



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-SIXTH LEGISLATURE

Bill 29

An Act to amend various legislative provisions concerning municipal affairs

Introduction

**Introduced by
Madam Louise Harel
Minister of Municipal Affairs and Greater Montréal**

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EXPLANATORY NOTES

This bill introduces into various municipal Acts a number of amendments proceeding from the municipal organization currently undertaken. These legislative changes concern primarily the areas of land use planning and development, municipal elections, the awarding of contracts by municipalities and metropolitan communities and municipal territorial regrouping.

The bill supplements the principles and rules contained in the Act to reform the municipal territorial organization of the metropolitan regions of Montréal, Québec and the Outaouais. Among other things, in regards to the election on 4 November 2001 and for certain boroughs of the new Ville de Montréal, the bill revises the procedure for designating the chair and modifies the number of councillors who will sit on the borough councils. It clarifies the sharing of certain powers and fields of jurisdiction between the city and the boroughs as well as the scope of action and the powers of the transition committees. The Act respecting municipal territorial organization is amended to introduce powers allowing for the constitution of new municipalities having characteristics more closely related to those of the large new cities constituted under the Act to reform the municipal territorial organization of the metropolitan regions of Montréal, Québec and the Outaouais.

Under the bill, joint land use planning commissions may be created.

As for the municipal electoral process, the bill reduces the election period from 58 to 44 days and requires candidates to disclose pre-election expenses. The ceiling on the amount of election expenses an authorized party or independent candidate is allowed during an election is raised. Every local municipality with a population of 50,000 or more will be required to provide for an appropriation in its budget to cover sums to be paid to reimburse councillors for research and secretarial expenses. Local municipalities with a population of 500,000 or more will be required to provide for an appropriation in their budget for the payment to authorized parties of an allowance to defray various expenses.

As for the regional county municipalities, the bill enables the Government to designate some of them as rural regional county municipalities, and empowers such a regional county municipality to choose to have its warden elected by popular vote. A rural regional county municipality will also have exclusive jurisdiction in property assessment and over municipal watercourses. The bill enables such a regional county municipality after obtaining the authorization of the Government to affirm its jurisdiction in respect of regional parks, residual materials management, the local road system, management of social housing and transportation of handicapped persons, without local municipalities having the option of exercising a right of withdrawal. The bill also enables the Government to assign jurisdiction to a rural regional county municipality in the areas of cultural, heritage and local tourism development policy, the financing of social housing and the establishment of the terms and conditions under which equipment, infrastructures, services and activities designated as being of supralocal scope are to be managed and financed.

The bill broadens the powers conferred on the borough councils of the new Ville de Montréal in matters of urban planning and requires the city council to include land planning rules in its planning program which the borough councils must adhere to in exercising their jurisdiction. The city council will be empowered to authorize certain projects of major importance. As for the city as it is currently structured, the bill requires the ward councils to submit zoning modifications to public consultation, except in the Ville-Marie borough.

In the area of social housing, the bill makes various amendments with a view to facilitating the creation of municipal housing bureaus in new municipalities resulting from an amalgamation.

In the case of municipalities recognized under section 29.1 of the Charter of the French language that are affected by a municipal amalgamation, provision is made under the bill for the maintenance of the recognition through the mandatory inclusion of the municipality's territory in a borough having that recognition.

The bill amends each of the five schedules to the Act to reform the municipal territorial organization of the metropolitan regions of Montréal, Québec and the Outaouais to make certain clarifications to the provisions relating to the 5% ceiling on any increase in the tax burden of the ratepayers of the new cities constituted under that Act.

Lastly, the bill empowers the Government to authorize a local development centre exercising its jurisdiction in the territory of Ville de Montréal or of a local municipality in the Saguenay region to delegate all or any part of its jurisdiction to a mandatary. In the case of a newly constituted local municipality in the Saguenay region, the Government will be authorized to create a joint commission that is to coordinate residual materials management in the territory of the new municipality and in any adjacent territory of a rural regional county municipality.

LEGISLATION AMENDED BY THIS BILL :

- Act respecting land use planning and development (R.S.Q., chapter A-19.1);
- Cities and Towns Act (R.S.Q., chapter C-19);
- Code of Civil Procedure (R.S.Q., chapter C-25);
- Municipal Code of Québec (R.S.Q., chapter C-27.1);
- 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 the Ministère des Régions (R.S.Q., chapter M-25.001);
- 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 the Société d’habitation du Québec (R.S.Q., chapter S-8);
- Act respecting the remuneration of elected municipal officers (R.S.Q., chapter T-11.001);
- Charter of the city of Montréal (1959-60, chapter 102);
- Charter of the City of Laval (1965, 1st session, chapter 89);
- Act respecting the Communauté métropolitaine de Montréal (2000, chapter 34);

- Act to again amend various legislative provisions respecting municipal affairs (2000, chapter 54);
- Act to reform the municipal territorial organization of the metropolitan regions of Montréal, Québec and the Outaouais (2000, chapter 56).

Bill 29

AN ACT TO AMEND VARIOUS LEGISLATIVE PROVISIONS CONCERNING MUNICIPAL AFFAIRS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

ACT RESPECTING LAND USE PLANNING AND DEVELOPMENT

1. The Act respecting land use planning and development (R.S.Q., chapter A-19.1) is amended by inserting the following after section 75 :

“CHAPTER I.1

“JOINT LAND USE PLANNING COMMISSIONS

“75.1. The Government may, by order, establish joint land use planning commissions having jurisdiction in the combined territory of two regional county municipalities.

The order shall determine the number of members of the commission, which shall not be less than four nor more than eight. It shall also fix the date before which the commission must produce the document referred to in section 75.8 and the date before which the commission must submit the report required under section 75.12 to the Government.

For the purposes of this chapter, regional county municipality means any municipality responsible for the maintenance, in its territory, of a development plan, and warden means the mayor in the case of a local municipality similarly responsible.

“75.2. A joint land use planning commission is composed of an equal number of members of the council of each regional county municipality in whose territory the commission has jurisdiction.

The warden of each of the regional county municipalities is a member by virtue of office.

The additional members shall be appointed by the council of each of the regional county municipalities from among its members.

“75.3. The wardens of each regional county municipality respectively, alternating, shall act as chair and vice-chair of the commission for a period of two years. The order referred to in section 75.1 shall designate from among them the chair and vice-chair for the two-year period beginning on the date on which the commission is established.

“75.4. The chair shall call and preside at sittings of the commission and ensure that they are properly conducted.

The vice-chair shall replace the chair where the chair is unable to act or where the office of chair is vacant. The vice-chair may also, at the chair’s request, preside at any sitting of the commission.

“75.5. A commission may adopt internal management by-laws relating to its sittings and the conduct of its affairs.

“75.6. The quorum of a commission is a majority of its members. Every member present has one vote.

Every notice, report, recommendation or document of a commission shall be adopted by a simple majority.

“75.7. The council of each regional county municipality in whose territory a commission has jurisdiction may assign to the commission any persons whose services it may require to carry out its mandate.

“75.8. The commission must adopt, before the date fixed in the order under section 75.1, a document determining the policy orientations and main avenues of intervention to guide the regional county municipalities in whose territory the commission has jurisdiction in land use planning and development.

The chair shall transmit a copy of the document referred to in the first paragraph, as soon as possible after it is adopted, to the Minister of Municipal Affairs and Greater Montréal and to each regional county municipality in whose territory the commission has jurisdiction.

“75.9. The function of a commission is to examine, on its own initiative or at the request of the council of one of the regional county municipalities in whose territory the commission has jurisdiction, any matter relating to land use planning and development throughout the combined territory.

A further function of a commission is to give its opinion, having regard to the document referred to in section 75.8 if available, to the regional county municipalities and to make recommendations to ensure that their development plans reflect an overall vision that is shared and that is in harmony with land use planning and development in the territories in which the development plans apply.

“75.10. For the purposes of the application of the process of amendment or revision of the planning program to the regional county municipalities in whose territory a commission has jurisdiction, each time the Act prescribes the transmission of a copy of a document by the secretary-treasurer, the secretary-treasurer shall also transmit a copy of the document to the commission so that it may give its opinion, make recommendations or produce a report in respect thereof.

“75.11. The Minister of Municipal Affairs and Greater Montréal shall, before giving an opinion pursuant to any of sections 51, 53, 53.7, 56.4, 56.14 and 65 to a regional county municipality in whose territory a commission has jurisdiction, consult with the other regional county municipality in whose territory the commission also has jurisdiction.

The Minister shall also, before giving such an opinion, consult the commission.

In addition to reasons relating to the government aims or guidelines referred to in those sections, an objection or disapproval expressed by the Minister under any of those sections may be based on the opinion of the regional county municipality or on the opinion of the commission.

“75.12. Every commission shall, before the date fixed in the order referred to in section 75.1, report to the Government on the exercise of its jurisdiction.

The report shall be tabled in the National Assembly by the Minister within 15 days if the Assembly is sitting or, if it is not sitting, within 15 days of resumption.”

2. Section 188 of the said Act is amended by adding the following subparagraph after subparagraph 3 of the third paragraph :

“(4) in the case of a municipality designated in a by-law adopted under article 688 of the Municipal Code of Québec (chapter C-27.1) by the council of a regional county municipality designated as a rural regional county municipality, the exercise of the powers provided for in that article and in articles 688.1 to 688.4 of that Code in respect of a regional park the location of which is determined by that by-law.”

3. Section 197 of the said Act is amended by adding the following paragraphs at the end :

“However, where the warden is elected in accordance with section 210.29.2 of the Act respecting municipal territorial organization (chapter O-9), the warden has a casting vote in the council where no affirmative or negative decision could be made pursuant to section 201 in respect of the question that is the subject of the deliberations and voting.

Where the warden does not exercise the casting vote under the second paragraph, the council is deemed to have made a negative decision in respect of the question.”

4. Section 198 of the said Act is amended by adding the following paragraph at the end :

“However, where the warden is elected in accordance with section 210.29.2 of the Act respecting municipal territorial organization (chapter O-9), the following rules apply to the appointment of the deputy warden :

(1) the warden shall appoint from among the members of the council a deputy warden who, while the warden is unable to act or while the office of warden is vacant, shall cease to be the representative of a local municipality and shall fulfil the functions of warden, with all the privileges, rights and obligations attached thereto ;

(2) that appointment is made by the transmission to the secretary-treasurer of a writing signed by the warden ;

(3) the council of the local municipality whose representative is appointed as deputy warden may, on the appointment, designate from among its members a person to replace the representative of the municipality when the representative fulfils the functions of warden.”

5. Section 201 of the said Act is amended

(1) by replacing “a decision” in the first line of the first paragraph by “an affirmative decision” ;

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

“However, where the warden is elected in accordance with section 210.29.2 of the Act respecting municipal territorial organization (chapter O-9), the decision is negative only if the majority of the votes cast are cast in the negative and the total of the populations awarded to the representatives who cast the negative votes equals more than one-half of the total of the populations awarded to the representatives who voted.” ;

(3) by replacing “first paragraph” in the first line of the second paragraph by “first and second paragraphs” ;

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

“This section applies subject to section 197.”

6. Section 202 of the said Act is amended by inserting “constituting the regional county municipality” after “order” in the third line of the first paragraph.

CITIES AND TOWNS ACT

7. Section 29.7 of the Cities and Towns Act (R.S.Q., chapter C-19) is amended by replacing “and the combined population of the municipalities that are parties to the agreement must” in the third and fourth lines of the first paragraph by “must”.

8. Section 29.9 of the said Act is amended

(1) by striking out “other than professional services” in the second and third lines of the first paragraph;

(2) by replacing “and the combined population of the municipalities that are parties to the joint call must” in the first and second lines of the third paragraph by “must”.

9. Section 29.9.1 of the said Act is amended by striking out “as if the body or bodies were a municipality having a population that corresponds to the combined population of the municipalities that are parties to the agreement” in the second, third and fourth lines of the second paragraph.

10. Section 468.9 of the said Act is amended by striking out the second paragraph.

11. Section 468.51 of the said Act, amended by section 4 of chapter 54 of the statutes of 2000, is again amended by striking out the second paragraph.

12. The said Act is amended by inserting the following sections after section 474:

“474.O.1. The budget of any municipality having a population of 50,000 or over must include an appropriation to provide for payment of sums to councillors as reimbursement for their research and secretarial expenses.

The appropriation must be equal to or greater than 1/15 of 1% of the total of all other appropriations provided for in the budget, except in the case of Ville de Montréal where such an appropriation must be equal to 1/30 of 1% of the total of all other appropriations provided for in the budget.

“474.O.2. The amount of the sums referred to in the first paragraph of section 474.0.1 is established by dividing the appropriation equally among all the councillors.

However, in the case of Ville de Montréal, the appropriation shall be divided into a number of shares corresponding to the total obtained by adding twice the number of city councillors to the number of borough councillors. Two shares shall be assigned to each city councillor and one share to each borough councillor.

The sums established for a councillor who is a member of an authorized party on 1 January of the fiscal year covered by the budget shall be assigned to that party.

“474.O.3. An authorized party or a councillor is entitled to reimbursement by the municipality of expenses made or incurred for research or secretarial purposes, up to the amount of the sums assigned to the authorized

party or the councillor, on presentation of vouchers the minimum content of which may be determined by the council.

In the case of an authorized party, the vouchers must be approved by the leader or, if the leader is not a member of the council, by such a member authorized in writing by the party to do so.

“474.0.4. The budget of any municipality having a population of 500,000 or over must include an appropriation to provide for payment of an allowance to every authorized party as reimbursement for expenses incurred for its day-to-day administration, to propagate its political program and to coordinate the political action of its members.

The appropriation must be equal to the product obtained by multiplying \$0.35 by the number of electors whose names are entered on the list of electors prepared for the last general election.

The amount of the allowance is established by dividing the appropriation among the authorized parties in proportion to the percentage that the number of votes validly obtained by all the candidates of each authorized party at the last general election is of the total number of votes validly obtained by all the candidates of all the authorized parties.

The allowance shall be paid by the treasurer to the official representative of the authorized party, at the rate of 1/12 of the allowance per month, on presentation of vouchers the minimum content of which may be determined by the treasurer.

“474.0.5. For the purposes of sections 474.0.2 to 474.0.4, a party is authorized if it holds an authorization granted under the Act respecting elections and referendums in municipalities (chapter E-2.2) that is valid for the municipality.”

13. Section 474.1 of the said Act is amended

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

“The mayor shall also table a list of all contracts involving an expenditure exceeding \$25,000 entered into by the municipality since the last sitting of the council at which the mayor made a report on the financial position of the municipality in accordance with the first paragraph.”;

(2) by replacing “the applicable amount under the third paragraph” in the third and fourth lines of the fourth paragraph by “\$25,000”.

14. Section 573 of the said Act is amended

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

“573. (1) The following contracts, if they involve an expenditure of \$100,000 or more and are not covered by paragraph 2 of section 573.3.0.2, may only be awarded after a call for public tenders by way of an advertisement in a newspaper:

- (1) insurance contracts;
- (2) contracts for the performance of work;
- (3) contracts for the supply of equipment or materials;
- (4) contracts for the supply of services other than professional services
 - (a) referred to in paragraph 1 of section 573.3.0.2;

(b) necessary for the purposes of a proceeding before a tribunal, a body or a person exercising judicial or adjudicative functions.”;

(2) by replacing the fifth paragraph of subsection 1 by the following paragraph:

“A contract which, as a result of an exception provided for in subparagraph 2 of the fourth paragraph, is not a supply contract for the purposes of the third paragraph, is not a contract for the supply of equipment or material for the purposes of the first and second paragraphs.”

15. Section 573.1 of the said Act is amended

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

“573.1. A contract referred to in any of the subparagraphs of the first paragraph of subsection 1 of section 573 may only be awarded after a call for tenders, by way of written invitation, to at least two contractors or two suppliers, as the case may be, if it involves an expenditure of at least \$25,000 and of less than \$100,000 and is not covered by paragraph 2 of section 573.3.0.2.”;

(2) by striking out the third paragraph.

