

NATIONAL ASSEMBLY

FIRST SESSION THIRTY-SIXTH LEGISLATURE

Bill 202
(Private)

An Act to replace the Charter of the city of Sainte-Foy

Introduction

Introduced by
Mr Michel Côté
Member for La Peltrie

Québec Official Publisher
1999

Bill 202

(Private)

AN ACT TO REPLACE THE CHARTER OF THE CITY OF SAINTE-FOY

WHEREAS it is in the interest of Ville de Sainte-Foy and necessary for the proper administration of its affairs that its Charter, chapter 56 of the statutes of 1976, and the Acts amending it be replaced;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. This Act may be cited as the "Charter of Ville de Sainte-Foy".

2. The inhabitants and ratepayers of the territory described in the Schedule and their successors shall continue to form a legal person established in the public interest under the name "Ville de Sainte-Foy".

3. Subject to the provisions of this Act, the city is governed by the Cities and Towns Act (R.S.Q., chapter C-19).

4. Subdivision 5.1 of Division IV of that Act is replaced for the city by the following:

"§5.1. — *Executive committee*

"70.1. An executive committee, consisting of the mayor and two councillors, is hereby established for Ville de Sainte-Foy.

"70.2. The mayor shall appoint the two councillors who are to be members of the executive committee. If the mayor fails to do so, the appointment shall be made by way of a secret ballot in which each councillor shall, on pain of nullity of the councillor's ballot, vote for two councillors.

The ballot paper shall consist of a list, printed under the supervision of and initialled by the clerk, on which the names of the councillors are entered in alphabetical order.

Each councillor shall receive a ballot paper from the clerk, who shall have struck out the name of the chair of the council, if it appeared thereon. The councillor shall retire to a polling booth and make, in the box printed for that purpose, a cross opposite the name of each councillor for whom the councillor casts a vote.

Each ballot paper must be initialled by the clerk and placed in a sealed envelope. The envelopes shall not be opened until the votes are counted by the clerk in the presence of the director general. The names of the two elected councillors shall be made public by the clerk; in the case of a tie-vote between councillors who would have been declared elected had they received an additional vote, the mayor may appoint them or request a new ballot for the positions to be filled.

The council may neither suspend nor adjourn the sitting before the members of the executive committee have been elected.

"70.3. The mayor shall act as chair of the executive committee; at the first sitting of the executive committee, the mayor shall appoint a vice-chair from among its members; the vice-chair shall exercise all the powers of the chair in the latter's absence or where the office is vacant.

"70.4. Two members shall constitute a quorum of the executive committee. The mayor or any other person presiding over the executive committee is entitled to vote but is not required to do so; every other member of the executive committee is required to vote unless prevented from doing so by reason of an interest held in the matter concerned, in accordance with the Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2). In the case of a tie-vote, the decision shall be deemed to be negative.

"70.5. Every member of the executive committee may enter a matter on the agenda in accordance with the procedure established by the executive committee.

"70.6. The agenda for the sittings of the executive committee shall be posted according to the usual procedure for posting public notices and be served on the members of the council, at least seventy-two hours before the beginning of the sitting, except in emergencies, in which case no time limit applies, although the agenda must be posted.

"70.7. The executive committee shall hold its sittings behind closed doors, unless it considers that the interests of the city require that its deliberations be open to the public. Members of the council may attend a sitting held behind closed doors.

"70.8. The clerk of the city shall act as secretary of the committee. In the absence of the clerk, the assistant clerk shall act in that capacity.

"70.9. The term of a councillor who is a member of the executive committee and who fails to attend sittings of the executive committee for 45 consecutive days ends at the close of the first sitting after the expiry of the 45 days unless the member attends that sitting.

However, the executive committee may, at the first sitting after the 45 days, grant 30 days of grace to the member if the member was in fact unable to

attend the sittings. In such case, the term of the member ends 31 days later, unless the member attends a sitting of the executive committee during the period of grace.

The clerk shall advise the council that the term of a member of the executive committee has ended pursuant to this section at the first sitting thereafter.

"70.10. Any vacancy on the committee shall be filled by the mayor within 30 days. Failing this, it shall be filled by way of a ballot held in accordance with section 70.2.

"70.11. The resignation of a member of the committee shall be effective from the day of its delivery to the clerk.

