



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-SIXTH LEGISLATURE

Bill 106

An Act to amend various legislative provisions concerning municipal affairs

Introduction

**Introduced by
Mr André Boisclair
Minister of Municipal Affairs and Greater Montréal**

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EXPLANATORY NOTES

This bill enacts, amends or removes various provisions governing municipal bodies.

The bill amends the Act respecting land use planning and development to give local municipalities new powers in matters of planning by-laws. Local municipalities will consequently be able to adopt zoning by-laws to limit the number of identical or similar uses in a particular sector within their territory. Through the adoption of two new by-laws, it will be possible for municipalities, on a case-by-case basis according to predetermined criteria and subject to specific conditions, to authorize uses which the zoning by-law does not allow unconditionally as well as to permit special construction, alteration or land occupancy proposals that are at variance with the general planning regulation.

The bill amends the Act respecting land use planning and development to authorize the Minister of the Environment to request a regional county municipality to amend its development plan to have it more fully adhere to the protection policy for lakeshores, riverbanks, littoral zones and floodplains.

The bill further amends the Act respecting land use planning and development to enable municipalities through their building by-laws to provide for special construction standards for buildings which are to be used as private residences for the elderly.

The bill makes various amendments to the Municipal Code of Québec, the Cities and Towns Act and other legislation concerning the metropolitan communities of Montréal and Québec as regards the rules for the awarding of contracts. It provides that the regulation to be made by the Government to determine rules for the awarding of contracts for certain professional services may provide for cases in which the approval or authorization of the Government or of one of its ministers or bodies is necessary.

The bill amends the Cities and Towns Act to introduce an obligation for an executive committee that has been authorized to enter into contracts on behalf of the local municipality to table before the council, each month, a list of all the contracts involving an expenditure exceeding \$25,000 it entered into in the preceding

month. The amendment proposed by the bill also requires the executive committee to table a list of all contracts involving an expenditure exceeding \$2,000 entered into by it since the beginning of the fiscal year with the same contracting party if those contracts involve a total expenditure exceeding \$25,000. A similar provision will apply to the executive committee of a metropolitan community.

The bill makes amendments to the charters of the cities of Lévis, Longueuil, Montréal and Québec and to the constituting orders of the cities of Sherbrooke and Saguenay so that certain conditions apply when a borough council delegates to an officer its power to authorize expenditures, in particular a condition requiring the officer to report to the borough council at the first regular sitting held five days after the authorization.

The bill amends the Act respecting the Commission municipale to enable the Commission to initiate, at the request of the parties, a process of mediation in respect of a dispute which may be referred to it for arbitration.

The bill amends the constituting Acts of the metropolitan communities of Montréal and Québec to clarify the scope of their obligations as regards a tax base growth sharing program. It specifies that such a program may include an element of tax base sharing that applies to the tax base of a member municipality of the community, regardless of the existence or non-existence of growth.

The bill amends the Act respecting duties on transfers of immovables to give effect to an Information Bulletin issued by the Minister of Finance on 20 December 2001. Any property transfer made after that date will be exempt from transfer duties if the transferor and the transferee are registered charities, or if the property is transferred through a trust created for the benefit of a natural person whereby the person will eventually recover ownership of the property transferred.

The bill amends the Act respecting elections and referendums in municipalities to clarify certain provisions or to harmonize them with those of the Election Act, in particular as concerns advance polling, the posting up of election publicity, pre-election expenses and penal provisions.

The bill amends the Act respecting municipal taxation to modify the special method that applies to the assessment of single-use immovables of an industrial or institutional nature in particular to allow a proceeding to be brought directly before the Administrative

Tribunal of Québec, without having to resort to the administrative review procedure, if the owner and the assessor attest that all the exchanges required by the special method have taken place without any agreement being reached on the value of the immovable.

The bill amends the Act respecting municipal industrial immovables to allow for the sale price of an industrial immovable alienated by a local municipality to be fixed on the basis of either the cost price of the immovable or its value on the property assessment roll, and thus for a ministerial authorization to be required only if the sale price is less than either the cost price or the value on the property assessment roll.

