



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-SIXTH LEGISLATURE

Bill 77

An Act to amend various legislative provisions concerning regional county municipalities

Introduction

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

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EXPLANATORY NOTES

This bill amends various provisions concerning regional county municipalities.

Under the bill, the Government is authorized to designate certain regional county municipalities as urban and rural and to grant new powers to them. For instance, urban and rural regional county municipalities may have their warden elected by universal suffrage and are given exclusive jurisdiction over all municipal watercourses situated in their territory.

The bill also enacts various rules that will be applicable only to such regional county municipalities. A regional county municipality designated as urban and rural will be required to appoint at least one representative of the core city to each of the committees it establishes, unless the core city has previously waived that requirement. The bill also provides special rules concerning the making of decisions and the designation of the warden where the warden is not elected by universal suffrage and his or her designation could not be made in accordance with the usual rules.

*The bill contains provisions that apply to all regional county municipalities. It changes the French title of the deputy warden from “*préfet suppléant*” to “*préfet adjoint*”. It provides that if the budget of a regional county municipality has not been adopted by 1 January, one quarter of the appropriations provided for in the budget of the preceding fiscal year is deemed to be adopted and that the same applies on 1 April, 1 July and 1 October if, on each of those dates, the budget has not yet been adopted. Under the bill, local municipalities whose territory is situated within the territory of a regional county municipality are granted a new power as regards the delegation of jurisdiction. Lastly, the bill provides that the terms and conditions relating to the exercise of the right of withdrawal by local municipalities will be required to be set out in the resolution by which the regional county municipality affirms its jurisdiction in relation to all or part of a field of jurisdiction.*

LEGISLATION AMENDED BY THIS BILL :

- Act respecting land use planning and development (R.S.Q., chapter A-19.1);
- Municipal Code of Québec (R.S.Q., chapter C-27.1);
- Act respecting municipal territorial organization (R.S.Q., chapter O-9);
- Act respecting mixed enterprise companies in the municipal sector (R.S.Q., chapter S-25.01);
- Act respecting the remuneration of elected municipal officers (R.S.Q., chapter T-11.001).

Bill 77

AN ACT TO AMEND VARIOUS LEGISLATIVE PROVISIONS CONCERNING REGIONAL COUNTY MUNICIPALITIES

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

ACT RESPECTING LAND USE PLANNING AND DEVELOPMENT

1. Section 1 of the Act respecting land use planning and development (R.S.Q., chapter A-19.1), amended by section 242 of chapter 8 of the statutes of 2000, is again amended by inserting the following paragraph after paragraph 9 :

“(9.1) “core city” means any local municipality whose territory is situated within a census agglomeration defined by Statistics Canada and whose population is the highest among those of the local municipalities whose territory is situated within that agglomeration;”.

2. Section 148.3 of the said Act is amended by adding the following sentence at the end of the second paragraph: “Where a regional county municipality designated as urban and rural appoints members of the committee from among the persons eligible under subparagraph 1 of the first paragraph, one of those persons must be a representative of the core city, unless the core city has previously waived that requirement.”

3. Section 198 of the said Act, amended by section 5 of chapter 25 of the statutes of 2001, is again amended

(1) by replacing “suppléant” in the first line of the first paragraph of the French text by “adjoint”;

(2) by replacing “suppléant” in the fourth line of the first paragraph of the French text by “adjoint”;

(3) by replacing “suppléant” in the third line of the second paragraph of the French text by “adjoint”;

(4) by replacing “suppléant” in the first line of subparagraph 1 of the second paragraph of the French text by “adjoint”;

(5) by replacing “suppléant” in the second line of subparagraph 3 of the second paragraph of the French text by “adjoint”.

4. Section 202 of the said Act, amended by section 7 of chapter 25 of the statutes of 2001, is again amended

(1) by replacing “The” in the first line of the first paragraph by “Subject to the second, third and fourth paragraphs, the”;

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

“In the case of a regional county municipality designated as urban and rural, the representative of a municipality with a population equivalent to more than half of the population of the regional county municipality who, according to the first paragraph, has a number of votes equivalent to more than half of the number of votes held by all the representatives, has, for the purposes of section 201 as regards a proposal, the number of votes obtained by multiplying the number of votes cast by the other representatives as regards the proposal by the percentage that the municipality’s population is of the population of the regional county municipality.

In the case of a regional county municipality designated as urban and rural, the representative of a municipality who has, according to the first paragraph, a number of votes equivalent to more than half of the number of votes held by all the representatives, has, for the purposes of section 210.26 of the Act respecting municipal territorial organization (chapter O-9), the number of votes obtained by multiplying the number of votes that the other representatives have by the percentage that the municipality’s population is of the population of the regional county municipality.

Where the number of votes obtained under the second or third paragraph, as the case may be, has a decimal fraction, the decimal fraction is omitted; if the first decimal is greater than 5, the number is increased by 1.”

MUNICIPAL CODE OF QUÉBEC

5. Article 82 of the Municipal Code of Québec (R.S.Q., chapter C-27.1) is amended by adding the following paragraph after the second paragraph:

“In the case of a committee appointed by the council of a regional county municipality designated as urban and rural, one of the members must be a representative of the core city within the meaning of paragraph 9.1 of section 1 of the Act respecting land use planning and development (chapter A-19.1), unless the core city has previously waived that requirement.”