"70.12. The council may, by way of a by-law adopted by an absolute majority of the council members, delegate any power to the executive committee other than the power to make by-laws or to impose a tax.

"70.13. The council may, by way of a by-law adopted by an absolute majority of the council members,

(1) determine, in respect of the matters submitted to the executive committee, the cases in which the latter shall address a report to the council and the time within which such report shall be addressed;

(2) determine the role of the executive committee in communications between the council, the committees, the director general and the various city departments.

"70.14. Subject to approval by the council, the committee shall make rules for its internal management.

"70.15. The minutes of the votes and deliberations of the committee shall be drawn up and entered in a book kept for that purpose by the secretary of the committee, be signed by the secretary and the chair of the committee after having been approved at the following sitting, and shall be opened to the inspection of any ratepayer who wishes to examine them."

5. Section 321 of the said Act is amended for the city by adding, at the end, the following:

"The first sitting of the council following a general election shall be chaired by the clerk; at that sitting, the council shall elect one of its members to chair the sittings of the council. For that election, the mayor shall have a casting vote in the event of a tie-vote.

The chair may address and vote on any issue raised at meetings of the council, and has a casting vote in the event of a tie-vote.

If the chair is absent from a sitting of the council, the council shall choose another of its members to preside. The clerk shall preside until the replacement for the chair has been chosen."

6. Section 415 of the said Act is amended for the city by adding the following subparagraph to paragraph 9:

"(*c*) To regulate the construction and use of elevated walkways through or over the immovables in the city centre identified in the planning by-laws of the city, and to order the opening, closing, widening or extension of such walkways or any other modification thereto, and to prescribe the manner of constructing or maintaining such structures; such a by-law may be adopted and brought into force only in accordance with a prior agreement entered into by the city and the owner of the immovable concerned;".

7. Section 460 of the said Act is amended for the city by adding, at the end, the following paragraph:

"23. To regulate massage parlours."

8. The said Act is amended for the city by inserting, after section 556, the following:

"556.1. The city is authorized, in order to meet the cost of such work as may be carried out by the Government of Québec in the territory of the city, to raise money by way of long-term loans with no other formality than the adoption by the council of a loan by-law and the approval of the loan by-law by the Minister of Municipal Affairs."

9. Ville de Sainte-Foy and Université Laval may, by by-law, enter into an agreement providing that the city's traffic, parking and public security by-laws apply throughout the territory of Université Laval, including the part of that territory situated in the city of Sillery, and that the municipal court of Sainte-Foy has jurisdiction in that territory.

An agreement entered into under the first paragraph takes precedence over any provision of a general or special Act.

10. Chapter 56 of the statutes of 1976 and the amendments thereto are replaced by the provisions of this Act. The replacement shall not operate to nullify the by-laws and resolutions adopted by the city, or any act performed under the authority of those laws and the amendments thereto.

TRANSITIONAL PROVISIONS

11. The executive committee established for the city under chapter 56 of the statutes of 1976 shall cease to exist once the members of the executive committee established under this Act have been appointed and, at the latest, on (*insert here the date occurring 60 days after the date of assent to this Act*).

12. Notwithstanding any inconsistent provision, sections 6 and 7 of chapter 56 of the statutes of 1976 and the amendments thereto shall continue to apply until (*insert here the date occurring 60 days after the date of assent to this Act*), subject to the following:

(1) the council may adopt by-laws or resolutions with monetary implications without it being necessary for them to have been suggested, proposed or approved by the executive committee;

(2) the council may, by resolution, award any contract, including a contract for professional services or a mandate without it being necessary for them to have been suggested, proposed or approved by the executive committee;

(3) the executive committee must cause any nominate contract for an amount in excess of $5,000 to be approved by the council;

(4) the approval of the executive committee and the special authorization of the executive committee, provided for in paragraph *f* of section 51 of the Cities and Towns Act (R.S.Q., chapter C-19), enacted for the city by section 7 of chapter 56 of the statutes of 1976, and the amendments thereto, must be issued by the executive committee, where so ordered by the council, except if the necessary budgetary appropriations are not available;

(5) only the council may change the use to be made of the sums allocated under each heading of the annual budget;

(6) the requirement that the sittings of the executive committee be held behind closed doors does not apply to members of the council;

(7) the agenda for the sittings of the executive committee shall be posted according to the usual procedure for posting public notices, and be served on the members of the council at least seventy-two hours before the beginning of the sitting, except in emergencies, in which case no time limit applies, although the agenda must be posted;

(8) the council may establish direct communications with the various departments of the city without being required to go through the executive committee.