The bill amends the Act respecting the Ministère des Affaires municipales et de la Métropole to provide for a power authorizing the Minister to establish, after consultation with bodies representing municipalities, performance indicators in relation to the administration of the municipalities and other municipal bodies, and to prescribe the conditions and implementation procedures. The Minister is also empowered to prescribe the terms according to which the citizens are to be informed of the results measured using the performance indicators.

The bill amends the Act respecting the Société d'habitation du Québec to provide rules to govern the operation of the social housing development funds established under various statutes and to require municipalities and metropolitan communities that have such a fund to pay minimum contributions into it.

LEGISLATION AMENDED BY THIS BILL :

- Act respecting land use planning and development (R.S.Q., chapter A-19.1);
- Charter of Ville de Lévis (R.S.Q., chapter C-11.2);
- Charter of Ville de Longueuil (R.S.Q., chapter C-11.3);
- Charter of Ville de Montréal (R.S.Q., chapter C-11.4);
- Charter of Ville de Québec (R.S.Q., chapter C-11.5);
- Cities and Towns Act (R.S.Q., chapter C-19);
- Municipal Code of Québec (R.S.Q., chapter C-27.1);

- Act respecting the Commission municipale (R.S.Q., chapter C-35);
- Act respecting the Communauté métropolitaine de Montréal (R.S.Q., chapter C-37.01);
- Act respecting the Communauté métropolitaine de Québec (R.S.Q., chapter C-37.02);
- James Bay Region Development and Municipal Organization Act (R.S.Q., chapter D-8);
- Act respecting duties on transfers of immovables (R.S.Q., chapter D-15.1);
- 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 municipal industrial immovables (R.S.Q., chapter I-0.1);
- Act respecting Immobilière SHQ (R.S.Q., chapter I-0.3);
- Act respecting the Ministère des Affaires municipales et de la Métropole (R.S.Q., chapter M-22.1);
- 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 Société québécoise d’assainissement des eaux (R.S.Q., chapter S-18.2.1);
- Act respecting the remuneration of elected municipal officers (R.S.Q., chapter T-11.001);
- Act to amend the Act respecting municipal industrial immovables (1994, chapter 34);

- Act to reform the municipal territorial organization of the metropolitan regions of Montréal, Québec and the Outaouais (2000, chapter 56);
- Act respecting public transit authorities (2001, chapter 23).

Bill 106

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 section after section 8 :

“8.1. The Government may, by regulation, prescribe rules concerning the form in which the content of a development plan must be presented.”

2. Section 48 of the said Act is amended by replacing “its by-law respecting comprehensive development programs, site planning and architectural integration programs or municipal works agreements” in the fourth, fifth and sixth lines of the second paragraph by “any of its by-laws under Divisions VII to XI of Chapter IV”.

3. Section 53.7 of the said Act, amended by section 22 of chapter 35 of the statutes of 2001, is again amended by replacing “second” in the second line of the fourth paragraph by “third”.

4. Section 53.10 of the said Act is amended by replacing “its by-law respecting comprehensive development programs, site planning and architectural integration programs or municipal works agreements” in the fifth and sixth lines of the first paragraph by “any of its by-laws under Divisions VII to XI of Chapter IV”.

5. Section 53.12 of the said Act is amended by replacing the fifth paragraph by the following paragraph :

“The first four paragraphs apply, with the necessary modifications, if the Minister of the Environment is of the opinion that the development plan in force is not consistent with the policy of the Government referred to in section 2.1 of the Environment Quality Act (chapter Q-2) or, considering the distinctive features of the locality, fails to provide adequate protection for lakeshores, riverbanks, littoral zones and floodplains.”

6. Section 56.14 of the said Act, amended by section 23 of chapter 35 of the statutes of 2001, is again amended by replacing “second” in the second line of the fourth paragraph by “third”.

7. Section 56.16 of the said Act is amended by replacing “second” in the fourth line of the second paragraph by “third”.

8. The said Act is amended by inserting the following section after section 57:

“57.1. The Government may, by regulation, prescribe rules, complementary to those provided for in the provisions of this division, concerning the preparation of a revised development plan.”