16. Section 573.3 of the said Act is amended by striking out the second paragraph.

17. The said Act is amended by inserting the following sections after section 573.3:

“573.3.0.1. The Government shall, by regulation, establish the rules relating to the awarding of a contract referred to in section 573.3.0.2.

The regulation shall determine whether such a contract is to be awarded after a call for public tenders published in an electronic tendering system approved by the Government or after the use of a register of suppliers.

Where the regulation determines that the contract is to be awarded after the use of a register of suppliers, it must designate the body responsible for the establishment of the register and for its management and financing and must set out, in particular, the rules that apply to the registration of suppliers and to their selection as suppliers who may tender.

In both cases, the regulation must establish a rate schedule fixing the maximum hourly rate that may be paid by a municipality.

“573.3.0.2. The following contracts, if they involve an expenditure of \$25,000 or more, must be awarded in accordance with the regulation under section 573.3.0.1 :

(1) a contract for the supply of services that can, under an Act or a regulation, be provided only by a physician, dentist, nurse, pharmacist, veterinary surgeon, engineer, land surveyor, architect, chartered accountant, advocate or notary, except if the service is necessary for the purposes of a proceeding before a tribunal, a body or a person exercising judicial or adjudicative functions ;

(2) a contract whose purpose is to obtain energy savings for the municipality, where it involves both the providing of professional services and the performance of work or the supply of equipment, materials or services other than professional services.

“573.3.0.3. A municipality may not divide into several contracts having similar subject-matter an insurance contract or a contract for the performance of work, the supply of equipment or materials or the providing of services other than professional services necessary for the purposes of a proceeding before a tribunal, a body or a person exercising judicial or adjudicative functions, unless the division is warranted on grounds of sound administration.”

18. Section 573.3.1 of the said Act is amended

(1) by inserting “or otherwise than in accordance with the regulation under section 573.3.0.1” after “tenders” in the third line of the first paragraph ;

(2) by inserting “or rather than as required in the regulation” after “newspaper” in the fifth line of the first paragraph.

CODE OF CIVIL PROCEDURE

19. Article 843 of the Code of Civil Procedure (R.S.Q., chapter C-25) is amended by replacing “mayor, alderman or” in the first line by “warden elected in accordance with section 210.29.2 of the Act respecting municipal territorial organization (chapter O-9), a mayor or a”.

MUNICIPAL CODE OF QUÉBEC

20. Article 14.5 of the Municipal Code of Québec (R.S.Q., chapter C-27.1) is amended by replacing “and the combined population of the municipalities that are parties to the agreement must” in the third and fourth lines of the first paragraph by “must”.

21. Article 14.7 of the said Code is amended

(1) by striking out “other than professional services” in the second and third lines of the first paragraph ;

(2) by replacing “and the combined population of the municipalities that are parties to the joint call must” in the first and second lines of the third paragraph by “must”.

22. Article 14.7.1 of the said Code is amended by striking out “as if the body or bodies were a municipality having a population that corresponds to the combined population of the municipalities that are parties to the agreement” in the second, third and fourth lines of the second paragraph.

23. Article 161 of the said Code is amended by replacing “in” in the fourth line of the second paragraph by “in the first paragraph of”.

24. Article 445 of the said Code is amended by inserting “and, where applicable, to the warden elected in accordance with section 210.29.2 of the Act respecting municipal territorial organization (chapter O-9)” after “municipality” in the fourth line of the fourth paragraph.

25. Article 578 of the said Code is amended by striking out the fourth paragraph.

26. Article 620 of the said Code, amended by section 11 of chapter 54 of the statutes of 2000, is again amended by striking out the second paragraph.

27. The said Code is amended by inserting the following articles after article 678.0.4:

“678.0.5. The Government may, at the request of the council of a regional county municipality designated as a rural regional county municipality, allow the council to affirm the regional county municipality’s jurisdiction with respect to residual materials management, local roads, the management of social housing or the transportation of handicapped persons, and a local municipality subject to that jurisdiction may not, without the agreement of the regional county municipality, express its disagreement in relation to the exercise by the regional county municipality of that jurisdiction under articles 678.0.2 and 10.1.

The resolution making the request referred to in the first paragraph shall specify, among the matters mentioned therein, those to which the request applies and, if the regional county municipality wishes to affirm its jurisdiction in part of its territory only, the name of the local municipalities in whose territory the jurisdiction of the regional county municipality to which the request applies will be exercised. The resolution shall also mention the fact that once the jurisdiction is affirmed by the council of the regional county municipality, any disagreement of a local municipality respecting the exercise of that jurisdiction by the regional county municipality will be subject to the agreement of the council of the regional county municipality. The resolution must be transmitted to the Minister of Municipal Affairs and Greater Montréal.

“678.0.6. The resolution by which the regional county municipality affirms its jurisdiction following an order made pursuant to article 678.0.5 shall

(1) identify the order made under article 678.0.5 following which the resolution is adopted;

(2) specify, among the matters referred to in the order, those in respect of which the jurisdiction is affirmed;

(3) identify the local municipalities in whose territory the jurisdiction will be exercised;

(4) mention that the taking of effect of a resolution adopted under articles 678.0.2 and 10.1 or 10.2 by a municipality that is subject to the jurisdiction being affirmed is subject to the agreement of the regional county municipality.

If the resolution adopted by the regional county municipality does not contain the particulars referred to in subparagraphs 1 and 4 of the first paragraph, it is deemed to be adopted under article 678.0.1.

“678.0.7. The second and third paragraphs of article 10 and articles 10.1 to 10.3 apply to a resolution adopted by the council of the regional county municipality under subparagraph 4 of the first paragraph of article 678.0.6, with the necessary modifications.

However, a resolution referred to in article 10.1 or 10.2 shall take effect on the day of the transmission, by registered mail, to the local municipality of a resolution to that effect adopted by the council of the regional county municipality.

“678.0.8. The Government may, at the request of the council of a regional county municipality designated as a rural regional county municipality, allow the regional county municipality to exercise jurisdiction with respect to the following matters in the territory of all or part of the territories of the local municipalities mentioned in the request:

- (1) the preparation of a cultural and heritage development policy ;
- (2) the preparation of a local tourism development policy ;
- (3) the financing of the sums which, pursuant to the Act respecting the Société d'habitation du Québec (chapter S-8), must be paid by a municipality to its municipal housing bureau in respect of the low-rental housing dwellings referred to in article 1984 of the Civil Code and administered by the bureau ;
- (4) the determination of the terms and conditions of the management and financing of equipment, infrastructures, services and activities designated as being of supralocal scope.

The order may grant jurisdiction with respect to all or only some of the matters to which the request pertains, and may contain any term or condition respecting the exercise of the jurisdiction granted. With respect to the matters referred to in subparagraphs 1 and 2 of the first paragraph, the order may establish the obligations which local municipalities would be required to discharge for the purpose of implementing the policy adopted by the regional county municipality, or it may allow the council of the regional county municipality to establish those obligations. With respect to the matter referred to in subparagraph 4 of the first paragraph, the order may designate any equipment, infrastructure, service or activity mentioned in the request and not already so designated under any other applicable provision as being of supralocal scope.

“678.0.9. Following the coming into force of an order under article 678.0.8, the council of the regional county municipality may adopt a resolution by which it lists the local municipalities whose territory will be affected by the exercise of the jurisdiction pursuant to the resolution.

The resolution referred to in the first paragraph is considered to be an affirmation of jurisdiction referred to in article 678.0.6, and the said article and article 678.0.7 apply, with the necessary modifications.”

28. Article 713 of the said Code is amended

(1) by inserting “, except local watercourses situated in the territory of a regional county municipality designated as a rural regional county municipality which are under the jurisdiction of the regional county municipality” after “situated” in the second line of the second paragraph ;

(2) by adding the following sentence at the end of the third paragraph : “However, in a regional county municipality designated as a rural regional county municipality, no local municipality may exercise such right of withdrawal in respect of those powers.” ;

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

“For the purposes of this article and of articles 714 to 724, “municipality” and “local municipality” include a municipality governed by the Cities and Towns Act (chapter C-19).”

29. Article 774 of the said Code is amended by inserting “even the parts situated in the territory of a municipality governed by the Cities and Towns Act (chapter C-19),” after “floatable,” in the second line of the first paragraph.

30. Article 933 of the said Code is repealed.

31. Article 935 of the said Code is amended

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

“935. (1) The following contracts, if they involve an expenditure of \$100,000 or more and are not covered by paragraph 2 of article 938.0.2, may only be awarded after a call for public tenders by way of an advertisement in a newspaper :

(1) insurance contracts ;

(2) contracts for the performance of work ;

(3) contracts for the supply of equipment or materials ;

(4) contracts for the supply of services other than professional services

(a) referred to in paragraph 1 of article 938.0.2 ;

(b) necessary for the purposes of a proceeding before a tribunal, a body or a person exercising judicial or adjudicative functions.” ;

(2) by replacing the fifth paragraph of subarticle 1 of the first paragraph by the following paragraph :

“A contract which, as a result of an exception provided for in subparagraph 2 of the fourth paragraph, is not a supply contract for the purposes of the third paragraph, is not a contract for the supply of equipment or materials for the purposes of the first and second paragraphs.”

32. Article 936 of the said Code is amended

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

“936. A contract referred to in any of the subparagraphs of the first paragraph of subarticle 1 of article 935 may only be awarded after a call for tenders, by way of written invitation, to at least two contractors or two suppliers, as the case may be, if it involves an expenditure of at least \$25,000

and of less than \$100,000 and is not covered by paragraph 2 of article 938.0.2.”;

(2) by striking out the third paragraph.

33. Article 938 of the said Code is amended by striking out the second paragraph.

34. The said Code is amended by inserting the following articles after article 938:

“938.0.1. The Government shall, by regulation, establish the rules relating to the awarding of a contract referred to in article 938.0.2.

The regulation shall determine whether such a contract is to be awarded after a call for public tenders published in an electronic tendering system approved by the Government or after the use of a register of suppliers.

Where the regulation determines that the contract is to be awarded after the use of a register of suppliers, it must designate the body responsible for the establishment of the register and for its management and financing and must set out, in particular, the rules that apply to the registration of suppliers and to their selection as suppliers who may tender.

In both cases, the regulation must establish a rate schedule fixing the maximum hourly rate that may be paid by a municipality.

“938.0.2. The following contracts, if they involve an expenditure of \$25,000 or more, must be awarded in accordance with the regulation under article 938.0.1:

(1) a contract for the supply of services that can, under an Act or a regulation, be provided only by a physician, dentist, nurse, pharmacist, veterinary surgeon, engineer, land surveyor, architect, chartered accountant, advocate or notary, except if the service is necessary for the purposes of a proceeding before a tribunal, or a body or person exercising judicial or adjudicative functions;

(2) a contract whose purpose is to obtain energy savings for the municipality, where it involves both the providing of professional services and the performance of work or the supply of equipment, materials or services other than professional services.

“938.0.3. A municipality may not divide into several contracts having similar subject-matter an insurance contract or a contract for the performance of work, the supply of equipment or materials or the providing of services other than professional services necessary for the purposes of a proceeding before a tribunal, or a body or person exercising judicial or adjudicative functions, unless the division is warranted on grounds of sound administration.”

35. Article 938.1 of the said Code is amended

(1) by inserting “or otherwise than in accordance with the regulation under article 938.0.1” after “tenders” in the third line of the first paragraph;

(2) by inserting “or rather than as required in the regulation” after “newspaper” in the fourth line of the first paragraph.

36. Article 955 of the said Code is amended

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

“The mayor shall also table a list of all contracts involving an expenditure exceeding \$25,000 entered into by the municipality since the last sitting of the council at which the mayor made a report on the financial position of the municipality in accordance with the first paragraph.”;

(2) by replacing “the applicable amount under the third paragraph” in the third and fourth lines of the fourth paragraph by “\$25,000”.

ACT RESPECTING ELECTIONS AND REFERENDUMS IN MUNICIPALITIES

37. Section 67 of the Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2) is amended by adding the following paragraph after the second paragraph :

“Notwithstanding the first paragraph, any warden of a regional county municipality elected in accordance with section 210.29.2 of the Act respecting municipal territorial organization (chapter O-9) is not ineligible for office as a member of the council of a local municipality.”

38. The said Act is amended by inserting the following section after section 70:

“70.1. Subject to the second paragraph, subsections 1 to 8 of section 573, sections 573.1 to 573.1.0.4 and sections 573.3 to 573.3.2 of the Cities and Towns Act (chapter C-19) apply to the returning officer, with the necessary modifications.

During the election period within the meaning of section 364, the returning officer may award any contract involving an expenditure of \$25,000 or more after a call for tenders, by way of written invitation, to at least two contractors or two suppliers, as the case may be. However, where an exceptional situation that may jeopardize the holding of the election occurs during that period, the returning officer may award any contract without being required to call for tenders.”

39. The said Act is amended by inserting the following sections after section 90.4 :

“90.5. If, during the election period within the meaning of section 364, it comes to the attention of the chief electoral officer that, subsequent to an error, emergency or exceptional circumstance, a provision referred to in section 90.1 does not meet the demands of the resultant situation, the chief electoral officer may adapt the provision in order to achieve its object.

The chief electoral officer shall first inform the Minister of Municipal Affairs and Greater Montréal of the decision he intends to make.

Within 30 days following polling day, the chief electoral officer shall transmit to the President or the Secretary General of the National Assembly a report of the decisions made pursuant to the first paragraph. The President shall table the report in the National Assembly within 30 days of receiving it or, if the National Assembly is not sitting, within 30 days of resumption.

“90.6. With respect to informing the public, the chief electoral officer may, in particular,

(1) give public access to the information, reports, returns or documents relating to a provision of this chapter, Chapters VI to VII.1, Division I of Chapter XII and Chapters XIII and XIV ;

(2) provide any person applying therefor with advice and information regarding the application of Chapter XIII ;

(3) maintain an information centre on Chapter XIII ;

(4) regularly hold information meetings and conferences for the benefit of the parties, the candidates, the municipalities and the public ;

(5) at the request of a party or an independent candidate, furnish the information required for the training of its or his official representative or official agent ;

(6) make any publicity he considers necessary.”

40. Section 99 of the said Act is amended by replacing “fifty-eight” in the first line by “forty-four”.

41. Section 146 of the said Act is amended by replacing “58” in the fifth line of the second paragraph by “44”.

42. Section 153 of the said Act is amended by replacing “58” in the third line of the first paragraph by “44”.

43. The said Act is amended by inserting the following section after section 162:

“162.1. In the case of a municipality to which Chapter XIII applies, the nomination paper shall be accompanied with a document indicating in detail any expense made by the candidate from 1 January of the current year in relation to the election for which the candidate files a nomination paper, and the name and address of any person who provided more than \$100 and the amount so provided.

For the purposes of the first paragraph, only an expense which, had it been made during the election period within the meaning of section 364, would have been an election expense for the purposes of Division V of Chapter XIII must be indicated in the document and, for that purpose, the period beginning on 1 January of the current year and ending on the day on which the notice of election is published is considered to be the election period.

Where the candidate is a member of an authorized party, was a member during the period mentioned in the second paragraph or is the candidate of such a party, the document must also indicate the expenses which the official representative of that party made in respect of the candidate, including the portion attributable to the official representative of joint expenses made by the party.”

44. Section 300 of the said Act is amended

(1) by inserting “a warden elected in accordance with section 210.29.2 of the Act respecting municipal territorial organization (chapter O-9) or” after “if he was” in the first line of paragraph 4;

(2) by inserting “a warden elected in accordance with section 210.29.2 of the Act respecting municipal territorial organization or as” after “as” in the first line of paragraph 5.