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

SCHEDULE

OFFICIAL DESCRIPTION OF THE LIMITS OF THE TERRITORY OF VILLE DE SAINTE-FOY

A territory comprising with reference to the cadastres of the parishes of L'Ancienne-Lorette, Saint-Félix-du-Cap-Rouge, Sainte-Foy and Saint-Sauveur, the lots or parts of lots and their subdivisions present and future and the roads, streets, highways, railway rights of way, watercourses or parts thereof, the whole contained within the limits hereinafter described, to wit:

starting at the point of intersection between the left bank of the St. Lawrence river and the northeast line of lot 350 of the cadastre of the parish of Sainte-Foy; thence, successively, the following lines and limits: with reference to the cadastre of the said parish, part of the northeast line of lot 350 to the summit of the cliff; the summit of the cliff generally northeasterly to the northeast line of lot 395; the northeast line of the said lot 395 and its extension across a railway right of way (lot 379); part of the northeast line of lot 394 to the southeast line of lot 320-A-1; the southeast and northeast lines of the said lot 320-A-1; a broken line limiting on the southeast lots 320-51, 320-28-2, 320-28-1 and 320-6; the northeast line of original lot 320 and its extension to the northwest side of Saint-Louis road; the northwest side of the said road northeasterly to the northeast line of lot 319; a broken line limiting on the northeast and southeast the said lot 319; the northeast line and part of the northwest line of lot 381 to the northeast line of lot 384; the northeast line of lots 384, 313, 313-B and 317, the latter line extended to the centre line of the former Gomin road; the centre line of the said road northeasterly to the extension of the southwest line of Painchaud avenue; the said extension and the said southwest line to the southeast line of Muir street (lot 127-1-2); the southeast line of the said street southwesterly to the southwest line of the said lot 127-1-2; the southwest line of lots 127-1-2 (Muir street), 127-32-1 (Muir street), 127-11-2, 127-10, 127-12, 127-13, 127-14, 127-15, 127-16, 127-9, 127-8 and 127-7; part of the northwest line of lot 127-7 to the southwest line of lot 127-4; the southwest line of lots 127-4 and 127-17-1 (Hélène-Boulé street); the northwest line of lot 127-17-1; part of the northeast line of original lot 127 and its extension across Sainte-Foy road; part of the northeast line of lot 120 to the south line of lot 121; the south line and part of the northeast line of the said lot 121 to the main centre line of Charest boulevard; the said centre line of the said boulevard northeasterly to the northeast line of lot 124; part of the said northeast line of lot 124 to the northwest line of the said lot; the said northwest line; a broken line limiting on the northwest and southwest lots 123 and 122; part of the northeast line of lot 121 and the northeast line of lot 433; the north line of lots 433 and 434; the northeast line of lots 434, 422 and 435; the north line of lots 435, 437, 420, 439 and 440; the northwest line of lots 440, 441, 418 and 443; the north line of lot 443; the west line of lots 443, 417 and 423; the south line of lots 2513, 2506 and 2514 of the cadastre of the parish of Saint-Sauveur; the east and southeast sides of a railway right of way (lot 377) to the northeast line of the said lot 377; the northeast line of lots 377, 113-B and 113-A and the northwest line of lot 113-A and of a part of lot 110 of the cadastre of the parish of Sainte-Foy to the northeast line of lot 1 of the