6. Article 123 of the said Code is amended

(1) by replacing “and not more than three other members of the council” in the third line of the first paragraph by “and the other members of the council the number of which shall be indicated in the by-law”;

(2) by replacing “The” in the first line of the second paragraph by “Subject to the third paragraph, the”;

(3) by inserting the following paragraph after the second paragraph :

“In the case of a regional county municipality designated as urban and rural, one of the members of the committee must be a representative of the core city within the meaning of paragraph 9.1 of section 1 of the Act respecting land use planning and development (chapter A-19.1), unless the core city has previously waived that requirement.”

7. Article 126 of the said Code is amended by replacing “suppléant” in the first line of the first paragraph of the French text by “adjoind”.

8. Article 129 of the said Code is amended

(1) by replacing “The” in the first line of the second paragraph by “Subject to the third paragraph, the”;

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

“In the case of a regional county municipality designated as urban and rural whose warden is not the mayor of the core city within the meaning of paragraph 9.1 of section 1 of the Act respecting land use planning and development (chapter A-19.1), one of the two other delegates must be a representative of the core city, unless the core city has previously waived that requirement.”

9. The said Code is amended by inserting the following article after article 569 :

“569.0.1. Every local municipality may make with any other local municipality, regardless of the law governing it, an agreement whereby they delegate to the regional county municipality whose territory includes their territories the exercise of all or part of a field within their jurisdiction.

However, the making of an agreement under the first paragraph must be preceded

(1) by the tabling of a draft agreement at a sitting of the council of the regional county municipality ;

(2) by the sending, by the secretary-treasurer of the regional county municipality, of a copy of the draft agreement to each local municipality whose territory is situated within that of the regional county municipality, together with a notice mentioning that each local municipality interested in making an agreement having the same content as that of the draft agreement must, within 60 days following receipt of those documents, transmit a resolution expressing its interest to the regional county municipality.

The agreement made by the local municipalities having expressed their interest in accordance with subparagraph 2 of the second paragraph binds, without further formality, the regional county municipality insofar as every expenditure arising from the implementation of the agreement is assumed entirely by the local municipalities.

Only the representatives of the local municipalities who have made the delegation provided for in the first paragraph are empowered to participate in the deliberations and vote of the council of the regional county municipality as regards the exercise of the delegated functions.”

10. Article 678.0.2 of the said Code is amended

(1) by replacing “adapted as required” in the second line of the first paragraph by “with the necessary modifications, in particular the following modifications :

(1) the resolution provided for in the second paragraph of article 10 must also set out the administrative and financial terms and conditions relating to the application of articles 10.1 and 10.2 ;

(2) the administrative and financial terms and conditions relating to the application of articles 10.1 and 10.2 must be set out in the resolution by which the regional county municipality affirms its jurisdiction, and the resolution may, in addition to what is expressly mentioned in article 10.3, specify the time limit within which a local municipality subject to its jurisdiction may avail itself of article 10.1.” ;

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

“Where the administrative and financial terms and conditions set out in the resolution referred to in subparagraph 2 of the first paragraph are not consistent with those prescribed in the by-law adopted under article 10.3, the former shall prevail.”

11. Article 713 of the said Code, amended by section 50 of chapter 25 of the statutes of 2001, is again amended

(1) by replacing “designated as a rural regional county municipality” in the second paragraph by “designated as rural or as urban and rural” ;

(2) by replacing “designated as a rural regional county municipality” in the third paragraph by “designated as rural or as urban and rural”.

12. Article 975 of the said Code is amended

(1) by replacing “twelfth” in the first line of the seventh paragraph by “quarter” ;

(2) by replacing “at the beginning of each subsequent month if, at that time” in the fourth line of the seventh paragraph by “on 1 April, 1 July and 1 October if, on each of those dates”.

ACT RESPECTING MUNICIPAL TERRITORIAL ORGANIZATION

13. Section 210.25 of the Act respecting municipal territorial organization (R.S.Q., chapter O-9), replaced by section 150 of chapter 25 of the statutes of 2001, is amended by inserting “or section 210.26.1, as the case may be” after “210.26” in the third line.

14. Section 210.26 of the said Act is amended

(1) by replacing “The” in the first line of the first paragraph by “Subject to section 210.26.1, the”;

(2) by replacing “according to the order constituting the regional county municipality” in the first and second lines of the third paragraph by “, as provided for in section 202 of the Act respecting land use planning and development (chapter A-19.1)”;

(3) by replacing “ascribed by the order to the members of the council” in the fifth line of the fourth paragraph by “ascribed to the members of the council according to section 202 of the Act respecting land use planning and development”;

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

“However, at the beginning of the sitting, the council may determine the circumstances in which a drawing of lots, rather than another round of voting, will be held in the case of a tie vote following a ballot. If such circumstances arise, the secretary-treasurer shall establish the procedure for the drawing of lots, hold the draw and declare the mayor who is favoured by the drawing of lots to be the warden.”