45. Section 340 of the said Act is amended by replacing “58” in the first line of the second paragraph by “44”.

46. Section 364 of the said Act, amended by section 643 of chapter 29 of the statutes of 2000, is again amended by replacing “58” in the first line of the definition of “election period” by “44”.

47. Section 369 of the said Act is repealed.

48. Section 465 of the said Act is replaced by the following section:

“465. The amount of election expenses incurred by an authorized party or independent candidate during an election must not exceed,

(1) for an election to the office of mayor, the amount of \$5,400, increased by

(a) \$0.42 per person entered on the list of electors of the municipality above 1,000 but not above 20,000 electors ;

(b) \$0.72 per person entered on that list above 20,000 but not above 100,000 electors ;

(c) \$0.54 per person entered on that list above 100,000 electors ;

(2) for an election to the office of councillor, the amount of \$2,700, increased by \$0.42 per person entered on the list of electors of the electoral district above 1,000 electors.

The number of persons entered on the list for the purpose of calculating the amounts shall be the number established on the basis of the unrevised list or the revised list, whichever is higher.

The Government may adjust the amounts provided for in the first paragraph according to the formula the Government determines. The Government shall publish the results of the adjustment in the *Gazette officielle du Québec*.”

49. Section 512.4 of the said Act is amended by replacing “fiftieth” in the first line of the second paragraph by “fortieth”.

50. Section 583 of the said Act is repealed.

51. The said Act is amended by inserting the following section after section 588:

“588.1. Every person is guilty of an offence who files the document referred to in section 162.1 with the knowledge that it is incomplete or contains a false indication or false information.”

52. The said Act is amended by inserting the following section after section 639:

“639.1. Every person who is guilty of an offence described in section 588.1 is liable to a fine of not less than \$1,000 nor more than \$10,000.”

53. Section 659.2 of the said Act is amended

(1) by replacing “a general election” in the third line of the first paragraph by “a poll” ;

(2) by replacing “the general election” in the fourth line of the first paragraph by “the poll”.

54. Section 879 of the said Act is repealed.

ACT RESPECTING MUNICIPAL TAXATION

55. Section 5 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1) is amended

(1) by replacing “A” in the first line of the first paragraph by “Subject to the fourth paragraph, a”;

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

“Notwithstanding any special provision of a general law or special Act, a regional county municipality designated as a rural regional county municipality has jurisdiction in matters of assessment in a local municipality whose territory is included in its own, and that local municipality may not exercise the right of withdrawal provided for in the third paragraph of section 188 of the Act respecting land use planning and development (chapter A-19.1) in respect of the functions relating to the exercise of that jurisdiction.”

56. Section 61 of the said Act, amended by section 44 of chapter 54 of the statutes of 2000, is again amended by replacing “244.37” in the fifth line of the third paragraph by “244.36”.

57. Section 174.3 of the said Act is amended by adding the following paragraph at the end:

“For the purposes of sections 174 and 174.2, a thing does not cease to be unduly omitted or unduly entered on the roll for the sole reason that the obligation to enter on or withdraw the thing from the roll did not exist at the time of the establishment of the roll or was unknown to the assessor.”

58. Section 177 of the said Act, amended by section 56 of chapter 54 of the statutes of 2000, is again amended by inserting the following paragraph after the first paragraph :

“Notwithstanding subparagraph 5 of the first paragraph, in the case of an alteration made under any of paragraphs 9 to 11 of section 174 or paragraph 4 of section 174.2 to give effect to a decision of the Commission respecting a recognition giving rise to a property tax or business tax exemption, the effective date of the alteration is the date the recognition comes into force or ceases to be in force, according to the decision.”

59. Section 243.16 of the said Act, enacted by section 76 of chapter 54 of the statutes of 2000, is amended by replacing “paragraph 9 or 11” in the third line of the second paragraph by “any of paragraphs 9 to 11”.

60. Section 244.39 of the said Act, enacted by section 82 of chapter 54 of the statutes of 2000, is amended by replacing “the rate being applied” in the third line of the third paragraph by “the rate being applied in whole or in part”.

61. Section 244.52 of the said Act, enacted by section 82 of chapter 54 of the statutes of 2000, is amended by striking out “244.54 to” in the fourth line of the second paragraph.

62. Section 244.53 of the said Act, enacted by section 82 of chapter 54 of the statutes of 2000, is amended by replacing “100% of the” in the third line of the second paragraph by “the”.

63. Section 244.55 of the said Act, enacted by section 82 of chapter 54 of the statutes of 2000, is amended by adding the following sentence at the end of the second paragraph: “The rule so provided in respect of a unit that belongs to class 3I also applies in the case of a unit referred to in subparagraph 1 of the first paragraph of section 244.34.”

64. Section 244.56 of the said Act, enacted by section 82 of chapter 54 of the statutes of 2000, is amended by replacing “the classes” in the third line of the first paragraph by “classes 1A to 8”.

65. Section 244.58 of the said Act, enacted by section 82 of chapter 54 of the statutes of 2000, is amended by replacing “, part of rate or combination of such parts” in the third line of the first paragraph by “or the combination formed by a rate and part of another rate or by parts of several rates”.

66. Section 244.60 of the said Act, enacted by section 82 of chapter 54 of the statutes of 2000, is amended by replacing “, part of rate or combination of such parts” in the first line of subparagraph 1 of the second paragraph by “or the combination formed by a rate and part of another rate or by parts of several rates”.

67. Section 253.59 of the said Act, amended by section 84 of chapter 54 of the statutes of 2000, is again amended by adding the following paragraphs after the fourth paragraph:

“If, following the application of sections 253.54 and 253.54.1, the tax referred to in the first paragraph is the general property tax as it applies separately to the units of assessment belonging to the category of non-residential immovables provided for in section 244.33, the rates provided for in the first paragraph must be fixed such that the revenues derived from the combined application of all or part of those rates

(1) are not less than the product obtained by multiplying the taxable non-residential property assessment of the municipality by the basic rate provided for in section 244.38;

(2) are not greater than the result obtained by consecutively performing the operations described in subparagraphs 1 and 2 of the third paragraph of section 244.39 if the municipality does not impose the business tax for the same fiscal year or, in the opposite case, in subparagraphs 1 to 3 of that paragraph.

The fourth paragraph of section 244.39 and sections 244.40 to 244.42 apply, with the necessary modifications, for the purposes of establishing the minimum and maximum revenues under the fifth paragraph.”

ACT RESPECTING THE MINISTÈRE DES RÉGIONS

68. The Act respecting the Ministère des Régions (R.S.Q., chapter M-25.001) is amended by inserting the following section after section 15 :

“15.1. The Government may, to the extent and subject to the conditions it determines, authorize a local development centre serving the territory of Ville de Montréal or of a local municipality of the Saguenay region to delegate the exercise of all or part of its jurisdiction to a body.”

ACT RESPECTING MUNICIPAL TERRITORIAL ORGANIZATION

69. Section 29 of the Act respecting municipal territorial organization (R.S.Q., chapter O-9) is amended by inserting the following paragraph after the first paragraph :

“The population of a borough is the number of inhabitants of the borough determined in an order of the Government based on the estimate of the Institut de la statistique du Québec.”

70. The said Act is amended by inserting the following division after section 125.26:

“DIVISION X

“SPECIAL RULES FOR CERTAIN LOCAL MUNICIPALITIES RESULTING FROM AN AMALGAMATION

“125.27. Every constituting order made to amalgamate the territories of all or any part of the municipalities that have received a notice under section 125.2 may contain, in relation to the constitution, powers and fields of jurisdiction of the new municipality and the transition between the existing administrations and the new municipality, and in addition to the particulars required under section 108 which are not inconsistent with a rule set out in this division, any provision relating to the following matters :

(1) the composition of the council of the new municipality ;

(2) the rules that apply to the division of the territory of the municipality into wards or to the possibility for the municipality of dividing its territory into wards, and the composition, functioning and responsibilities of a ward council ;

(3) the creation within the territory of the municipality of boroughs for municipal administration purposes ;

(4) the creation and composition of any council responsible for the administration of a borough, the determination of the number of members of the council of each borough or of a formula to establish that number, and the procedure to be used to choose the chair of a borough council ;

(5) any special application of the Act respecting elections and referendums in municipalities (chapter E-2.2) to the municipality, in particular as regards the division of its territory for election purposes, the election of the members of the council of the municipality or, as the case may be, of the borough, the determination of elector qualifications and of eligibility for office as a member of the council of the municipality or, as the case may be, as a member of a borough council, and the rules governing municipal political parties, independent candidates and the control of election expenses ;

(6) any special application of the Act respecting the remuneration of elected municipal officers (chapter T-11.001) and the Act respecting the Pension Plan of Elected Municipal Officers (chapter R-9.3) to the municipality, in particular as regards the remuneration of the chair and the borough councillors and the participation of the latter in the pension plan of elected municipal officers ;

(7) the composition, functioning, powers and jurisdiction of the executive committee of the municipality ;

(8) the rules that apply to the sharing of the powers and jurisdiction granted by an Act to the municipality between the council of the municipality and any borough council ;

(9) the granting of jurisdiction, in the fields determined by the order, to the municipality and the sharing of the jurisdiction, where applicable, between the council of the municipality and the borough council ;

(10) the mode of financing of a borough ;

(11) any rule relating to labour relations, in particular as regards the sharing of the powers and responsibilities in respect of officers and employees between the council of the municipality and any borough council, and any special application of sections 125.13 to 125.26 or sections 176.1 to 176.30 ;

(12) any special financial or fiscal provision, in particular as regards the apportionment of the debts and surpluses of the former municipalities from which the municipality was formed, the approval of the loans of the

municipality, and the limits on the tax variation in respect of a unit of assessment ;

(13) the constitution of a transition committee different from the transition committee provided for in section 125.12, its composition, functioning, powers, in particular as regards contract and material resources management, its responsibilities and mode of financing and the rules that apply to the payment of the expenses arising from the committee's mandate ;

(14) the date, which may be prior to the date of constitution of the municipality, of the first general election of the council of the municipality and the rules enabling the election to be conducted ;

(15) any rule establishing the maintenance of certain rights, in particular as regards remuneration and severance allowances within the meaning of the Act respecting the remuneration of elected municipal officers (chapter T-11.001) and participation in the pension plan of elected municipal officers established under the Act respecting the Pension Plan of Elected Municipal Officers (chapter R-9.3), in respect of elected municipal officers whose term is shortened by the amalgamation and who do not become members of the council of the new municipality, and any rule relating to the allocation of the payment of expenses arising from the maintenance of those rights ;

(16) any rule enabling, where applicable, the municipality to succeed to the rights and obligations of a regional county municipality and enabling the officers and employees of a regional county municipality to be governed by section 122 ;

(17) any rule relating to the inclusion within the new municipality of any part of the adjacent territory of another local municipality that is not a party to the amalgamation or of any part of an adjacent unorganized territory, and any rule relating to the inclusion within a local municipality that is not a party to the amalgamation and whose territory is adjacent to the territory of the new municipality or is situated in an adjacent unorganized territory, of any adjacent part of the territory of a local municipality that is a party to the amalgamation or of any part of an unorganized territory that forms part of the territory of the new municipality ;

(18) any rule governing relations between the new municipality and any regional county municipality part of the territory of which is transferred into the territory of the new municipality, in particular as regards the apportionment of assets and liabilities, and any rule prescribing the effects of the by-laws, resolutions and other acts of the regional county municipality in respect of the territory transferred into the territory of the new municipality.

“125.28. The order referred to in section 125.27 must provide that the territory of a municipality that was recognized under section 29.1 of the Charter of the French language (chapter C-11) forms one or more boroughs, the overall boundaries of which correspond to the territory of that municipality.

The order must also, where it includes in the territory of the new municipality a part of the territory of a municipality that has been granted such recognition, provide that such part of the territory forms a borough or that it is part of a borough referred to in the first paragraph.

A borough referred to in this section shall retain that recognition until, at its request, the recognition is withdrawn by the Government pursuant to section 29.1 of that Charter.

Officers or employees of the city who exercise their functions or perform work in connection with the powers of a borough referred to in this section or recognized under section 29.1 of the Charter of the French language are, for the purposes of sections 20 and 26 of that Charter, deemed to be officers or employees of that borough.

“125.29. The order referred to in section 125.27 may also contain rules amending, where applicable, the orders constituting the regional county municipalities affected by the transfer of territory. In the case of a regional county municipality designated as a rural regional county municipality, those rules may pertain to the composition of its council, its mode of financing, its fields of jurisdiction and the establishment of committees of its council as well as their composition, fields of intervention and mode of operation.

“125.30. Notwithstanding section 214.3, the order referred to in section 125.27 is not limited, as regards the rules of municipal law it creates or as regards the derogations from any provision of an Act under the administration of the Minister of Municipal Affairs and Greater Montréal, from a special Act governing a municipality or from an act made under either Act, to having a transitional duration.

The Government may, within three months following the first general election in the new municipality, amend any order made under section 125.27.

“125.31. The joint application for amalgamation filed pursuant to section 125.2 may contain any particular concerning one of the matters referred to in section 125.27.

“125.32. The powers of the transition committee constituted under paragraph 13 of section 125.27 provided for in the order, or of the transition committee provided for in section 125.12, respecting the management of contracts and material resources apply, if applicable, notwithstanding sections 58 to 61 of the Public Administration Act (2000, chapter 8).”

71. Section 176.5 of the said Act, enacted by section 3 of chapter 27 of the statutes of 2000, is amended by replacing “150” in the first line of the third paragraph by “180”.

72. Section 176.6 of the said Act, enacted by section 3 of chapter 27 of the statutes of 2000, is amended by replacing “30” in the second line by “45”.

73. Section 176.9 of the said Act, enacted by section 3 of chapter 27 of the statutes of 2000, is amended

(1) by replacing “150” in the third line of the first paragraph by “180”;

(2) by replacing “the association or associations having presented an application, by holding a vote by secret ballot” in the third, fourth and fifth lines of the fifth paragraph by “the associations having presented an application, by holding a vote by secret ballot. Where there is only one association having presented an application, the labour commissioner shall certify that association unless he considers it necessary to first verify its representativeness by holding a vote by secret ballot, in particular where the bargaining unit the commissioner considers appropriate is composed of at least 40% of employees who were not represented by a certified association on the date of coming into force of the order.”

74. Section 176.27 of the said Act, enacted by section 182 of chapter 56 of the statutes of 2000, is amended by adding “or in respect of any existing municipal bureau referred to in section 254 of the Act to reform the municipal territorial organization of the metropolitan regions of Montréal, Québec and the Outaouais (2000, chapter 56)” at the end of subparagraph 5 of the first paragraph.

75. Section 210.24 of the said Act is amended by inserting the following paragraph after the first paragraph:

“However, in the case of a regional county municipality whose warden is elected in accordance with section 210.29.2, the council of the regional county municipality is composed of that warden, of the mayor of each local municipality whose territory is comprised in that of the regional county municipality and, where applicable, of any other representative of such local municipality, in accordance with the provisions of the order constituting the regional county municipality.”

76. Section 210.25 of the said Act is replaced by the following section:

“210.25. Subject to section 210.29.1, the council of the regional county municipality shall, at its first sitting, elect the warden in accordance with section 210.26.”

77. The said Act is amended by inserting the following sections after section 210.29:

“210.29.1. Every regional county municipality designated as a rural regional county municipality may, by by-law, order that the warden be elected in accordance with section 210.29.2.

The by-law must, on pain of absolute nullity, come into force during the calendar year preceding the calendar year in which the general election must

be held in all the local municipalities to which Title I of the Act respecting elections and referendums in municipalities (chapter E-2.2) applies. The by-law may not be repealed.

The secretary-treasurer shall transmit an authenticated copy of the by-law to the chief electoral officer as soon as possible after its coming into force.

“210.29.2. In the case of a regional county municipality in respect of which the by-law provided for in section 210.29.1 has effect, the election for the office of warden must be held in the same year as the general election in all the local municipalities referred to in that section.