cadastre of the parish of L'Ancienne-Lorette; part of the northeast line of the said lot 1 to the south side of the Canadian Pacific Railways right of way (lots 961 and 962 of the cadastre of the parish of L'Ancienne-Lorette and 375 of the cadastre of the parish of Sainte-Foy); the south side of the said right of way westerly to the main centre line of Henri IV boulevard; the centre line of the said boulevard southeasterly to the northwest line of lot 90 of the cadastre of the parish of Sainte-Foy; then, in that cadastre, part of the northwest line of lot 90 and the northwest line of lots 89, 88, 84, 83, 75, 74 and 73; part of the northwest line of lot 68 to the northeast line of lot 67; the northeast line of the said lot; the northwest line of lots 67, 66, 65 and part of the northwest line of lot 53 to the northeast line of lot 116 of the cadastre of the parish of L'Ancienne-Lorette; part of the northeast line of the said lot 116 to the extension of the northwesternmost line of lot 53 of the cadastre of the parish of Sainte-Foy; the said extension and the northwest line of lots 53, 52, 41, 39, 39-A, 38, 32, 31, 23 and 22 of that cadastre; the northwest line of lot 506 of the official cadastre of the parish of L'Ancienne-Lorette; then, in that cadastre, the northeast side of a public road limiting, on the northeast, lots 505, 504, 503, 502, 414 and 413 to the southeast line of lot 964; the line dividing lots 964, 265 and 266 from lots 270, 269, 268 and 267, such line extending across a public road; part of the southwest line and the southeast line of lot 262; the northeast line of lots 262, 263, 288 and 289; the northwest line of lots 289, 290, 291, 293, 294, 295, 299, 300, 303, 304, 307, 308, 310, 321 and 322, the last extended to the centre line of a public road limiting, on the northeast, lots 409 and 323; the centre line of the said road northwesterly to the extension of the northwest side of Sainte-Genevieve road; part of the said extension and the line dividing lot 323 of the cadastre of the parish of L'Ancienne-Lorette from lot 210 of the cadastre of the parish of Saint-Ambroise-de-la-Jeune-Lorette; with reference to the cadastre of the parish of L'Ancienne-Lorette, the northwest line of lots 326, 327, 330, 333, 336, 337 and 339 to 347 inclusive, the last line extended across a public road limiting on the northeast lot 713; the north line of lots 713, 714, 715, 718, 719, 723, 724, 727, 728, 732, 733, 737, 738, 742, 743, 744, 749, 750, 756, 757, 762, 763, 766, 767, 770, 771, 774, 775, 778, 779, 782, 783, 786, 787 and 790; the southwest line of lots 790 and 789; the south line of lot 789; the southwest line of lots 708, 639, 962 (railway right of way) and 638, the last extended to the south side of a road limiting, on the south, lot 638; the south side of the said road easterly to the southwest line of lot 637; the southwest line of lots 637 and 963 (railway right of way); the extension of the southwest line of the said lot 637 to the south side of Highway No. 138; the south side of the said highway easterly to the southwest line of lot 568; the southwest line of lots 568 and 567; a straight line across lake Saint-Augustin linking the southeast end of the southwest line of lot 567 to the northwest end of the southwest line of lot 564; the southwest line of the said lot 564; the southeast line of lots 564, 562, 560, 559, 963 (railway right of way) and 558; part of the southwest line and the southeast line of lot 556; the southwest line of lot 554; the southeast line of lots 554, 550, 549 and 542; a straight line across a public road to the southwest end of the southeast line of lot 541; the said southeast line; a broken line limiting, on the southeast and northeast, lots 540, 537, 536, 533, 532, 530, 530-A, 529 and 528, the last section being extended to the centre line of the Cap-Rouge river; the centre

line of the said river northerly to the extension of the southwest line of lot 522; the said extension and the southwest line of lots 522 and 521, the latter extended to the centre line of the à la Scie brook; the centre line of the said brook northerly to the extension of the southwest line of lot 2 of the cadastre of the parish of Sainte-Foy; then, with reference to that cadastre, the said extension; a broken line limiting on the southwest and northwest lots 2, 1, 377 (railway right of way), the last section extended to the east side of Sainte-Foy road; the east side of the said road southerly to the southwest line of lot 153 of the cadastre of the parish of Saint-Félix-du-Cap-Rouge; the southwest line of lots 153 and 164 of the said cadastre to the northwest side of Saint-Louis road; the northwest side of the said road northeasterly to the extension of the southwest line of lot 373 of the cadastre of the parish of Sainte-Foy; with reference to the cadastre of the said parish, the said extension and the southwest line of lots 373 and 376 (railway right of way); the extension of the southwest line of lot 373 to the centre line of the St. Lawrence river; the centre line of the said river downstream to the extension of the northeast line of lot 350; finally, the said extension to the starting point; which limits delineate the territory of the city of Sainte-Foy.