9. Section 58 of the said Act is amended by replacing “its by-law respecting comprehensive development programs, site planning and architectural integration programs or municipal works agreements” in the second, third and fourth lines of subparagraph 1 of the second paragraph by “any of its by-laws under Divisions VII to XI of Chapter IV”.

10. Section 59.1 of the said Act is amended by replacing subparagraphs 2 to 8 of the first paragraph by the following subparagraphs:

“(2) its zoning, subdivision and building by-laws;

“(3) its by-laws under Divisions VII to XI of Chapter IV;

“(4) its by-law under section 116.”

11. Section 59.5 of the said Act is amended by replacing “its by-law on the comprehensive development program, site planning and architectural integration programs or municipal works agreements” in the second, third and fourth lines of subparagraph 1 of the second paragraph by “any of its by-laws under Divisions VII to XI of Chapter IV”.

12. Section 59.6 of the said Act is amended by replacing subparagraphs 1 to 7 of the first paragraph by the following subparagraphs:

“(1) its zoning, subdivision and building by-laws;

“(2) its by-laws under Divisions VII to XI of Chapter IV;

“(3) its by-law under section 116.”

13. Section 64 of the said Act, amended by section 24 of chapter 35 of the statutes of 2001, is again amended by replacing the third paragraph by the following paragraph:

“Notwithstanding subparagraph *a* of subparagraph 1 of the second paragraph of section 62, the council may avail itself, as regards an agricultural zone established under the Act respecting the preservation of agricultural land and agricultural activities (chapter P-41.1), of any of the powers provided for in subparagraphs 3, 4, 4.1 and 5 of the second paragraph of section 113.”

14. Section 67 of the said Act is amended by replacing “fourth” in the first line of the second paragraph by “fifth”.

15. Section 68 of the said Act, amended by section 26 of chapter 35 of the statutes of 2001, is again amended by replacing “adopted under subparagraphs 3, 4” in the third line of the second paragraph by “adopted under any of subparagraphs 3, 4, 4.1”.

16. Section 95 of the said Act is amended by replacing the third paragraph by the following paragraph :

“It may, in addition, submit to the consultation any draft by-law concerning any matter referred to in Divisions VI to XI of Chapter IV.”

17. Section 110.4 of the said Act is amended by replacing “its by-law respecting comprehensive development programs, site planning and architectural integration programs or municipal works agreements” in the second, third and fourth lines of subparagraph 1 of the second paragraph by “any of its by-laws under Divisions VII to XI of Chapter IV”.

18. Section 110.5 of the said Act is amended by replacing “the by-law respecting the comprehensive development program, site planning and architectural integration programs or municipal works agreements” in the fourth and fifth lines of the first paragraph by “any of the by-laws under Divisions VII to XI of Chapter IV”.

19. Section 110.6 of the said Act is amended by replacing “its by-law respecting the comprehensive development program, site planning and architectural integration programs or municipal works agreements” in the fifth, sixth and seventh lines of the first paragraph by “any of its by-laws under Divisions VII to XI of Chapter IV”.

20. Section 113 of the said Act, amended by section 18 of chapter 40 of the statutes of 1999, is again amended by inserting the following subparagraph after subparagraph 4 of the second paragraph :

“(4.1) to specify, for each zone, the maximum number of immovables that may be used for identical or similar uses, the minimum distance that must separate such immovables or the maximum floor or land area allowed for such uses ; however, no rule so provided may apply to agricultural activities within the meaning of the Act respecting the preservation of agricultural land and agricultural activities (chapter P-41.1) in an agricultural zone established under that Act ;”.

21. The said Act is amended by inserting the following section after section 118 :

“118.1. The building by-law may, as regards a residence for the elderly, prescribe special building standards and special rules applicable to the layout

of the building and the elements and accessories that must be integrated therein to ensure the residents have the services appropriate to their needs.

For the purposes of the first paragraph, a residence for the elderly is a congregate residential facility where rooms or apartments intended for elderly persons are offered for rent along with a varied range of services relating, in particular, to security, housekeeping assistance and assistance with social activities, except a facility operated by an institution within the meaning of the Act respecting health services and social services (chapter S-4.2) and a building or residential facility where the services of an intermediate resource or a family-type resource within the meaning of that Act are offered.”