The provisions of the Act respecting elections and referendums in municipalities (chapter E-2.2) which relate to the election of the mayor, except the provisions of Chapters III and IV of Title I, apply to the election of the warden to the extent that they are consistent with such election, with the necessary modifications and in particular the following modifications :

(1) section 67 is replaced by the following section :

“67. A person is ineligible for office as warden if he is a candidate for office as member of the council of a local municipality or has been declared elected thereto for 30 days or less.”;

(2) section 260 is amended by replacing the second paragraph by the following paragraph :

“The returning officer shall transmit a copy of the notice to each of the local municipalities whose territory is comprised in that of the regional county municipality.”;

(3) section 511 is amended by inserting “the local municipalities whose territory is comprised in that of” after “council,” in the second line of the first paragraph.

“210.29.3. The provisions of Chapters VIII to X of Title I of the Act respecting elections and referendums in municipalities (chapter E-2.2) apply in respect of the warden elected in accordance with section 210.29.2, with the necessary modifications and in particular the following modifications :

(1) section 300 is amended by inserting the following paragraph after paragraph 4:

“(4.1) if he was elected as warden, including by cooptation under section 336, while he was a member of the council of a local municipality and did not cease to hold that office thirty-one days after taking his oath of office as warden, as long as the plurality continues;”;

(2) section 312 is amended by inserting “the local municipalities whose territory is comprised in that of” after “council,” in the second line of the third paragraph.”

78. The said Act is amended by inserting the following after section 210.60:

“CHAPTER V.1

“RURAL REGIONAL COUNTY MUNICIPALITIES

“210.60.1. The Government may designate as a rural regional county municipality any regional county municipality whose territory does not include a census agglomeration defined by Statistics Canada.

“210.60.2. Notwithstanding section 210.6, the name of a regional county municipality designated as a rural regional county municipality may include only the words “Communauté rurale” and a place-name.”

ACT RESPECTING THE PENSION PLAN OF ELECTED MUNICIPAL OFFICERS

79. Section 1 of the Act respecting the Pension Plan of Elected Municipal Officers (R.S.Q., chapter R-9.3) is amended by striking out “local” in the third line.

80. The heading of subdivision 1 of Division I of Chapter II of the said Act is replaced by the following heading :

“§1. — *General provisions applicable to local municipalities*”.

81. Section 2 of the said Act is amended by inserting “local” before “municipality” in the first line of the first paragraph.

82. Section 3 of the said Act is amended by inserting “local” before “municipality” in the first line.

83. Section 4 of the said Act is amended

(1) by inserting “local” before “municipality” in the first line of the first paragraph ;

(2) by inserting “local” before “municipality” in the first line of the third paragraph.

84. Section 5 of the said Act is amended by inserting “local” before “municipality” in the first line.

85. The heading of subdivision 2 of Division I of Chapter II of the said Act is amended by replacing “*Municipalities*” by “*Local municipalities*”.

86. Section 6 of the said Act is amended by inserting “local” before “municipality” in the first line of the first paragraph.

87. Section 7 of the said Act is amended

(1) by inserting “local” before “municipality” in the first line of the first paragraph;

(2) by inserting “local” before “municipality” in the first line of the second paragraph.

88. Section 8 of the said Act is amended by inserting “local” before “municipality” in the first line.

89. The said Act is amended by inserting the following subdivision after section 8:

“§3. — *Regional county municipalities*

“8.1. Any regional county municipality whose warden is elected in accordance with section 210.29.2 of the Act respecting municipal territorial organization (chapter O-9) may, by by-law, adhere to this plan for the warden. The by-law may, in respect of the person who is warden at the time it is adopted, have retroactive effect from 1 January of the year in which it comes into force.

The by-law shall not be repealed, and no amendment made to it may have the effect of restricting the right of the warden to participate in the plan.

“8.2. A person who is elected as warden may continue his participation in this plan if he ceased to participate in it following his resignation from the office of member of the council to be a candidate for the office of warden.

To continue to participate, the warden must, within 30 days following the beginning of his term, give notice in writing to that effect to the regional county municipality and to the Commission. The notice shall maintain the warden’s participation in this plan from the date on which he ceased to participate therein. From that date, the regional county municipality is deemed to have adhered to this plan in respect of the warden.”

90. Section 11 of the said Act is amended by inserting “wardens,” after “for” in the second line.

ACT RESPECTING THE SOCIÉTÉ D'HABITATION DU QUÉBEC

91. Section 1 of the Act respecting the Société d'habitation du Québec (R.S.Q., chapter S-8) is amended

(1) by inserting “and any regional county municipality that has affirmed its jurisdiction pursuant to article 678.0.1 or 678.0.6 of the Municipal Code of Québec (chapter C-27.1) with respect to the matters provided for in this Act” after “local municipality” in paragraph *a*;

(2) by inserting the following paragraph after paragraph *a*:

“(a.1) “bureau”: a municipal housing bureau and a regional housing bureau;”;

(3) by inserting “or regional housing bureau” after “bureau” in paragraph *b*.

92. Section 57 of the said Act is amended by inserting “or a regional housing bureau, according to whether the petition has been filed by a local municipality or a regional county municipality” after “bureau” in the last line of subsection 1.

93. Section 58 of the said Act is amended by adding the following sentence at the end of the first paragraph: “However, such agreement is not required where the new bureau is a regional housing bureau constituted following a petition by the regional county municipality.”

94. The said Act is amended by inserting the following sections after section 58:

“58.0.1. A municipal housing bureau shall be constituted in each local municipality constituted by the amalgamation of territories of local municipalities. On the date fixed by the Government, the bureau succeeds any other housing bureau then existing in those territories, which is dissolved from that date.

The first paragraph does not apply if none of the municipal territories amalgamated is served by a municipal housing bureau on the effective date of the amalgamation.

“58.0.2. The Government may, by order, make any rule derogating from subsection 1 of section 57 that is necessary to ensure the constitution of the municipal housing bureau and the appointment of its directors and officers.

It may also order that the Société is authorized to guarantee the repayment of any loan made by such a bureau, up to the amount it fixes.

“58.0.3. A bureau to which an order under section 58.0.2 applies may, to enable the preparation of its budget and prepare the integration of the

employees of the municipal housing bureaus it is to succeed, require all the information and documents it considers necessary from those municipal housing bureaus.

“58.0.4. Section 58.0.1 does not apply where the decision relating to the amalgamation of local municipalities so provides. In that case, the Government may, by order, make any rule derogating from subsection 1 of section 57, section 57.1 or the first paragraph of section 58 and in respect of the constitution of a new municipal housing bureau, its succeeding any existing municipal housing bureau in those territories, the number of its provisional administrators, their appointment and the appointment of its officers.

Where the amalgamation occurs during a fiscal year, the Government may, by order, make any rule applicable to the fiscal year in which the amalgamation is effected that applies to separate management of the budgets of each bureau and to separate posting of their expenditures and of their revenues, if any.

“58.0.5. On the day on which a municipal housing bureau constituted pursuant to section 58.0.1 or 58.0.4 is to succeed an existing municipal housing bureau, the third and fourth paragraphs of section 58 apply, with the necessary modifications.

“58.0.6. An order made under section 58.0.1, under the first paragraph of section 58.0.2 or under section 58.0.4 comes into force on the date of its publication in the *Gazette officielle du Québec* or on any later date fixed therein.

An order made under the second paragraph of section 58.0.2 comes into force on the date of its publication in the *Gazette officielle du Québec* and ceases to have effect on the date fixed pursuant to section 58.0.1.”

95. Section 61 of the said Act is amended by striking out “municipal” in the third line.

96. The said Act is amended by striking out “municipal housing” in the second line of the fourth paragraph of section 51, the first line of section 57.1, the first line of the second paragraph of section 60, the first line of section 62, the first line of the first paragraph and the third line of the third paragraph of section 63, the second line of subparagraph *g* of the first paragraph of section 86 and the second line of the fourth paragraph of section 90.

97. The said Act is amended by striking out “Municipal housing” in the first line of the first paragraph of section 58.1, and “municipal housing” in the first line of subparagraph *b* and of subparagraph *c* of the first paragraph of section 60 and the second line of subparagraph *b* of the first paragraph of section 86.

ACT RESPECTING THE REMUNERATION OF ELECTED MUNICIPAL OFFICERS

98. Section 16 of the Act respecting the remuneration of elected municipal officers (R.S.Q., chapter T-11.001) is amended by adding the following paragraph at the end:

“The annual remuneration which the warden elected in accordance with section 210.29.2 of the Act respecting municipal territorial organization (chapter O-9) is entitled to receive shall not be less than \$30,000.”

99. Section 30.1 of the said Act is amended by adding the following paragraph after the sixth paragraph:

“This section applies, with the necessary modifications, to a regional county municipality in respect of its warden elected in accordance with section 210.29.2 of the Act respecting municipal territorial organization (chapter O-9).”

100. Section 31 of the said Act is amended

(1) by striking out “local” in the first line of the first paragraph;

(2) by inserting “as warden elected in accordance with section 210.29.2 of the Act respecting municipal territorial organization (chapter O-9) or” after “office” in the third line of the first paragraph;

(3) by inserting “warden,” after “office as” in the third line of the third paragraph;

(4) by inserting “warden,” after “office as” in the sixth line of the third paragraph.

101. Section 32 of the said Act is amended

(1) by striking out “local” in the second line of the first paragraph;

(2) by striking out “local” in the first line of the second paragraph.

CHARTER OF THE CITY OF MONTRÉAL

102. Article 110.9 of the Charter of the city of Montréal (1959-60, chapter 102), replaced by section 6 of chapter 74 of the statutes of 1995, is amended by striking out subparagraph 2 of the first paragraph.

103. The said charter is amended by inserting the following article after article 110.9:

“110.9.1. Every ward council shall publicly examine and make recommendations to the executive committee within the time the executive committee prescribes on the following matters :

- (1) all draft zoning by-laws ;
- (2) all draft by-laws referred to in article 612*a* ;
- (3) all draft by-laws referred to in subparagraphs *d*, *dd* and *e* of paragraph 2 of article 524 ;
- (4) any draft amendment to the planning program.

The first paragraph does not apply in respect of a draft by-law or draft amendment concerning the territory of Ville-Marie borough described in Schedule “D” or in respect of a draft by-law or draft amendment that concerns more than one ward.

For the purposes of the public examination mentioned in the first paragraph, the ward council shall receive comments from interested persons.”

104. Article 110.13 of the said charter, replaced by section 6 of chapter 74 of the statutes of 1995, is amended by replacing “article 110.8” in subparagraph 5 of the first paragraph by “articles 110.8 and 110.9.1”.

105. Article 110.19 of the said charter, replaced by section 6 of chapter 74 of the statutes of 1995 and amended by section 107 of chapter 44 of the statutes of 1997, is replaced by the following article :

“110.19. The commission shall publicly examine and make recommendations to the executive committee within the time the executive committee prescribes on any draft planning program replacement and on the draft by-laws mentioned in the first paragraph of article 110.9.1 concerning the territory of Ville-Marie borough described in Schedule “D” or concerning more than one ward.

The commission shall also publicly examine and make recommendations to the executive committee on any other matter on which the latter requests its opinion.”

106. The said charter is amended by adding the following schedule after Schedule “C” :

“SCHEDULE “D”

Ville-Marie Borough

The part of the territory of the city delimited on the north by Chemin Remembrance, from the boundary of Ville d’Outremont to a line that is an

extension of the west boundary of Ville d'Outremont, by that line to the boundary of Ville d'Outremont, along that boundary to Mont-Royal avenue, by Mont-Royal avenue to Du Parc avenue, by Du Parc avenue to Des Pins avenue, by Des Pins avenue to Saint-Laurent boulevard, by Saint-Laurent boulevard to Sherbrooke street, by Sherbrooke street to Amherst street, by Amherst street to Saint-Antoine street, by Saint-Antoine street to Notre-Dame street, by Notre-Dame street westerly to the meeting point with the boundary of the property of Les Compagnies Molson Ltée, that property line to the meeting point with the west boundary of the right of way of Panet street, that boundary and its extension to the St. Lawrence River, by the St. Lawrence River easterly so as to include Île Notre-Dame and Île Sainte-Hélène to the boundary of Ville de Longueuil and Ville de Saint-Lambert, along that boundary to the Victoria bridge, by the Victoria bridge to Autoroute Bonaventure, by Autoroute Bonaventure to the intersection with Mill street, from that point to the Lachine Canal, by the Lachine Canal to the meeting point with the extension of Guy street, along that line to Guy street, by Guy street to the CP railway line, along that railway line to the boundary of Ville de Westmount, by that boundary to Chemin Remembrance.”

CHARTER OF THE CITY OF LAVAL

107. Section 28*a* of the Charter of the City of Laval (1965, 1st session, chapter 89), enacted by section 3 of chapter 34 of the statutes of 1984, is repealed.

ACT RESPECTING THE COMMUNAUTÉ MÉTROPOLITAINE DE MONTRÉAL

108. Section 6 of the Act respecting the Communauté métropolitaine de Montréal (2000, chapter 34), amended by section 9 of chapter 56 of the statutes of 2000, is again amended by replacing the first paragraph by the following paragraph:

“6. The secretary of the Community shall convene a meeting of the mayors of each local municipality whose territory is situated within both the territory of a regional county municipality of the group and the territory of the Community to elect any member of the council referred to in section 5. The convening shall be effected in the same manner as when convening a special meeting of the council of the Community.”

109. Section 7 of the said Act, amended by section 10 of chapter 56 of the statutes of 2000, is again amended by replacing the second paragraph by the following paragraph:

“Any decision made under the first paragraph and the decision designating a member of the council of the Community shall be made by a simple majority vote.”

110. Section 49 of the said Act is amended by replacing “cast by its members” in the third line by “cast”.

111. Section 106 of the said Act is amended

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

“106. The following contracts, if they involve an expenditure of \$25,000 or more and are not covered by paragraph 2 of section 112.2, may only be awarded in accordance with sections 107 and 108 :

(1) insurance contracts ;

(2) contracts for the performance of work ;

(3) contracts for the supply of equipment or materials, including contracts for the lease of equipment with an option to purchase ;

(4) contracts for the supply of services other than professional services

(a) referred to in paragraph 1 of section 112.2 ;

(b) necessary for the purposes of a proceeding before a tribunal, or a body or person exercising judicial or adjudicative functions.” ;

(2) by striking out subparagraph 3 of the second paragraph ;

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

“A contract which, as a result of an exception provided for in subparagraph 2 of the third paragraph of section 108, is not a supply contract for the purposes of the second paragraph of that section, is not a contract for the supply of equipment or materials for the purposes of subparagraph 3 of the first paragraph of this section.”

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

“112.1. The Government shall, by regulation, establish the rules relating to the awarding of a contract referred to in section 112.2.

The regulation shall determine whether such a contract is to be awarded after a call for public tenders published in an electronic tendering system approved by the Government or after the use of a register of suppliers.

Where the regulation determines that the contract is to be awarded after the use of a register of suppliers, it must designate the body responsible for the establishment of the register and for its management and financing and must set out, in particular, the rules that apply to the registration of suppliers and to their selection as suppliers who may tender.

In both cases, the regulation must establish a rate schedule fixing the maximum hourly rate that may be paid by the Community.

“112.2. The following contracts, if they involve an expenditure of \$25,000 or more, must be awarded in accordance with the regulation under section 112.1:

(1) a contract for the supply of services that can, under an Act or a regulation, be provided only by a physician, dentist, nurse, pharmacist, veterinary surgeon, engineer, land surveyor, architect, chartered accountant, advocate or notary, except if the service is necessary for the purposes of a proceeding before a tribunal, or a body or person exercising judicial or adjudicative functions;

(2) a contract whose purpose is to obtain energy savings for the Community, where it involves both the providing of professional services and the performance of work or the supply of equipment, materials or services other than professional services.

