date of death and contain the information determined by government regulation.

The spouse's waiver is cancelled if, on the date of the pensioner's death, no refund of the contributions is payable under this plan to the pensioner's successors. The computation is calculated at the date of death and based on the data known to the Commission on the date of its decision; that data is deemed to be accurate. When the spouse's waiver is cancelled, the spouse may receive the benefits the spouse is entitled to under the plan.

Despite the spouse's waiver, the plan is deemed to grant the spouse a right to death benefits for the purposes of article 415 of the Civil Code of Québec."

**85.** The heading of Chapter VI.0.1 of the Act is amended by striking out "PRIOR TO 2002".

**86.** Section 63.0.1 of the Act is amended by striking out "and prior to 1 January 2002" in the third line of the third paragraph.

**87.** Section 63.0.5 of the Act is amended by striking out "and prior to 1 January 2002" in the third line of the first paragraph.

**88.** Section 64 of the Act is amended by replacing "reporting to the Minister" in the second line of the second paragraph by "reporting to it and to the Minister".

**89.** Section 69 of the Act is repealed.

**90.** Section 70.1 of the Act, amended by section 81 of chapter 49 of the statutes of 2006, is again amended by replacing "Despite the fourth paragraph of section 11 of the Act respecting the Commission administrative des régimes de retraite et d'assurances (2006, chapter 49), the Committee is composed of the president and chief executive officer of the Commission" in the second paragraph by "The committee is composed of a chair".

**91.** Section 70.2 of the Act, amended by section 82 of chapter 49 of the statutes of 2006, is again amended

(1) by adding "for examination" after "receiving" in paragraph 1;

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

"(2) approving the financial statements of the plan within 30 days after receiving the recommendation of the audit committee of the Commission's board of directors;

“(2.1) receiving for examination the Commission’s plan of action for the plan, and reporting on it to the Commission;”;

(3) by striking out paragraph 6;

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

“For the purposes of subparagraph 2 of the first paragraph, the financial statements of the plan must be signed by two members of the pension committee, one of whom represents the participants and beneficiaries and the other, the Government. If the financial statements are not approved by the committee within the time prescribed in that subparagraph, the Commission’s board of directors must approve them.”

**92.** The Act is amended by inserting the following section after section 70.2:

**“70.2.1.** The committee may request that the Commission carry out studies on the administration of the plan as long as the administrative expenses related to the plan are not affected.

The committee may also request that the Commission provide additional services to participants and beneficiaries under the plan.”

**93.** Section 70.4 of the Act, amended by section 83 of chapter 49 of the statutes of 2006, is again amended

(1) by inserting “, other than the chair,” after “committee” in the first paragraph;

(2) by striking out “, except the president and chief executive officer and any vice-president of the Commission,” in the first and second lines of the second paragraph;

(3) by adding the following sentence at the end of the second paragraph: “The Government shall determine the remuneration of the chair.”

**94.** Section 70.6 of the Act, replaced by section 84 of chapter 49 of the statutes of 2006, is again replaced by the following sections:

**“70.6.** The chair of the committee is appointed by the Government, for a term not exceeding three years, after consultation with the committee members. The chair must be independent. Sections 12 to 18 of the Act respecting the Commission administrative des régimes de retraite et d’assurances (2006, chapter 49) apply to the chair of the committee, with the necessary modifications.

**“70.6.1.** If the chair of the committee is absent or unable to act, the chair of the pension committee established under section 196.2 of the Act respecting the Pension Plan of Management Personnel (chapter R-12.1) shall

replace the chair of the committee temporarily. If the chair of that pension committee is also absent or unable to act, the chair of the pension committee established under section 163 of the Act respecting the Government and Public Employees Retirement Plan (chapter R-10) shall replace the chair of the committee.

**“70.6.2.** Each member of the committee is entitled to one vote. The chair is not entitled to vote unless there is a tie vote. The chair may not vote at all on a resolution concerning

(1) additional services requested by the committee under the second paragraph of section 70.2.1;

(2) a mandate to be given to a consultant hired to advise the committee;

(3) the approval of the financial statements of the plan; or

(4) any matter entailing an increase in the cost of the plan or a budget overrun for the Commission.”