22. Section 123 of the said Act is amended

(1) by replacing subparagraph 3 of the first paragraph by the following subparagraph :

“(3) by-laws under any of the provisions of Divisions VI to XI;”;

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

“For the purposes of this division, the conditional use by-law provided for in section 145.31 or any by-law that amends or replaces the conditional use by-law is also subject to approval by way of referendum.”

23. Section 137.2 of the said Act is amended by replacing the first paragraph by the following paragraph :

“137.2. As soon as practicable after the adoption of a by-law referred to in this paragraph, the clerk or the secretary-treasurer shall transmit a certified copy of the by-law and of the resolution adopting it to the regional county municipality whose territory includes that of the municipality. The by-laws concerned are

(1) by-laws amending or replacing the zoning, subdivision or building by-law ;

(2) any of the by-laws under Divisions VII to XI and section 116;

(3) by-laws amending or replacing a by-law referred to in subparagraph 2.”

24. The said Act is amended by inserting the following after section 145.30:

“DIVISION X

“CONDITIONAL USES

“145.31. The council of a municipality that has an advisory planning committee may adopt a conditional use by-law.

The by-law may not, however, apply to agricultural activities within the meaning of the Act respecting the preservation of agricultural land and agricultural activities (chapter P-41.1) in an agricultural zone established under that Act.

“145.32. The conditional use by-law must

(1) indicate any zone provided for in the zoning by-law where a conditional use may be authorized ;

(2) specify, for each zone indicated under subparagraph 1, the conditional use that may be authorized ;

(3) determine the procedure for an application for authorization of a conditional use, in particular the documents to be submitted with the application ;

(4) determine the criteria to be used to assess an application for authorization of a conditional use.

The by-law may define classes of conditional uses and prescribe different rules according to the classes, the zones or combinations of a class and a zone.

“145.33. Not later than 15 days before the holding of the sitting at which the council is to decide the application for authorization of a conditional use, the clerk or the secretary-treasurer of the municipality shall, by means of a public notice given in accordance with the Act governing the municipality and a poster or sign placed in full view on the site to which the application relates, indicate the date, time and place of the sitting, the nature of the application and that any person interested may be heard at the sitting in relation to the application.

The notice shall situate the immovable to which the application relates using street names and the street number of the immovable or, if the immovable has no street number, the cadastral number.

“145.34. The council shall, after consulting with the advisory planning committee, grant or refuse an application for authorization of a conditional use submitted to it in accordance with the by-law.

The resolution by which the council grants the application shall provide for any condition, having regard to the jurisdiction of the municipality, that must be satisfied in relation to the establishment or exercise of the use.

The resolution by which the council refuses the application shall state the grounds for the refusal.

As soon as practicable after the passing of the resolution, the clerk or the secretary-treasurer shall transmit a certified copy of the resolution to the applicant.

“145.35. Notwithstanding sections 120, 121 and 122, the officer referred to in those sections shall issue a permit or certificate upon being presented with a certified copy of the resolution by which the council grants the application for authorization of a conditional use, if the conditions referred to in the section are satisfied, subject to the second paragraph, including any condition required by the resolution to be satisfied at the latest at the time the permit or certificate application is made.

Where the condition requires the application to be in conformity with a by-law referred to in paragraph 1 of section 120 or 121 or subparagraph 1 of the first paragraph of section 122, the application must be in conformity with the provisions of the by-law that are not the subject of the conditional use authorization.

“DIVISION XI

“SPECIFIC CONSTRUCTION, ALTERATION OR OCCUPANCY PROPOSALS FOR AN IMMOVABLE

“145.36. The council of a municipality that has an advisory planning committee may adopt a by-law concerning specific construction, alteration or occupancy proposals for an immovable.

The object of the by-law is to enable the council to authorize, upon application and subject to certain conditions, a specific construction, alteration or occupancy proposal in respect of an immovable if the proposal is at variance with a by-law under this chapter.

To be authorized, a specific proposal must be consistent with the aims of the municipality’s planning program.