“112.3. The Community may not divide into several contracts having similar subject matter an insurance contract or a contract for the performance of work, the supply of equipment or materials or the providing of services other than professional services necessary for the purposes of a proceeding before a tribunal, or a body or person exercising judicial or adjudicative functions, unless the division is warranted on grounds of sound administration.”

113. Section 113 of the said Act is amended

(1) by inserting “or otherwise than in accordance with the regulation under section 112.1” after “tenders” in the third line of the first paragraph;

(2) by inserting “or rather than as required in the regulation” after “newspaper” in the fourth line of the first paragraph.

114. Section 118 of the said Act is amended by striking out “other than professional services” in the sixth line of the first paragraph.

115. Section 139 of the said Act is amended by replacing “by by-law, adopt” in the second line by “by a by-law adopted by a two-thirds majority of the votes cast, adopt”.

116. Section 157.1 of the said Act, enacted by section 47 of chapter 56 of the statutes of 2000, is amended

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

“157.1. The Community may, by a by-law adopted by a two-thirds majority of the votes cast, designate equipment as being of metropolitan scope and establish the rules applicable to the management of the equipment, the

financing of the expenditures related thereto and the sharing of the income it generates.

For the purposes of the first paragraph, all equipment belonging to a local municipality whose territory is situated within the territory of the Community or to a mandatory of that municipality may be designated as being of metropolitan scope.”;

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

“The first, second and third paragraphs apply, with the necessary modifications, in respect of an infrastructure, service or activity but do not apply in respect of equipment acquired or built by the municipality or its mandatory before 1 January 2001.”

1 17. Section 266 of the said Act is amended by replacing “as if it were an updating provided for in” in the third line of the third paragraph by “either under”.

ACT TO AGAIN AMEND VARIOUS LEGISLATIVE PROVISIONS RESPECTING MUNICIPAL AFFAIRS

1 18. Section 140 of the Act to again amend various legislative provisions respecting municipal affairs (2000, chapter 54) is amended

(1) by inserting “, where the municipality concerned has fixed, under section 244.29, a rate specific to the category provided for in section 244.33,” after “is” in the fifth line of the first paragraph ;

(2) by striking out “and resulting from the fixing, under section 244.29, of a rate specific to the category” in the third, fourth and fifth lines of subparagraph 1 of the second paragraph ;

(3) by replacing “second and third” in the first line of the fourth paragraph by “first three”.

1 19. Section 145 of the said Act is amended by replacing “d’unité” in the first line of the third paragraph of the French text by “d’une unité”.

ACT TO REFORM THE MUNICIPAL TERRITORIAL ORGANIZATION OF THE METROPOLITAN REGIONS OF MONTRÉAL, QUÉBEC AND THE OUTAOUAIS

1 20. Section 154 of the Act to reform the municipal territorial organization of the metropolitan regions of Montréal, Québec and the Outaouais (2000, chapter 56) is amended by replacing “244.49” in the first line by “244.51”.

1 21. Section 195 of the French text of the said Act is amended by replacing paragraph 2 by the following paragraph :

“2° par le remplacement, dans la troisième ligne du troisième alinéa, des mots «la municipalité sur le territoire de laquelle» par les mots «l’arrondissement dans lequel»;

122. Section 201 of the said Act is replaced by the following section :

“201. Section 397.2 of the said Act is amended by replacing “municipalities whose territories are comprised in the territory of an urban community” in the fifth and sixth lines of the first paragraph by “local municipalities referred to in subparagraph 3 of the first paragraph of that section”.

123. Section 214 of the French text of the said Act is amended by striking out the second “de” in the third line.

124. The said Act is amended by inserting the following section after section 217 :

“217.1. Section 1 of the Act to prohibit commercial advertising along certain thoroughfares (2000, chapter 58) is amended by striking out “or any territory within the territory of an urban community” in the fourth and fifth lines of the first paragraph.”

125. Section 219 of the said Act is amended by striking out paragraph 16.

126. The said Act is amended by inserting the following sections after section 232 :

“232.1. The city council or any borough council, the mayor and the executive committee of any city constituted by this Act may, from the time the majority of the candidates elected as members of that council at the general election of 4 November 2001 have taken their oath of office, make any decision relating to the organization and functioning of the city, of the borough or of the executive committee, the sharing of powers between the city and the boroughs, or the delegation of any power to the executive committee or to officers that is, from 1 January 2002, under the responsibility or within the field of jurisdiction, as the case may be, of that council, the mayor or the executive committee, except decisions, relating to those responsibilities or to such a field of jurisdiction, which the law assigns to the transition committee.

The decisions referred to in the first paragraph take effect on 1 January 2002 unless they concern the designation of any borough chair or of any member of the executive committee, as the case may be.

“232.2. The council of Ville de Montréal, the council of Ville de Québec, the council of Ville de Longueuil or the council of Ville de Lévis constituted by this Act may, during any meeting held before 1 January 2002, designate from among its members the persons who will become, as of 1 January 2002,

members of the Communauté métropolitaine de Montréal or of the Communauté métropolitaine de Québec, as the case may be.

“232.3. The regional county municipalities referred to in Schedule IV to the Act respecting the Communauté métropolitaine de Montréal (2000, chapter 34), as amended by section 80 of this Act, may designate, as of 4 November 2001, from among the mayors of the municipalities whose territory is situated within both the territory of the Communauté métropolitaine de Montréal and the territory of a regional county municipality mentioned in Schedule IV as amended, the members of the council of the Community who will represent them, as of 1 January 2002, on the council of the Community.

The provisions of the Act respecting the Communauté métropolitaine de Montréal applicable to those designations as of 1 January 2002 apply to any designation referred to in the first paragraph.”

127. Section 247 of the said Act is amended

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

“However,

(1) the examination of the conformity of the planning program or of a by-law adopted by the city council with the city’s development plan shall be effected in accordance with sections 59.5 to 59.9 and 137.10 to 137.14 of the Act respecting land use planning and development, with the necessary modifications, rather than in accordance with sections 109.6 to 110 of that Act in the case of the planning program or sections 137.2 to 137.8 of that Act in the case of by-laws ;

(2) the examination of the conformity of a by-law adopted by the city council with the city’s development plan shall be effected in accordance with sections 137.2 to 137.8 subject to the necessary modifications and to the modifications applicable under the second paragraph of section 133 of Schedule I.” ;

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

“The planning program and planning by-laws of Ville de Montréal are all the programs and by-laws in force on 31 December 2001 in the local municipalities to which the city succeeds. The program and by-laws of the former Ville de Montréal which are validly in force on that date are deemed to be in conformity with the city’s development plan notwithstanding the absence of an assessment of conformity in their regard.”

128. Section 248 of the said Act is amended

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

“However, the examination of the conformity of the planning program or of a planning by-law with the city’s development plan shall be effected in accordance with sections 59.5 to 59.9 and 137.10 to 137.14 of the Act respecting land use planning and development, with the necessary modifications, rather than in accordance with sections 109.6 to 110 of that Act in the case of the planning program or sections 137.2 to 137.8 of that Act in the case of by-laws.”;

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

“The planning program and planning by-laws of Ville de Québec are all the programs and by-laws in force on 31 December 2001 in the local municipalities to which the city succeeds. The city must, before 1 January 2004, amend its planning program to render it applicable to the part of its territory formed of the territory of the former Ville de Québec.”

129. Section 249 of the said Act is amended

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

“However, the examination of the conformity of the planning program or of a planning by-law with the city’s development plan shall be effected in accordance with sections 59.5 to 59.9 and 137.10 to 137.14 of the Act respecting land use planning and development, with the necessary modifications, rather than in accordance with sections 109.6 to 110 of that Act in the case of the planning program or sections 137.2 to 137.8 of that Act in the case of by-laws.”;

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

“The planning program and planning by-laws of Ville de Longueuil are all the programs and by-laws in force on 31 December 2001 in the local municipalities to which the city succeeds.”

130. Section 250 of the said Act is amended

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

“However, the examination of the conformity of the planning program or of a planning by-law with the city’s development plan shall be effected in accordance with sections 59.5 to 59.9 and 137.10 to 137.14 of the Act respecting land use planning and development, with the necessary modifications, rather than in accordance with sections 109.6 to 110 of that Act in the case of the planning program or sections 137.2 to 137.8 of that Act in the case of by-laws.”;

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

“The planning program and planning by-laws of Ville de Lévis are all the programs and by-laws in force on 31 December 2001 in the local municipalities to which the city succeeds.”

131. Section 252 of the said Act is amended

- (1) by striking out “solely” in the third line of the first paragraph;
- (2) by replacing the second paragraph by the following paragraph:

“Every reference to the Communauté métropolitaine de Québec in sections 102, 103, 186, 205 and 221 has effect, notwithstanding the coming into force of those sections, as of 1 January 2002.”

132. Section 255 of the said Act is amended by striking out “or section 58” in the second line of the first paragraph.

133. The said Act is amended by inserting the following section after section 255:

“255.1. The following rules apply to a municipal housing bureau constituted pursuant to section 254:

- (1) from 1 January 2002, the third and fourth paragraphs of section 58 apply, with the necessary modifications;
- (2) the Société is authorized to guarantee the repayment of any loan made by the bureau before 1 January 2002, up to \$100,000;
- (3) to enable the preparation of its budget for the fiscal year 2002 and prepare the integration of the employees of the municipal housing bureaus which it succeeds from 1 January 2002, the bureau may require all the information and documents it considers necessary from those bureaus.”

134. Section 11 of Schedule I to the said Act is amended

(1) by replacing “Beaconsfield, the borough of Côte-Saint-Luc, the borough of Dollard-des-Dormaux, the borough of Dorval” in the third and fourth lines of the first paragraph by “Beaconsfield/Baie-d’Urfé, the borough of Côte-Saint-Luc/Hampstead/Montréal-Ouest, the borough of Dollard-des-Ormeaux/Roxboro, the borough of Dorval/L’Île-Dorval”;

(2) by replacing “Pierrefonds” in the fifth line of the first paragraph by “Pierrefonds/Senneville”.

135. Section 14 of Schedule I to the said Act is amended by replacing “72” in the first line by “73”.

136. Section 16 of Schedule I to the said Act is amended by replacing “by the electors of” in the first line by “in”.

137. Section 17 of Schedule I to the said Act is replaced by the following section:

“17. A borough council is made up of the borough chair, any other city councillor and, as required, any borough councillor.”

138. Section 18 of Schedule I to the said Act is amended by replacing the first paragraph by the following paragraphs:

“18. If fewer than three city councillors, including the borough chair, are prescribed for a borough, the number of borough councillors required so that the borough council is made up of three members shall be elected in the borough, to sit only on the council of that borough.

However, in the borough of Verdun, the borough of Saint-Léonard, the borough of Saint-Laurent, the borough of Montréal-Nord and the borough of LaSalle, the borough council shall include, until the first general election following the general election of 4 November 2001, two borough councillors in addition to the three city councillors.”

139. Section 19 of Schedule I to the said Act is amended by replacing the first paragraph by the following paragraph:

“19. In the boroughs referred to in section 38, the borough chair shall be designated by and from among the councillors sitting on the borough council. In the other boroughs, the borough chair shall be elected by the electors of the whole borough.”

140. Section 20 of Schedule I to the said Act is amended

(1) by inserting “, in the boroughs referred to in section 38”, after “If” in the first line of the first paragraph;

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

“If the chair of a borough, other than the chair referred to in the second paragraph of section 19, resigns as borough chair or refuses to take office, he or she shall be replaced by the city councillor who, of all the city councillors, obtained the greatest number of votes at the last general election. This paragraph applies to any other resignation as borough chair or refusal to take office as borough chair.

If, however, the person who resigned or refused to take office as borough chair cannot be replaced pursuant to the third paragraph, the city council may designate a city councillor who has resigned as borough chair, during the same term, to again hold that office.”

141. Section 21 of Schedule I to the said Act is amended

- (1) by inserting “city” before “council” in the first line of the first paragraph ;
- (2) by replacing the second paragraph by the following paragraph :

“The additional remuneration mentioned in the first paragraph is deemed to be the additional remuneration referred to in the second paragraph of section 2 of the Act respecting the remuneration of elected municipal officers (R.S.Q., chapter T-11.001).”

142. Section 34 of Schedule I to the said Act is amended by replacing subparagraph 5 of the second paragraph by the following subparagraph :

“(5) the power to dismiss, suspend without pay or reduce the salary of an officer or employee referred to in the second or third paragraph of section 71 of the Cities and Towns Act (R.S.Q., chapter C-19).”

143. Sections 37 and 38 of Schedule I to the said Act are replaced by the following sections :

“37. Subject to this Act and to any order of the Government made under section 9, the Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2) applies in respect of the office and the election of the mayor of the city, the chair of a borough and every councillor of the city or of a borough.

“38. Every borough whose council is composed exclusively of city councillors, except the boroughs referred to in the first paragraph of section 39, shall be divided into districts.”

144. Section 39 of Schedule I to the said Act is amended by replacing the first paragraph by the following paragraphs :

“39. In the borough of Verdun, the borough of Saint-Léonard, the borough of Saint-Laurent, the borough of Montréal-Nord and the borough of LaSalle, the city councillors shall be elected by all the electors of the borough. The candidate who obtains the greatest number of votes for the office of city councillor shall become the borough chair. The borough must be divided into districts for the purposes of the two offices of borough councillor.

In every borough whose council is composed of two city councillors and of one borough councillor, the city councillors and the borough councillor shall be elected by all the electors of the borough. The candidate who obtains the greatest number of votes for the office of city councillor shall become the borough chair.”

145. Schedule I to the said Act is amended by inserting the following section after section 39 :

“39.1. The city council shall, on or before 30 June 2003, make a report to the Minister of Municipal Affairs and Greater Montréal concerning the situation arising from the procedure for selecting the chair of each borough. The report may contain any recommendation of the council in addition to its observations.”

146. Section 79 of the English text of Schedule I to the said Act is amended by inserting “authorized” after “of” in the second line.

147. Sections 88 and 89 of Schedule I to the said Act are replaced by the following sections :

“88. The city’s planning program must include, in addition to the elements mentioned in section 83 of the Act respecting land use planning and development (R.S.Q., chapter A-19.1), a document establishing the rules and criteria to be taken into account, in any by-law referred to in section 131, by the borough councils and requiring the borough councils to provide in such a by-law for rules at least as restrictive as those established in the complementary document.

The complementary document may include, in addition to the elements mentioned in the Act respecting land use planning and development, in relation to the whole or part of the city’s territory, rules to ensure harmonization with any by-laws that may be adopted by a borough council under section 131 or to ensure consistency with the development of the city.

“89. The city council may, by by-law, enable the carrying out of a project, notwithstanding any by-law adopted by a borough council, where the project relates to

(1) shared or institutional equipment, such as cultural equipment, a hospital, university, college, convention centre, house of detention, cemetery, regional park or botanical garden ;

(2) major infrastructures such as an airport, port, station, yard or shunting yard, a water treatment, filtration or purification facility or a facility used in the management of snow dumps or in the management of residual or recyclable materials ;

(3) a commercial or industrial establishment situated in the business district, or if situated outside the business district, a commercial or industrial establishment the floor area of which is greater than 100,000 m² ;

(4) housing intended for persons requiring assistance, protection, care or lodging ;

(5) cultural property or a historical district within the meaning of the Cultural Property Act (R.S.Q., chapter B-4).