**95.** Section 70.10 of the Act, amended by section 85 of chapter 49 of the statutes of 2006, is replaced by the following section:

**“70.10.** The president and chief executive officer, the vice-presidents and the employees of the Commission may not be members of the committee.”

**96.** The Act is amended by inserting the following section after section 70.10:

**“70.10.1.** No proceedings may be brought against the committee or its members for an act or omission in good faith in the exercise of their functions.”

**97.** Section 72 of the Act is amended by striking out “the Government who are designated by” in the first and second lines of the second paragraph.

**98.** Section 75 of the Act is amended by inserting the following subparagraph after subparagraph 2 of the first paragraph:

“(2.1) determine, for the purposes of section 54.2, the information that the notice of waiver or revocation must contain;”.

**99.** Section 81 of the Act is replaced by the following section:

**“81.** The sums required to pay the administrative costs related to this plan are taken out of the plan’s fund at the Caisse de dépôt et placement du Québec.”

## ACT RESPECTING PUBLIC TRANSIT AUTHORITIES

**100.** Section 139 of the Act respecting public transit authorities (R.S.Q., chapter S-30.01) is amended by replacing “30” in the second line of the first paragraph by “15”.

**101.** Section 154 of the Act is amended by striking out “together” in the fourth line of the first paragraph.

## TRANSPORT ACT

**102.** Section 48.19 of the Transport Act (R.S.Q., chapter T-12), enacted by section 237 of chapter 6 of the statutes of 2005, is amended by inserting the following paragraph after the first paragraph:

“The contract may be made without calling for tenders.”

**103.** Section 48.30 of the Act, enacted by section 237 of chapter 6 of the statutes of 2005, is amended by inserting “and without calling for tenders” after “resolution” in the second line.

**104.** Section 48.39 of the Act, enacted by section 237 of chapter 6 of the statutes of 2005, is amended by adding the following paragraph after the second paragraph:

“A contract referred to in the first or the second paragraph may be made without calling for tenders.”

## ACT RESPECTING NORTHERN VILLAGES AND THE KATIVIK REGIONAL GOVERNMENT

**105.** Section 18.1 of the Act respecting Northern villages and the Kativik Regional Government (R.S.Q., chapter V-6.1) is amended by replacing “an individual” in the last line by “a”.

**106.** Section 173 of the Act is amended

(1) by replacing “delays” in the sixth line of the second paragraph by “time”;

(2) by replacing “delay” in the seventh line of the second paragraph by “time”.

**107.** Section 204 of the Act is amended by replacing “delay” in subsection 2 by “period”.

**108.** Section 358 of the Act is amended by replacing “delay” in subsection 2 by “period”.

**109.** Section 361.1 of the Act is amended by replacing “an individual” in the last line by “a”.

**110.** Section 374 of the Act is amended

(1) by replacing “member of the executive committee” in the fourth line of the second paragraph by “regional councillor”;

(2) by replacing “member of the executive committee” in the third line of the third paragraph by “regional councillor”.

#### OTHER AMENDING PROVISIONS

**111.** Section 71 of Order in Council 841-2001 dated 27 June 2001 concerning Ville de Saguenay is amended by striking out the second sentence of the second paragraph.

**112.** Section 66 of Order in Council 850-2001 dated 4 July 2001 concerning Ville de Sherbrooke is amended by striking out the second sentence of the second paragraph.

**113.** Section 38 of Order in Council 1214-2005 dated 7 December 2005 concerning the urban agglomeration of Longueuil, amended by section 68 of Order in Council 1003-2006 dated 2 November 2006 and by section 33 of chapter 33 of the statutes of 2007, is again amended

(1) by replacing “and” in the fourth line of the first paragraph by a comma;

(2) by inserting “and by Resolution 080318-57 passed by the council of Ville de Boucherville on 18 March 2008” after “Regions” in the fifth line of the first paragraph.

#### MISCELLANEOUS, TRANSITIONAL AND FINAL PROVISIONS

**114.** Sections 14, 33 and 35 have effect for the purposes of every calendar year from the calendar year 2009.

**115.** Articles 1036, 1043, 1044, 1050, 1057, 1060 and 1121 of the Municipal Code of Québec (R.S.Q., chapter C-27.1), as they read on (*insert the date preceding the date of assent to this Act*), continue to apply with respect to any sale of immovables on or before that date.