“145.37. The by-law must

(1) delimit the part of the territory of the municipality where a specific proposal may be authorized, which part may not include a zone where land occupation is subject to special restrictions for reasons of public safety ;

(2) determine the procedure for an application for authorization of a specific proposal, in particular the documents to be submitted with the application ;

(3) determine the criteria to be used to assess an application for authorization of a specific proposal.

The by-law may define classes of specific proposals and prescribe different rules according to the classes, the parts of the territory or combinations of a class and such a part.

“145.38. The council shall, after consulting with the advisory planning committee, grant or refuse an application for authorization of a specific proposal submitted to it in accordance with the by-law.

The resolution by which the council grants the application shall provide for any condition, having regard to the jurisdiction of the municipality, that must be satisfied in relation to the carrying out of the proposal.

Sections 124 to 137, 137.2 to 137.5 and 137.15 apply, with the necessary modifications, in respect of the resolution by which the council grants the application; however, where there is no development plan in force in the territory of the municipality, section 137.16 applies instead of sections 137.2 to 137.5 and 137.15. For that purpose, the resolution is subject to approval by way of referendum where the specific proposal is at variance with a provision referred to in subparagraph 1 of the third paragraph of section 123.

The resolution by which the council refuses the application shall state the grounds for the refusal.

As soon as practicable after the coming into force of the resolution, the clerk or the secretary-treasurer shall transmit a certified copy of the resolution to the applicant.

“145.39. As soon as practicable after the passing under section 124 of a draft resolution granting the application for authorization of a specific proposal, the clerk or the secretary-treasurer of the municipality shall, by means of a poster or sign placed in full view on the site to which the application relates, indicate the nature of the application and the place where any person interested may obtain information relating to the specific proposal.

That obligation ceases when the council passes the resolution granting the application for authorization or declines to do so. However, where the resolution passed must be approved by qualified voters, the obligation ceases when the referendum process ends.

“145.40. Notwithstanding sections 120, 121 and 122, the officer referred to in those sections shall issue a permit or certificate upon being presented with a certified copy of the resolution in force by which the council grants the application for authorization of a specific proposal, if the conditions referred to in the section are satisfied, subject to the second paragraph, including any condition required by the resolution to be satisfied at the latest at the time the permit or certificate application is made.

Where the condition requires the application to be in conformity with a by-law referred to in paragraph 1 of section 120 or 121 or subparagraph 1 of the first paragraph of section 122, the application must be in conformity with the provisions of the by-law that are not the subject of the specific proposal authorization.”

25. Section 221 of the said Act is amended

(1) by replacing “a by-law respecting comprehensive development programs, site planning and architectural integration programs or municipal works agreements” in the third and fourth lines of the first paragraph by “any of the by-laws under Divisions VII to XI of Chapter IV of Title I”;

(2) by inserting “, and the conformity of any resolution referred to in the second paragraph of section 145.38 with those objectives and with the complementary document” after “program” in the fourth line of the second paragraph.

26. Section 227 of the said Act is amended

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

“(1) a use of land or a structure incompatible with

(a) a zoning, subdivision or building by-law ;

(b) a by-law under section 116 or 145.21 ;

(c) an interim control by-law or resolution ;

(d) a plan approved in accordance with section 145.19 ;

(e) an agreement under section 145.21 ; or

(f) a resolution referred to in the second paragraph of section 145.34 or 145.38 ;”;

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

27. Section 228 of the said Act is amended by replacing “or an agreement made under section 145.21” in the fourth line of the first paragraph by “, an agreement made under section 145.21 or a resolution referred to in the second paragraph of section 145.38”.

28. Section 240 of the said Act is amended by replacing “or any by-law respecting comprehensive development programs, site planning and architectural integration programs or municipal works agreements” in the fourth, fifth and sixth lines of the first paragraph by “, any of the by-laws under Divisions VII to XI of Chapter IV of Title I or any resolution referred to in the second paragraph of section 145.38”.