For the purposes of subparagraph 3 of the first paragraph, the business district comprises the part of the territory of the city bounded by Saint-Urbain street, from Sherbrooke Ouest street to Sainte-Catherine Ouest street, by Sainte-Catherine Ouest street to Clark street, by Clark street to René-Lévesque Ouest boulevard, by René-Lévesque Ouest boulevard to Saint-Urbain street, by Saint-Urbain street to Place d'Armes hill, by Place d'Armes hill to Place d'Armes, from Place d'Armes to Notre-Dame Ouest street, by Notre-Dame Ouest street to the extension of Jean-d'Estrée street, by the extension of Jean-d'Estrée street to Jean-d'Estrée street, by Jean-d'Estrée street to Saint-Antoine Ouest street, by Saint-Antoine Ouest street to De La Montagne street, by De La Montagne street to the land fronting the north side of René-Lévesque boulevard, from the land fronting the north side of René-Lévesque boulevard to Drummond street, from Drummond street to Sherbrooke Ouest street and from Sherbrooke Ouest street to Saint-Urbain street.

The by-law referred to in the first paragraph may contain only the land planning rules necessary for the project to be carried out. The extent to which it amends any by-law in force adopted by the borough council must be set out clearly and specifically.

“89.1. Notwithstanding the third paragraph of section 123 of the Act respecting land use planning and development, the by-law adopted by the city council under section 89 is not subject to approval by referendum, except in the case of a by-law authorizing the carrying out of a project referred to in subparagraph 3 of the first paragraph of section 89 that relates to a commercial or industrial establishment situated outside the business district and having a floor area greater than 100,000 m² or a project referred to in subparagraph 5 of the first paragraph of that section.

A by-law adopted pursuant to the first paragraph of section 89 must be submitted to public consultation conducted by the Office de consultation publique de Montréal, which for that purpose must hold public hearings and report on the consultation in a report in which it may make recommendations.

The public consultation under the second paragraph replaces the public consultation provided for in sections 125 to 127 of the Act respecting land use planning and development. In the case of a by-law subject to approval by referendum, the filing with the council of the report of the Office de consultation publique replaces, for the purposes of section 128 of the Act respecting land use planning and development, the public meeting to be held pursuant to section 125 of that Act.

“89.2. The city council may, by by-law, determine in which cases a by-law adopted by a borough council and that is not a concordance by-law within the meaning of any of sections 59.5, 110.4 and 110.5 of the Act respecting land use planning and development need not be examined for conformity with the city's planning program.”

148. Schedule I to the said Act is amended by inserting the following subdivision after section 105 :

“§7.1. — *Water purification*

“105.1. Subject to the Environment Quality Act (R.S.Q., chapter Q-2), the city may, by by-law, order the carrying out, even outside its territory, of work respecting purification works serving or intended to serve its territory or of work designed to generate cost savings in respect of the collecting system.

For the purposes of the first paragraph, “purification works” means a sewer, a sewer system, a pumping station, a water purification station or any other works used to collect, receive, carry, treat or drain waste water or substances compatible with the city’s purification processes.

“105.2. The city may receive for treatment purposes, from a person other than a municipality, waste water or other substances from its territory or elsewhere.

Before making any contract for such purpose, the city shall obtain the consent of the local municipality in whose territory the waste water or other substances originate.

“105.3. The city is authorized to supply other persons with any service, advice, matter, material and equipment relating to the study, construction, operation, supervision or management of a water purification system.

Every agreement made under this section requires the approval of the Minister of the Environment.”

149. Section 130 of the French text of Schedule I to the said Act is amended by replacing “l’émission” in the first line of the third paragraph by “la délivrance”.

150. Section 131 of Schedule I to the said Act is amended by replacing the first paragraph by the following paragraphs :

“131. The borough council shall exercise the jurisdiction of the city as regards zoning and subdivision provided for in the Act respecting land use planning and development (R.S.Q., chapter A-19.1), except the jurisdiction referred to in sections 117.1 to 117.16 of that Act, and the city’s jurisdiction as regards minor exemptions from planning by-laws, comprehensive development programs and site planning and architectural integration programs.

Among the modifications required for the purposes of the Act respecting land use planning and development in applying the first paragraph, the following modifications are particularly applicable : section 110.10.1 of that Act does not apply ; the notice required under section 126 of that Act shall be posted at the borough office and must mention that a copy of the draft by-law is

available for consultation at the borough office; the summary referred to in section 129 of that Act may be obtained at the borough office; and the notice referred to in section 145.6, published in accordance with the Cities and Towns Act (R.S.Q., chapter C-19), shall be posted at the borough office.”

151. Section 133 of Schedule I to the said Act is replaced by the following section:

“133. For the purpose of ensuring conformity with the city’s planning program of all concordance by-laws within the meaning of sections 59.5, 110.4 and 110.5 of the Act respecting land use planning and development which are adopted by a borough council, sections 137.2 to 137.8 of that Act apply in lieu of sections 137.10 to 137.14, with the necessary modifications.

Among the modifications required in applying the first paragraph, the following modifications are applicable: the city council shall establish the rules applicable for the purposes of the transmission of certified true copies of by-laws and resolutions adopted by the borough councils with a view to their examination by the city council, for the purposes of an alternative to service of those documents where the said sections require service on the regional county municipality, and for the purpose of fixing the dates on which those documents are deemed to be transmitted or served; the city council shall also identify the officer responsible for issuing assessments of conformity.

Sections 137.2 to 137.8 and 137.15 to 137.17 of the Act respecting land use planning and development also apply to any by-law referred to in section 131, adopted by a borough council, that is not a concordance by-law, with the necessary modifications and the modifications under the second paragraph.”

152. Subdivision 7 of Division III of Chapter III of Schedule I to the said Act is repealed.

153. Section 148 of Schedule I to the said Act is amended by replacing the third paragraph by the following paragraph:

“Where subparagraph 2 of the second paragraph applies, sections 561.1 and 561.2 and the second paragraph of section 561.3 of the Cities and Towns Act apply, subject to the percentage of 75% provided for in the second paragraph of section 561.3 being read as 25%.”

154. Schedule I to the said Act is amended by inserting the following section after section 148:

“148.1. Notwithstanding the fifth paragraph of subsection 3 of section 474 of the Cities and Towns Act (R.S.Q., chapter C-19), where, on 1 January, the city’s budget is not adopted, one-quarter of each appropriation provided for in the budget of the preceding fiscal year is deemed to be adopted. The same rule applies on 1 April, 1 July and 1 October if, on each of those dates, the budget has not yet been adopted.”

155. Section 149 of Schedule I to the said Act is amended

(1) by replacing “amount” in the second and fifth lines of the first paragraph by “rate”;

(2) by adding “Where the increase does not result solely from the constitution of the city, that maximum applies only in respect of the portion of the increase that results from the constitution.” at the end of the first paragraph;

(3) by replacing subparagraph 2 of the second paragraph by the following subparagraph:

“(2) rules making it possible to determine whether the increase in the rate results solely from the constitution of the city and, where that is not the case, to establish the portion of the increase that results from the constitution.”

156. Schedule I to the said Act is amended by inserting the following section after section 149:

“149.1. For the purpose of establishing the percentage increase in the rate for the fiscal year 2002,

(1) where the municipality concerned from among the municipalities mentioned in section 5 used the general property tax levied for the fiscal year 2001 as a means of financing expenditures relating to debts, the rate of the tax for that fiscal year is deemed to be equal to what it would have been had the tax not been used as a means of financing such expenditures;

(2) where the municipality concerned from among the municipalities mentioned in section 5 appropriated as revenue for the fiscal year 2001 all or part of its surpluses from preceding fiscal years, in an amount exceeding the amount the municipality would have normally appropriated had the constitution of the city not been contemplated, the rate of the general property tax for that fiscal year is deemed to be equal to what it would have been had there not been an excess amount appropriated.

If the presumptions in the first paragraph apply simultaneously, the rate applicable is deemed to be equal to the result obtained by consecutively carrying out the following operations:

(1) subtracting, from the number representing the increase in the rate that results from the presumption in subparagraph 2 of that paragraph, the number representing the decrease in the rate that results from the application of the presumption in subparagraph 1 of that paragraph;

(2) depending on whether the number representing the difference obtained pursuant to subparagraph 1 is positive or negative, adding it to the rate fixed by the municipality or, after transforming it into a positive number, subtracting it from that rate.

The by-law provided for in section 149 must provide for the rules making it possible to determine whether a municipality mentioned in section 5 appropriated as revenue for the fiscal year 2001 all or part of its surpluses from preceding fiscal years, in an amount exceeding the amount the municipality would have normally appropriated had the constitution of the city not been contemplated and, where that is the case, to establish that excess amount.”

157. Section 151 of Schedule I to the said Act is amended

- (1) by replacing “and” in the first line of the first paragraph by “to”;
- (2) by adding the following paragraph at the end:

“For the purposes of sections 149 to 150, where the surtax or tax on non-residential immovables is levied for a fiscal year, and the general property tax is levied for the following fiscal year at a specific rate provided for in section 244.39 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1), or vice versa, the following comparisons must be made:

(1) between, on the one hand, the general property tax as it is levied for the fiscal year for which the surtax or tax on non-residential immovables is levied and, on the other hand, the portion of the general property tax as it is levied for the other fiscal year, that generates revenues through the application of all or part of any of the specific rates referred to in sections 244.38 and 244.46 of the Act respecting municipal taxation;

(2) between, on the one hand, the surtax or tax on non-residential immovables as it is levied for a fiscal year and, on the other hand, the portion of the general property tax as it is levied for the other fiscal year, that generates revenues through the application of all or part of any of the specific rates referred to in sections 244.39 and 244.43 of the Act respecting municipal taxation.”

158. Section 156 of Schedule I to the said Act is replaced by the following section:

“156. Every member of the transition committee shall be paid the remuneration and allowances determined by the Minister.

The Minister may determine any other condition of employment of a member and in particular the rules relating to the reimbursement of expenses incurred by the member in the exercise of his or her functions.”

159. Section 171 of Schedule I to the said Act is amended by adding the following paragraph at the end:

“The first paragraph also applies in respect of information, records and documents relating to a pension plan referred to in section 7 and held by any administrator of such a plan or by any public body exercising under law a responsibility in respect of such a plan.”

160. Section 179 of Schedule I to the said Act is amended by striking out “and a determination of their boundaries” in the third and fourth lines of the second paragraph.

161. Section 185 of Schedule I to the said Act is amended by replacing the second paragraph by the following paragraph:

“The transition committee may create the various departments within the city, and determine the scope of their activities. It may appoint the department heads and assistant heads as well as the other officers and employees not represented by a certified association, and define their functions.”

162. Section 189 of Schedule I to the said Act is amended

(1) by replacing “boroughs” in the third line by “borough councils”;

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

“It must propose a draft of the by-law provided for in section 149. It may propose a draft of the by-law provided for in section 150.”

163. Section 195 of Schedule I to the said Act is amended by replacing “, or be appointed as,” in the second line by “elected or appointed as”.

164. Section 197 of Schedule I to the said Act is amended by replacing the third paragraph by the following paragraph:

“If on 1 January 2002, the budget is not adopted, one-quarter of each appropriation provided for in the budget prepared by the transition committee is deemed to be adopted. The same rule applies on 1 April, 1 July and 1 October if, on each of those dates, the budget has not yet been adopted.”

165. Section 199 of the English text of Schedule I to the said Act is amended by replacing “chair” in the second line by “president”.

166. Section 200 of Schedule I to the said Act is amended by inserting “, except any provision having as its object, in respect of such a municipality, to validate or ratify a document or an act performed or intended to clarify a title of ownership or to confirm or grant the power to acquire or alienate a particular immovable,” after “section 5” in the third line.

167. Schedule I-B to the said Act is amended

(1) by replacing the descriptions of the “**Plateau Mont-Royal/Centre-Sud**”, “**Sud-Ouest**” and “**Ville-Marie**” boroughs in Part I by the following descriptions:

“Plateau Mont-Royal/Centre-Sud Borough

The part of the territory of the former Ville de Montréal bounded on the north and on the northeast by the Canadian Pacific railway line ; from the east boundary of the former Ville d’Outremont to Sherbrooke street ; Sherbrooke street southwesterly to University street ; University street northerly to Des Pins avenue ; Des Pins avenue northeasterly to Du Parc avenue ; Du Parc avenue northerly to Mont-Royal avenue ; Mont-Royal avenue westerly to the east boundary of the former Ville d’Outremont ; that boundary northerly to the Canadian Pacific railway line.

“Sud-Ouest Borough

The part of the territory of the former Ville de Montréal bounded on the north by the ridge of the Falaise Saint-Jacques from the meeting point of Sainte-Anne-de-Bellevue boulevard with the northeast boundary of the former Ville de Montréal-Ouest to Pullman street ; generally easterly, successively, Pullman street to Autoroute 20 ; the said autoroute to the south boundary of the former Ville de Westmount, the said south boundary to the Canadian Pacific railway line, then along that railway line to Guy street ; southerly, Guy street to Notre-Dame street ; northeasterly, Notre-Dame street to Autoroute Bonaventure ; generally southerly, Autoroute Bonaventure to the Victoria bridge ; the Victoria bridge easterly to the west shore of the St. Lawrence River ; successively southerly and southwesterly, the shore of the St. Lawrence River to the boundary between the former cities of Montréal and Verdun ; generally westerly, the boundary between the former Ville de Montréal and the former cities of Verdun and Lasalle to the boundary between the former cities of Montréal and Lachine ; that latter boundary northwesterly to the south boundary of the former Ville de Montréal-Ouest ; finally, northwesterly, the northeast boundary of the former Ville de Montréal-Ouest to Sainte-Anne-de-Bellevue boulevard.

“Ville-Marie Borough

The part of the territory of the former Ville de Montréal bounded on the north by Chemin Remembrance ; from the northeast boundary of the former Ville de Westmount to the extension southerly of the west boundary of the former Ville d’Outremont ; northerly, the said extension ; successively, easterly and northerly, the south and east boundaries of the former Ville d’Outremont to Mont-Royal avenue ; generally easterly, Mont-Royal avenue to Du Parc avenue ; southerly, Du Parc avenue to Des Pins avenue ; southwesterly, Des Pins avenue to University street ; southerly, University street to Sherbrooke street ; Sherbrooke street northeasterly to the Canadian Pacific railway line ; successively southeasterly and southerly, the Canadian Pacific railway line to Notre-Dame street ; southeasterly, perpendicularly to the northwest shore of the St. Lawrence River, a straight line to the said shore ; southeasterly, a straight line so as to include Île Notre-Dame and Île Sainte-Hélène, to the boundary between the former Ville de Montréal and the former Ville de Longueuil ; southwesterly, part of the boundary between the former Ville de

Montréal and the former cities of Longueuil and Saint-Lambert to the Victoria bridge; the Victoria bridge westerly to Autoroute Bonaventure; generally northwesterly, Autoroute Bonaventure to Notre-Dame street; Notre-Dame street southwesterly to Guy street; Guy street northerly to the Canadian Pacific railway line; generally westerly, the said railway line to the east boundary of the former Ville de Westmount; finally, successively northerly and northwesterly, the boundary of the former Ville de Westmount to Chemin Remembrance.”;

(2) by inserting “/Montréal-Est” after “Rivière des Prairies/Pointe-aux-Trembles” in Part I;

(3) by replacing “2” by “3” in the twentieth line of Part II opposite “Ville-Marie”.

168. Section 15 of Schedule II to the said Act is amended by replacing “by the electors of” in the first line by “in”.

169. Section 19 of Schedule II to the said Act is amended

(1) by inserting “city” before “council” in the first line of the first paragraph;

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

“The additional remuneration mentioned in the first paragraph is deemed to be the additional remuneration referred to in the second paragraph of section 2 of the Act respecting the remuneration of elected municipal officers (R.S.Q., chapter T-11.001).”

170. Section 32 of Schedule II to the said Act is amended by replacing subparagraph 5 of the second paragraph by the following subparagraph:

“(5) the power to dismiss, suspend without pay or reduce the salary of an officer or employee referred to in the second or third paragraph of section 71 of the Cities and Towns Act (R.S.Q., chapter C-19).”

171. Section 37 of Schedule II to the said Act is replaced by the following section:

“37. Subject to this Act and to any order of the Government made under section 9, the Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2) applies in respect of the office and election of mayor of the city and of every city councillor.”