**116.** Sections 580.1 to 580.4 of the Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2), enacted by section 70, apply from the fiscal year 2010.

**117.** The president and chief executive officer of the Commission administrative des régimes de retraite et d’assurances remains the chair of the pension committee of the Pension Plan of Elected Municipal Officers

established under section 70.1 of the Act respecting the Pension Plan of Elected Municipal Officers (R.S.Q., chapter R-9.3), amended by section 90, until a chair is appointed in accordance with section 70.6 of that Act, enacted by section 94.

**118.** A regulation made under the second paragraph of section 2 of the Supplemental Pension Plans Act (R.S.Q., chapter R-15.1) with respect to the Régime de retraite des employés de la Ville de Lévis, registered with the Régie des rentes du Québec under number 21190, may be retroactive to the date specified in the regulation.

**119.** Section 60 of the Supplemental Pension Plans Act does not apply to benefits resulting from a transfer of assets into the Régime de retraite des employés de la Ville de Lévis, registered with the Régie des rentes du Québec under number 21190, from a group registered retirement savings plan concerning the employees of Ville de Lévis who were members of such a plan while employed by a municipality whose territory was amalgamated with the territory of Ville de Lévis on 1 January 2002.

**120.** In order to complete the sharing of liabilities under Order in Council 1229-2005 dated 8 December 2005 concerning the urban agglomeration of Montréal, amended by Order in Council 10-2006 dated 17 January 2006, Order in Council 299-2006 dated 5 April 2006, Order in Council 549-2006 dated 14 June 2006, Order in Council 1003-2006 dated 2 November 2006, chapter 60 of the statutes of 2006 and chapter 33 of the statutes of 2007, Ville de Hampstead is authorized to contract a loan for the long-time financing of the payment to Ville de Côte-Saint-Luc of an amount as compensation for an amount that Ville de Côte-Saint-Luc paid to Ville de Montréal in the place of Ville de Hampstead for the installation of traffic lights on Rue Fleet in the territory of Ville de Hampstead in 2003. The amount payable is \$204,137, plus interest accrued at an annual rate of 4,6312% from 21 June 2006 until the date of payment.

The council of Ville de Hampstead must determine by resolution the source of the revenues to be used to repay the loan. The resolution may prescribe for that purpose the use of any source of revenue that the municipality is authorized to use for any other purpose. A provision contained in the resolution that, under any applicable provision, must normally be adopted by by-law may only be amended in the manner prescribed by law for such a by-law. An authenticated copy of the resolution must be sent to the Minister of Municipal Affairs and Regions as soon as possible after the resolution is passed.

**121.** The territory of Ville de Beaconsfield is divided into electoral districts for the purposes of the general election of 2009 and any by-election held before the general election of 2013. The division is the same as that which applied for the purposes of the general election of 2005.

**122.** Despite section 251 of the Municipal Powers Act (2005, chapter 6), amended by section 125 of chapter 50 of the statutes of 2005,

(1) sections 467 to 467.8 and 467.10.1 to 467.14 of the Cities and Towns Act (R.S.Q., chapter C-19) are repealed;

(2) articles 525 to 533 and 535.1 to 539 of the Municipal Code of Québec (R.S.Q., chapter C-27.1) are repealed;

(3) sections 217 to 220, 236 and 237 of the Act come into force on (*insert the date of assent to this Act*).

**123.** The regional conference of elected officers established for the territory of Municipalité de Baie-James, Ville de Chapais, Ville de Chibougamau, Ville de Lebel-sur-Quévillon and Ville de Matagami may enter into and implement an agreement described in section 282 of the Act to amend various legislative provisions concerning municipal affairs (2002, chapter 37) on behalf of those municipalities.

In such a case, the regional conference of elected officers is considered a municipal body.

**124.** Section 113 has effect from 1 January 2006.

**125.** Section 123 has effect from 1 May 2008.

**126.** This Act comes into force on (*insert the date of assent to this Act*), except sections 83 to 87 and 98, which come into force on the date or dates to be set by the Government.