15. The said Act is amended by inserting the following section after section 210.26 :

“210.26.1. Where, at the first sitting held for the election of the warden after the regional county municipality has been designated as urban and rural, the warden could not be elected in accordance with the rules prescribed in section 210.26, the holder of the office shall be determined in accordance with the rules prescribed in the following paragraphs.

The secretary-treasurer shall hold a drawing of lots at the following sitting to determine if the holder of the office is to be the mayor of the core city within the meaning of paragraph 9.1 of section 1 of the Act respecting land use planning and development (chapter A-19.1) or if the holder of the office is to be elected from among the mayors of the other local municipalities. The result of the drawing of lots is valid for a period of two years.

If the drawing of lots determines that the holder of the office is to be the mayor of the core city, the latter shall be the warden by virtue of office unless he or she renounces the office immediately.

If the drawing of lots determines that the holder of the office is to be elected from among the mayors of the other local municipalities or if the mayor of the core city renounces the office of warden, the holder of the office shall be elected in accordance with the rules prescribed in section 210.26, having regard to the modification whereby the warden is chosen from among the mayors of the local municipalities other than the core city.

Upon the expiry of the period of two years, the successor of the holder of the office determined under the third or fourth paragraph shall be the mayor of the core city, where the warden whose term of office is ending is the mayor of a local municipality other than the core city, or be elected from among the mayors of the other local municipalities, where the warden whose term of office is ending is the mayor of the core city.

Upon the expiry of the period of two years following the period referred to in the fifth paragraph, the successor of the warden determined under that paragraph shall be elected in accordance with the rules prescribed in section 210.26. However, if, at the first sitting held for the election, a warden could not be elected, the rules prescribed in this section again apply.”

16. Section 210.28 of the said Act is amended

(1) by inserting “, subject to the second paragraph,” after “end” in the second line of the first paragraph ;

(2) by replacing “third” in the third line of the first paragraph by “fourth” ;

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

“The mayor of the core city within the meaning of paragraph 9.1 of section 1 of the Act respecting land use planning and development (chapter A-19.1), when he or she is warden by virtue of office, may not resign or be removed from office under the fourth paragraph.” ;

(4) by adding the following sentence at the end of the third paragraph :
“However, where a warden who has been removed from office was elected as a result of the rules prescribed in section 210.26.1 being applied, the new warden must be elected, for the unexpired portion of the two-year period, in accordance with the rules prescribed in section 210.26, having regard to the modification whereby the warden is elected from among the mayors of the local municipalities other than the core city.”

17. Section 210.29 of the said Act is amended

(1) by replacing “When” in the first line by “Subject to the second paragraph, when”;

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

“When the office of warden determined under the third paragraph of section 210.26.1 becomes vacant by reason of the holder ceasing to be mayor of the core city, the succeeding mayor shall become the new warden until the two-year period has expired. When the office of warden determined under the fourth paragraph of section 210.26.1 becomes vacant by reason of the holder ceasing to be mayor of a local municipality, the new warden shall be elected, for the unexpired portion of the two-year period, in accordance with the rules prescribed in section 210.26, having regard to the modification whereby the warden is elected from among the mayors of the local municipalities other than the core city.”

18. Section 210.29.1 of the said Act, enacted by section 151 of chapter 25 of the statutes of 2001, is amended

(1) by replacing “a rural regional county municipality” in the first and second lines of the first paragraph by “rural or as urban and rural”;

(2) by replacing “during the calendar year preceding the calendar year” in the first and second lines of the second paragraph by “not later than 1 May of the calendar year”.

19. The heading of Chapter V.1 of Title II.1 of the said Act, enacted by section 152 of chapter 25 of the statutes of 2001, is amended by adding “AND URBAN AND RURAL” after “RURAL”.

20. Section 210.60.1 of the said Act, enacted by section 152 of chapter 25 of the statutes of 2001, is replaced by the following section:

“**210.60.1.** The Government may designate any regional county municipality as rural or as urban and rural.”

ACT RESPECTING MIXED ENTERPRISE COMPANIES IN THE MUNICIPAL SECTOR

21. Section 10 of the Act respecting mixed enterprise companies in the municipal sector (R.S.Q., chapter S-25.01) is amended by inserting “, even after the expiry of the time prescribed, if any, in the resolution referred to in subparagraph 2 of the first paragraph of article 678.0.2 of that Code” after “paragraphs” in the sixth line of the first paragraph.

ACT RESPECTING THE REMUNERATION OF ELECTED MUNICIPAL OFFICERS

22. Section 2 of the Act respecting the remuneration of elected municipal officers (R.S.Q., chapter T-11.001) is amended by replacing “acting” in subparagraph 2 of the third paragraph by “deputy”.

TRANSITIONAL AND FINAL PROVISIONS

23. Every regional county municipality designated as urban and rural may, by by-law, order that an election to the office of warden must be held in 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 is to 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 the Act respecting municipal territorial organization if, according to whether 2002 or 2003 is chosen, the by-law is in force on 1 August 2002 or on 1 May 2003.

The holding of such an election in the year chosen does not remove the requirement to hold an election in 2005.

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