172. Section 114 of the French text of Schedule II to the said Act is amended by replacing “l’émission” in the first line of the third paragraph by “la délivrance”.

173. Section 128 of Schedule II to the said Act is amended by replacing the third paragraph by the following paragraph :

“Where subparagraph 2 of the second paragraph applies, sections 561.1 and 561.2 and the second paragraph of section 561.3 of the Cities and Towns Act apply, subject to the percentage of 75% provided for in the second paragraph of section 561.3 being read as 25%.”

174. Schedule II to the said Act is amended by inserting the following section after section 128 :

“128.1. Notwithstanding the fifth paragraph of subsection 3 of section 474 of the Cities and Towns Act (R.S.Q., chapter C-19), where, on 1 January, the city’s budget is not adopted, one-quarter of each appropriation provided for in the budget of the preceding fiscal year is deemed to be adopted. The same rule applies on 1 April, 1 July and 1 October if, on each of those dates, the budget has not yet been adopted.”

175. Section 129 of Schedule II to the said Act is amended

(1) by replacing “amount” in the second and fifth lines of the first paragraph by “rate”;

(2) by adding “Where the increase does not result solely from the constitution of the city, that maximum applies only in respect of the portion of the increase that results from the constitution.” at the end of the first paragraph ;

(3) by replacing subparagraph 2 of the second paragraph by the following subparagraph :

“(2) rules making it possible to determine whether the increase in the rate results solely from the constitution of the city and, where that is not the case, to establish the portion of the increase that results from the constitution.”

176. Schedule II to the said Act is amended by inserting the following section after section 129 :

“129.1. For the purpose of establishing the percentage increase in the rate for the fiscal year 2002,

(1) where the municipality concerned from among the municipalities mentioned in section 5 used the general property tax levied for the fiscal year 2001 as a means of financing expenditures relating to debts, the rate of the tax for that fiscal year is deemed to be equal to what it would have been had the tax not been used as a means of financing such expenditures ;

(2) where the municipality concerned from among the municipalities mentioned in section 5 appropriated as revenue for the fiscal year 2001 all or part of its surpluses from preceding fiscal years, in an amount exceeding the

amount the municipality would have normally appropriated had the constitution of the city not been contemplated, the rate of the general property tax for that fiscal year is deemed to be equal to what it would have been had there not been an excess amount appropriated.

If the presumptions in the first paragraph apply simultaneously, the rate applicable is deemed to be equal to the result obtained by consecutively carrying out the following operations:

(1) subtracting, from the number representing the increase in the rate that results from the presumption in subparagraph 2 of that paragraph, the number representing the decrease in the rate that results from the application of the presumption in subparagraph 1 of that paragraph;

(2) depending on whether the number representing the difference obtained pursuant to subparagraph 1 is positive or negative, adding it to the rate fixed by the municipality or, after transforming it into a positive number, subtracting it from that rate.

The by-law provided for in section 129 must provide for the rules making it possible to determine whether a municipality mentioned in section 5 appropriated as revenue for the fiscal year 2001 all or part of its surpluses from preceding fiscal years, in an amount exceeding the amount the municipality would have normally appropriated had the constitution of the city not been contemplated and, where that is the case, to establish that excess amount.”

177. Section 131 of Schedule II to the said Act is amended

(1) by replacing “and” in the first line of the first paragraph by “to”;

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

“For the purposes of sections 129 to 130, where the surtax or tax on non-residential immovables is levied for a fiscal year, and the general property tax is levied for the following fiscal year at a specific rate provided for in section 244.39 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1), or vice versa, the following comparisons must be made:

(1) between, on the one hand, the general property tax as it is levied for the fiscal year for which the surtax or tax on non-residential immovables is levied and, on the other hand, the portion of the general property tax as it is levied for the other fiscal year, that generates revenues through the application of all or part of any of the specific rates referred to in sections 244.38 and 244.46 of the Act respecting municipal taxation;

(2) between, on the one hand, the surtax or tax on non-residential immovables as it is levied for a fiscal year and, on the other hand, the portion of the general property tax as it is levied for the other fiscal year, that generates revenues through the application of all or part of any of the specific

rates referred to in sections 244.39 and 244.43 of the Act respecting municipal taxation.”

178. Section 136 of Schedule II to the said Act is replaced by the following section :

“136. Every member of the transition committee shall be paid the remuneration and allowances determined by the Minister.

The Minister may determine any other condition of employment of a member and in particular the rules relating to the reimbursement of expenses incurred by the member in the exercise of his or her functions.”

179. Section 151 of Schedule II to the said Act is amended by adding the following paragraph at the end :

“The first paragraph also applies in respect of information, records and documents relating to a pension plan referred to in section 7 and held by any administrator of such a plan or by any public body exercising under law a responsibility in respect of such a plan.”

180. Section 159 of Schedule II to the said Act is amended by striking out “and a determination of their boundaries” in the third and fourth lines of the second paragraph.

181. Section 165 of Schedule II to the said Act is amended by replacing the second paragraph by the following paragraph :

“The transition committee may create the various departments within the city, and determine the scope of their activities. It may appoint the department heads and assistant heads as well as the other officers and employees not represented by a certified association, and define their functions.”

182. Section 167 of Schedule II to the said Act is amended

(1) by replacing “boroughs” in the third line by “borough councils” ;

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

“It must propose a draft of the by-law provided for in section 129. It may propose a draft of the by-law provided for in section 130.”

183. Section 173 of Schedule II to the said Act is amended by replacing “, or be appointed as,” in the second line by “elected or appointed as”.

184. Section 175 of Schedule II to the said Act is amended by replacing the third paragraph by the following paragraph :

“If on 1 January 2002, the budget is not adopted, one-quarter of each appropriation provided for in the budget prepared by the transition committee is deemed to be adopted. The same rule applies on 1 April, 1 July and 1 October if, on each of those dates, the budget has not yet been adopted.”

185. Section 177 of Schedule II to the said Act is amended by inserting “, except any provision having as its object, in respect of such a municipality, to validate or ratify a document or an act performed or intended to clarify a title of ownership or to confirm or grant the power to acquire or alienate a particular immovable,” after “section 5” in the third line.

186. Schedule II-A to the said Act is amended by replacing the third paragraph of the description of the boundaries of the territory of Ville de Québec by the following paragraph:

“Also excluded from the territory of Ville de Québec is the Wendake Reserve.”

187. Schedule II-B to the said Act is amended

(1) by adding the following paragraph at the end of the description of the boundaries of Borough 1 :

“The territory of the Hôpital Général is excluded from Borough 1.”;

(2) by adding the following paragraph at the end of the description of the boundaries of Borough 7 :

“The Wendake Reserve is excluded from Borough 7.”

188. Section 17 of Schedule III to the said Act is amended by replacing “by the electors of” in the first line by “in”.

189. Section 21 of Schedule III to the said Act is amended

(1) by inserting “city” before “council” in the first line ;

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

“The additional remuneration mentioned in the first paragraph is deemed to be the additional remuneration referred to in the second paragraph of section 2 of the Act respecting the remuneration of elected municipal officers (R.S.Q., chapter T-11.001).”

190. Section 34 of Schedule III to the said Act is amended by replacing subparagraph 5 of the second paragraph by the following subparagraph :

“(5) the power to dismiss, suspend without pay or reduce the salary of an officer or employee referred to in the second or third paragraph of section 71 of the Cities and Towns Act (R.S.Q., chapter C-19).”

191. Section 37 of Schedule III to the said Act is replaced by the following section :

“37. Subject to this Act and to any order of the Government made under section 9, the Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2) applies in respect of the office and election of mayor of the city and of every city councillor.”

192. Section 71 of Schedule III to the said Act is amended by replacing “l’émission” in the first line of the third paragraph of the French text by “la délivrance”.

193. Section 86 of Schedule III to the said Act is amended

(1) by replacing “amount” in the second and fifth lines of the first paragraph by “rate”;

(2) by adding “Where the increase does not result solely from the constitution of the city, that maximum applies only in respect of the portion of the increase that results from the constitution.” at the end of the first paragraph ;

(3) by replacing subparagraph 2 of the second paragraph by the following subparagraph :

“(2) rules making it possible to determine whether the increase in the rate results solely from the constitution of the city and, where that is not the case, to establish the portion of the increase that results from the constitution.”

194. Schedule III to the said Act is amended by inserting the following section after section 86 :

“86.1. For the purpose of establishing the percentage increase in the rate for the fiscal year 2002,

(1) where the municipality concerned from among the municipalities mentioned in section 5 used the general property tax levied for the fiscal year 2001 as a means of financing expenditures relating to debts, the rate of the tax for that fiscal year is deemed to be equal to what it would have been had the tax not been used as a means of financing such expenditures ;

(2) where the municipality concerned from among the municipalities mentioned in section 5 appropriated as revenue for the fiscal year 2001 all or part of its surpluses from preceding fiscal years, in an amount exceeding the amount the municipality would have normally appropriated had the constitution of the city not been contemplated, the rate of the general property tax for that

fiscal year is deemed to be equal to what it would have been had there not been an excess amount appropriated.

If the presumptions in the first paragraph apply simultaneously, the rate applicable is deemed to be equal to the result obtained by consecutively carrying out the following operations :

(1) subtracting, from the number representing the increase in the rate that results from the presumption in subparagraph 2 of that paragraph, the number representing the decrease in the rate that results from the application of the presumption in subparagraph 1 of that paragraph ;

(2) depending on whether the number representing the difference obtained pursuant to subparagraph 1 is positive or negative, adding it to the rate fixed by the municipality or, after transforming it into a positive number, subtracting it from that rate.

The by-law provided for in section 86 must provide for the rules making it possible to determine whether a municipality mentioned in section 5 appropriated as revenue for the fiscal year 2001 all or part of its surpluses from preceding fiscal years, in an amount exceeding the amount the municipality would have normally appropriated had the constitution of the city not been contemplated and, where that is the case, to establish that excess amount.”

195. Section 88 of Schedule III to the said Act is amended

(1) by replacing “and” in the first line of the first paragraph by “to” ;

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

“For the purposes of sections 86 to 87, where the surtax or tax on non-residential immovables is levied for a fiscal year, and the general property tax is levied for the following fiscal year at a specific rate provided for in section 244.39 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1), or vice versa, the following comparisons must be made :

(1) between, on the one hand, the general property tax as it is levied for the fiscal year for which the surtax or tax on non-residential immovables is levied and, on the other hand, the portion of the general property tax as it is levied for the other fiscal year, that generates revenues through the application of all or part of any of the specific rates referred to in sections 244.38 and 244.46 of the Act respecting municipal taxation ;

(2) between, on the one hand, the surtax or tax on non-residential immovables as it is levied for a fiscal year and, on the other hand, the portion of the general property tax as it is levied for the other fiscal year, that generates revenues through the application of all or part of any of the specific rates referred to in sections 244.39 and 244.43 of the Act respecting municipal taxation.”

196. Section 93 of Schedule III to the said Act is replaced by the following section :

“93. Every member of the transition committee shall be paid the remuneration and allowances determined by the Minister.

The Minister may determine any other condition of employment of a member and in particular the rules relating to the reimbursement of expenses incurred by the member in the exercise of his or her functions.”

197. Section 108 of Schedule III to the said Act is amended by adding the following paragraph at the end :

“The first paragraph also applies in respect of information, records and documents relating to a pension plan referred to in section 7 and held by any administrator of such a plan or by any public body exercising under law a responsibility in respect of such a plan.”

198. Section 116 of Schedule III to the said Act is amended by striking out “and a determination of their boundaries” in the third and fourth lines of the second paragraph.

199. Section 122 of Schedule III to the said Act is amended by replacing the second paragraph by the following paragraph :

“The transition committee may create the various departments within the city, and determine the scope of their activities. It may appoint the department heads and assistant heads as well as the other officers and employees not represented by a certified association, and define their functions.”

200. Section 124 of Schedule III to the said Act is amended

(1) by replacing “boroughs” in the third line by “borough councils” ;

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

“It must propose a draft of the by-law provided for in section 86. It may propose a draft of the by-law provided for in section 87.”

201. Section 132 of Schedule III to the said Act is amended by replacing “, or be appointed as,” in the second line by “elected or appointed as”.

202. Section 136 of Schedule III to the said Act is amended by inserting “, except any provision having as its object, in respect of such a municipality, to validate or ratify a document or an act performed or intended to clarify a title of ownership or to confirm or grant the power to acquire or alienate a particular immovable,” after “section 5” in the second line.

203. Section 23 of Schedule IV to the said Act is amended by replacing subparagraph 5 of the second paragraph by the following subparagraph:

“(5) the power to dismiss, suspend without pay or reduce the salary of an officer or employee referred to in the second or third paragraph of section 71 of the Cities and Towns Act (R.S.Q., chapter C-19).”

204. Section 41 of the English text of Schedule IV to the said Act is amended by inserting “disposal,” after “materials” in paragraph 3.

205. Section 42 of the French text of Schedule IV to the said Act is amended by replacing “l’émission” in the first line of the first paragraph by “la délivrance”.

206. Section 44 of the English text of Schedule IV to the said Act is amended by replacing “, outside its territory, any” in the first and second lines of the first paragraph by “the”.

207. Section 75 of Schedule IV to the said Act is amended

(1) by replacing “amount” in the second and fifth lines of the first paragraph by “rate”;

(2) by adding “Where the increase does not result solely from the constitution of the city, that maximum applies only in respect of the portion of the increase that results from the constitution.” at the end of the first paragraph;

(3) by replacing subparagraph 2 of the second paragraph by the following subparagraph:

“(2) rules making it possible to determine whether the increase in the rate results solely from the constitution of the city and, where that is not the case, to establish the portion of the increase that results from the constitution.”

208. Schedule IV to the said Act is amended by inserting the following section after section 75:

“75.1. For the purpose of establishing the percentage increase in the rate for the fiscal year 2002,

(1) where the municipality concerned from among the municipalities mentioned in section 5 used the general property tax levied for the fiscal year 2001 as a means of financing expenditures relating to debts, the rate of the tax for that fiscal year is deemed to be equal to what it would have been had the tax not been used as a means of financing such expenditures;

(2) where the municipality concerned from among the municipalities mentioned in section 5 appropriated as revenue for the fiscal year 2001 all or part of its surpluses from preceding fiscal years, in an amount exceeding the

amount the municipality would have normally appropriated had the constitution of the city not been contemplated, the rate of the general property tax for that fiscal year is deemed to be equal to what it would have been had there not been an excess amount appropriated.

If the presumptions in the first paragraph apply simultaneously, the rate applicable is deemed to be equal to the result obtained by consecutively carrying out the following operations :

(1) subtracting, from the number representing the increase in the rate that results from the presumption in subparagraph 2 of that paragraph, the number representing the decrease in the rate that results from the application of the presumption in subparagraph 1 of that paragraph ;

(2) depending on whether the number representing the difference obtained pursuant to subparagraph 1 is positive or negative, adding it to the rate fixed by the municipality or, after transforming it into a positive number, subtracting it from that rate.

The by-law provided for in section 75 must provide for the rules making it possible to determine whether a municipality mentioned in section 5 appropriated as revenue for the fiscal year 2001 all or part of its surpluses from preceding fiscal years, in an amount exceeding the amount the municipality would have normally appropriated had the constitution of the city not been contemplated and, where that is the case, to establish that excess amount.”

209. Section 77 of Schedule IV to the said Act is amended

(1) by replacing “and” in the first line of the first paragraph by “to” ;

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

“For the purposes of sections 76 to 77, where the surtax or tax on non-residential immovables is levied for a fiscal year, and the general property tax is levied for the following fiscal year at a specific rate provided for in section 244.39 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1), or vice versa, the following comparisons must be made :

(1) between, on the one hand, the general property tax as it is levied for the fiscal year for which the surtax or tax on non-residential immovables is levied and, on the other hand, the portion of the general property tax as it is levied for the other fiscal year, that generates revenues through the application of all or part of any of the specific rates referred to in sections 244.38 and 244.46 of the Act respecting municipal taxation ;

(2) between, on the one hand, the surtax or tax on non-residential immovables as it is levied for a fiscal year and, on the other hand, the portion of the general property tax as it is levied for the other fiscal year, that generates revenues through the application of all or part of any of the specific

rates referred to in sections 244.39 and 244.43 of the Act respecting municipal taxation.”

210. Section 94 of Schedule IV to the said Act is replaced by the following section :

“94. Every member of the transition committee shall be paid the remuneration and allowances determined by the Minister.

The Minister may determine any other condition of employment of a member and in particular the rules relating to the reimbursement of expenses incurred by the member in the exercise of his or her functions.”

211. Section 109 of Schedule IV to the said Act is amended by adding the following paragraph at the end :

“The first paragraph also applies in respect of information, records and documents relating to a pension plan referred to in section 7 and held by any administrator of such a plan or by any public body exercising under law a responsibility in respect of such a plan.”

212. Section 123 of Schedule IV to the said Act is amended by replacing the second paragraph by the following paragraph :

“The transition committee may create the various departments within the city, and determine the scope of their activities. It may appoint the department heads and assistant heads as well as the other officers and employees not represented by a certified association, and define their functions.”

213. Section 125 of Schedule IV to the said Act is amended by adding the following paragraph at the end :

“It must propose a draft of the by-law provided for in section 75. It may propose a draft of the by-law provided for in section 76.”

214. Section 138 of Schedule IV to the said Act is amended by inserting “, except any provision having as its object, in respect of such a municipality, to validate or ratify a document or an act performed or intended to clarify a title of ownership or to confirm or grant the power to acquire or alienate a particular immovable,” after “section 5” in the sixth line.

215. Section 15 of Schedule V to the said Act is amended by replacing “by the electors of” in the first line by “in”.

216. Section 19 of Schedule V to the said Act is amended

- (1) by inserting “city” before “council” in the first line of the first paragraph ;
- (2) by replacing the second paragraph by the following paragraph :

“The additional remuneration mentioned in the first paragraph is deemed to be the additional remuneration referred to in the second paragraph of section 2 of the Act respecting the remuneration of elected municipal officers (R.S.Q., chapter T-11.001).”

217. Section 32 of Schedule V to the said Act is amended by replacing subparagraph 5 of the second paragraph by the following subparagraph:

“(5) the power to dismiss, suspend without pay or reduce the salary of an officer or employee referred to in the second or third paragraph of section 71 of the Cities and Towns Act (R.S.Q., chapter C-19).”

218. Section 35 of Schedule V to the said Act is replaced by the following section:

“35. Subject to this Act and to any order of the Government made under section 9, the Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2) applies in respect of the office and election of mayor of the city and of every city councillor.”

219. Section 85 of the French text of Schedule V to the said Act is amended by replacing “l’émission” in the first line of the third paragraph by “la délivrance”.

220. Section 100 of Schedule V to the said Act is amended

(1) by replacing “amount” in the second and fifth lines of the first paragraph by “rate”;

(2) by adding “Where the increase does not result solely from the constitution of the city, that maximum applies only in respect of the portion of the increase that results from the constitution.” at the end of the first paragraph;

(3) by replacing subparagraph 2 of the second paragraph by the following subparagraph:

“(2) rules making it possible to determine whether the increase in the rate results solely from the constitution of the city and, where that is not the case, to establish the portion of the increase that results from the constitution.”

221. Schedule V to the said Act is amended by inserting the following section after section 100:

“100.1. For the purpose of establishing the percentage increase in the rate for the fiscal year 2002,

(1) where the municipality concerned from among the municipalities mentioned in section 5 used the general property tax levied for the fiscal year 2001 as a means of financing expenditures relating to debts, the rate of the tax

for that fiscal year is deemed to be equal to what it would have been had the tax not been used as a means of financing such expenditures ;

(2) where the municipality concerned from among the municipalities mentioned in section 5 appropriated as revenue for the fiscal year 2001 all or part of its surpluses from preceding fiscal years, in an amount exceeding the amount the municipality would have normally appropriated had the constitution of the city not been contemplated, the rate of the general property tax for that fiscal year is deemed to be equal to what it would have been had there not been an excess amount appropriated.

If the presumptions in the first paragraph apply simultaneously, the rate applicable is deemed to be equal to the result obtained by consecutively carrying out the following operations :

(1) subtracting, from the number representing the increase in the rate that results from the presumption in subparagraph 2 of that paragraph, the number representing the decrease in the rate that results from the application of the presumption in subparagraph 1 of that paragraph ;

(2) depending on whether the number representing the difference obtained pursuant to subparagraph 1 is positive or negative, adding it to the rate fixed by the municipality or, after transforming it into a positive number, subtracting it from that rate.

The by-law provided for in section 100 must provide for the rules making it possible to determine whether a municipality mentioned in section 5 appropriated as revenue for the fiscal year 2001 all or part of its surpluses from preceding fiscal years, in an amount exceeding the amount the municipality would have normally appropriated had the constitution of the city not been contemplated and, where that is the case, to establish that excess amount.”

222. Section 102 of Schedule V to the said Act is amended

(1) by replacing “and” in the first line of the first paragraph by “to” ;

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

“For the purposes of sections 100 to 101, where the surtax or tax on non-residential immovables is levied for a fiscal year, and the general property tax is levied for the following fiscal year at a specific rate provided for in section 244.39 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1), or vice versa, the following comparisons must be made :

(1) between, on the one hand, the general property tax as it is levied for the fiscal year for which the surtax or tax on non-residential immovables is levied and, on the other hand, the portion of the general property tax as it is levied for the other fiscal year, that generates revenues through the application of all or part of any of the specific rates referred to in sections 244.38 and 244.46 of the Act respecting municipal taxation ;

(2) between, on the one hand, the surtax or tax on non-residential immovables as it is levied for a fiscal year and, on the other hand, the portion of the general property tax as it is levied for the other fiscal year, that generates revenues through the application of all or part of any of the specific rates referred to in sections 244.39 and 244.43 of the Act respecting municipal taxation.”

223. Section 107 of Schedule V to the said Act is replaced by the following section :

“107. Every member of the transition committee shall be paid the remuneration and allowances determined by the Minister.

The Minister may determine any other condition of employment of a member and in particular the rules relating to the reimbursement of expenses incurred by the member in the exercise of his or her functions.”

224. Section 122 of Schedule V to the said Act is amended by adding the following paragraph at the end :

“The first paragraph also applies in respect of information, records and documents relating to a pension plan referred to in section 7 and held by any administrator of such a plan or by any public body exercising under law a responsibility in respect of such a plan.”

225. Section 130 of Schedule V to the said Act is amended by striking out “and a determination of their boundaries” in the third and fourth lines of the second paragraph.

226. Section 136 of Schedule V to the said Act is amended by replacing the second paragraph by the following paragraph :

“The transition committee may create the various departments within the city, and determine the scope of their activities. It may appoint the department heads and assistant heads as well as the other officers and employees not represented by a certified association, and define their functions.”

227. Section 138 of Schedule V to the said Act is amended

(1) by replacing “boroughs” in the third line of the English text by “borough councils” ;

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

“It must propose a draft of the by-law provided for in section 100. It may propose a draft of the by-law provided for in section 101.”

228. Section 145 of Schedule V to the said Act is amended by replacing “, or be appointed as,” in the second line by “elected or appointed as”.

229. Section 149 of Schedule V to the said Act is amended by inserting “, except any provision having as its object, in respect of such a municipality, to validate or ratify a document or an act performed or intended to clarify a title of ownership or to confirm or grant the power to acquire or alienate a particular immovable,” after “section 5” in the third line.

230. Section 64 of Schedule VI to the said Act is amended by replacing “who believes that a measure described in the first paragraph has been imposed without good and sufficient cause” in the first and second lines of the second paragraph by “on whom a measure described in the first paragraph is imposed”.

231. Section 66 of Schedule VI to the said Act is amended by replacing the lines preceding paragraph 1 by the following :

“66. The labour commissioner may”.

232. Section 99 of Schedule VI to the said Act is amended

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

“99. The following contracts, if they involve an expenditure of \$25,000 or more and are not covered by paragraph 2 of section 105.2, may only be awarded in accordance with sections 100 and 101 :

(1) insurance contracts ;

(2) contracts for the performance of work ;

(3) contracts for the supply of equipment or materials, including contracts for the lease of equipment with an option to purchase ;

(4) contracts for the supply of services other than professional services

(a) referred to in paragraph 1 of section 105.2 ;

(b) necessary for the purposes of a proceeding before a tribunal, a body or a person exercising judicial or adjudicative functions.” ;

(2) by striking out subparagraph 3 of the second paragraph ;

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

“A contract which, as a result of an exception provided for in subparagraph 2 of the third paragraph of section 101, is not a supply contract for the purposes of the second paragraph of that section, is not a contract for the supply of equipment or materials for the purposes of subparagraph 3 of the first paragraph of this section.”

233. Schedule VI to the said Act is amended by inserting the following sections after section 105:

“105.1. The Government shall, by regulation, establish the rules relating to the awarding of a contract referred to in section 105.2.

The regulation shall determine whether such a contract is to be awarded after a call for public tenders published in an electronic tendering system approved by the Government or after the use of a register of suppliers.

Where the regulation determines that the contract is to be awarded after the use of a register of suppliers, it must designate the body responsible for the establishment of the register and for its management and financing and must set out, in particular, the rules that apply to the registration of suppliers and to their selection as suppliers who may tender.

In both cases, the regulation must establish a rate schedule fixing the maximum hourly rate that may be paid by the Community.

“105.2. The following contracts, if they involve an expenditure of \$25,000 or more, must be awarded in accordance with the regulation under section 105.1:

(1) a contract for the supply of services that can, under an Act or a regulation, be provided only by a physician, dentist, nurse, pharmacist, veterinary surgeon, engineer, land surveyor, architect, chartered accountant, advocate or notary, except if the service is necessary for the purposes of a proceeding before a tribunal, a body or a person exercising judicial or adjudicative functions;

(2) a contract whose purpose is to obtain energy savings for the Community, where it involves both the providing of professional services and the performance of work or the supply of equipment, materials or services other than professional services.

“105.3. The Community may not divide into several contracts having similar subject-matter an insurance contract or a contract for the performance of work, the supply of equipment or materials or the providing of services other than professional services necessary for the purposes of a proceeding before a tribunal, a body or a person exercising judicial or adjudicative functions unless the division is warranted on grounds of sound administration.”

234. Section 106 of Schedule VI to the said Act is amended

(1) by inserting “or otherwise than in accordance with the regulation under section 105.1” after “tenders” in the second line of the first paragraph;

(2) by inserting “or rather than as required in the regulation” after “newspaper” in the fourth line of the first paragraph.

235. Section 111 of Schedule VI to the said Act is amended by striking out “other than professional services” in the sixth line of the first paragraph.

236. Section 231 of Schedule VI to the said Act is amended by replacing “, as if it were an updating provided for in” in the second and third lines of the third paragraph by “under”.

237. Section 235 of Schedule VI to the said Act is repealed.

238. Schedule VI-A to the said Act is amended by replacing “Municipalité” in the fifth line by “Ville”.

MISCELLANEOUS, TRANSITIONAL AND FINAL PROVISIONS

239. Every contract awarding process in progress on (*insert here the date of assent to this Act*), in accordance with a provision amended, replaced or struck out by this Act, shall be continued according to that provision and to any provision of the Act so amended which refers or is related thereto, notwithstanding the amendment, replacement or striking out thereof by this Act.

240. Sections 12 and 107 have effect for the purposes of municipal fiscal years from the fiscal year 2002.

241. Section 5 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1), as amended by section 55, has effect in respect of any assessment roll subsequent to the assessment roll in force on 1 January 2002.

242. The Government may, following the constitution of a new city in the Saguenay region by an order under section 125.27 of the Act respecting municipal territorial organization (R.S.Q., chapter O-9), enacted by section 70 of this Act, establish a joint commission whose object is to coordinate residual materials management in the territory of the new city and in any adjacent territory of a regional county municipality designated as a rural regional county municipality.

The order establishing the commission shall determine the number of its members and its composition, the manner in which those members are designated, the commission’s mission, its procedure and its powers.

The Government may also, rather than creating a separate commission, assign to a joint land use planning commission established under section 75.1 of the Act respecting land use planning and development (R.S.Q., chapter A-19.1) such functions as it considers useful to entrust to the joint commission for the purpose of coordinating residual materials management in the territory in which the commission has jurisdiction.

243. The council of Ville de Montréal must adopt not later than 31 March 2002 the complementary document to the planning program referred to in section 88 of Schedule I to the Act to reform the municipal territorial organization of the metropolitan regions of Montréal, Québec and the Outaouais (2000, chapter 56), replaced by section 147 of this Act.

The coming into force of the by-law adopting the complementary document to the planning program has the same effect, provided for in the Act respecting land use planning and development (R.S.Q., chapter A-19.1), as an amendment to the city's planning program.

244. Every regional county municipality designated as a rural regional county municipality may, by by-law, order that an election for the office of warden must be held in 2001, 2002 or 2003 in accordance with section 210.29.2 of the Act respecting municipal territorial organization (R.S.Q., chapter O-9), with the following modifications :

(1) for the purposes of that section, the year chosen is considered to be the year in which the general election must be held in all the local municipalities to which Title I of the Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2) applies ;

(2) the by-law is considered to be the by-law provided for in section 210.29.1 of that Act if, depending on whether the year chosen is 2001, 2002 or 2003, it is in force on 1 August 2001, 1 January 2002 or 1 January 2003.

The holding of such an election in the chosen year does not set aside the obligation to hold an election in 2005.

The sections referred to in the first paragraph are those enacted by section 77.

245. Until the coming into force of the first amendment to the Regulation respecting the maximum annual remuneration of elected municipal officers, made by Order in Council 1672-92 (1992, G.O. 2, 5081) for the purpose of fixing the maximum annual amount of remuneration which a warden elected in accordance with section 210.29.2 of the Act respecting municipal territorial organization (R.S.Q., chapter O-9), enacted by section 77, is entitled to receive, that amount is \$65,000.

246. The amounts provided for in the Regulation respecting the tariff of remuneration payable for municipal elections and referendums (R.R.Q., 1981, chapter E-2.2, r.2) shall be increased by 10% from (*insert here the date of assent to this Act*). If the amount computed after the increase includes a decimal part, the decimal part shall be struck out and, where the first decimal would have been a figure greater than 5, the whole number shall be increased by 1. However, where the computed amount is to be multiplied by the number of electors or of qualified voters, the first three decimals are taken into account and, where the fourth decimal would have been a figure greater than 5, the third decimal shall be increased by 1. The chief electoral officer shall publish the results of the increase in the *Gazette officielle du Québec*.

The increase does not apply in the case of a by-election in respect of which the notice of election was given before (*insert here the date of assent to this Act*) or in the case of a referendum for which, on that date, the public notice required under section 572 of the Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2) has been given.

247. A general election must be held in 2005 in all local municipalities to which Title I of the Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2) applies.

No regular election may be held in 2004 in such a local municipality.

248. This Act comes into force on (*insert here the date of assent to this Act*), except sections 30, 120 to 125, 127 to 130, 134, 141, 142, 146 to 157, 165, 167, 169, 170, 172 to 177, 184, 189, 190, 192 to 195, 203 to 209, 216, 217, 219 to 223, 230 to 235, 237, 238 and 243, which come into force on 1 January 2002.

However, sections 70 to 74, 126, 131 to 133, 135 to 140, 143 to 145, 158 to 164, 166, 168, 171, 178 to 183, 185 to 188, 191, 196 to 202, 210 to 215, 218, 224 to 229 and 236 have effect from 20 December 2000 and section 116 has effect from 1 January 2001.