CHARTER OF VILLE DE LÉVIS

29. Section 85 of the Charter of Ville de Lévis (R.S.Q., chapter C-11.2), amended by section 457 of chapter 25 of the statutes of 2001, by section 190 of chapter 76 of the statutes of 2001 and by section 5 of Order in Council 1311-2001 dated 1 November 2001, is again amended

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

“The borough council may, by by-law, delegate any power related to the exercise of its jurisdiction in matters of personnel management to any officer or employee assigned by the city to the borough. The by-law shall indicate the conditions to which the delegation is subject. The officer or employee to which such a delegation has been made shall report to the borough council on any decision made in relation to the delegated power at the first regular meeting after the expiry of five days following the decision.”;

(2) by replacing “II” in the French text of the first line of the fourth paragraph by “Le conseil d’arrondissement”.

30. Section 98 of the said Charter is amended by adding the following paragraph after the second paragraph :

“Every by-law by which the borough council delegates the power to authorize expenditures to an officer or employee assigned by the city to the borough must be authorized by the city council where the authorization of expenditures that may be granted under the delegation entails commitment of the city’s credit for a period extending beyond the fiscal year in which the authorization is granted.”

CHARTER OF VILLE DE LONGUEUIL

31. Section 60.1 of the Charter of Ville de Longueuil (R.S.Q., chapter C-11.3), enacted by section 171 of chapter 68 of the statutes of 2001, is amended by inserting the following paragraph after the second paragraph :

“Sections 573 to 573.3.4 of the Cities and Towns Act (chapter C-19) apply to the legal person created under the first paragraph, with the necessary modifications, and that legal person is deemed to be a local municipality for the purposes of the regulation made under section 573.3.0.1 of that Act.”

32. Section 71 of the said Charter, amended by section 380 of chapter 25 of the statutes of 2001, by section 190 of chapter 76 of the statutes of 2001 and by section 9 of Order in Council 1310-2001 dated 1 November 2001, is again amended

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

“The borough council may, by by-law, delegate any power related to the exercise of its jurisdiction in matters of personnel management to any officer or employee assigned by the city to the borough. The by-law shall indicate the conditions to which the delegation is subject. The officer or employee to which such a delegation has been made shall report to the borough council on any decision made in relation to the delegated power at the first regular meeting after the expiry of five days following the decision.”;

(2) by replacing “II” in the French text of the first line of the fourth paragraph by “Le conseil d’arrondissement”.

33. Section 72 of the said Charter, replaced by section 10 of Order in Council 1310-2001 dated 1 November 2001, is amended by replacing “minor exemptions from planning by-laws, comprehensive development programs and site planning and architectural integration programs” in the first paragraph by “matters referred to in Divisions VI, VII, VIII, X and XI of Chapter IV of Title I of that Act”.

34. Section 84 of the said Charter is amended by adding the following paragraph after the second paragraph :

“Every by-law by which the borough council delegates the power to authorize expenditures to an officer or employee assigned by the city to the borough must be authorized by the city council where the authorization of expenditures that may be granted under the delegation entails commitment of the city’s credit for a period extending beyond the fiscal year in which the authorization is granted.”

CHARTER OF VILLE DE MONTRÉAL

35. Section 130 of the Charter of Ville de Montréal (R.S.Q., chapter C-11.4), amended by section 274 of chapter 25 of the statutes of 2001, by section 190 of chapter 76 of the statutes of 2001 and by section 14 of Order in Council 1308-2001 dated 1 November 2001, is again amended

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

“The borough council may, by by-law, delegate any power related to the exercise of its jurisdiction in matters of personnel management to any officer or employee assigned by the city to the borough. The by-law shall indicate the conditions to which the delegation is subject. The officer or employee to which such a delegation has been made shall report to the borough council on any decision made in relation to the delegated power at the first regular meeting after the expiry of five days following the decision.”;

(2) by replacing “II” in the French text of the first line of the fourth paragraph by “Le conseil d’arrondissement”.

36. Section 131 of the said Charter, amended by section 275 of chapter 25 of the statutes of 2001, is again amended by replacing “minor exemptions from planning by-laws, comprehensive development programs and site planning and architectural integration programs” in the fifth and sixth lines of the first paragraph by “matters referred to in Divisions VI, VII, VIII, X and XI of Chapter IV of Title I of that Act”.

37. Section 147 of the said Charter is amended by adding the following paragraph after the second paragraph :

“Every by-law by which the borough council delegates the power to authorize expenditures to an officer or employee assigned by the city to the borough must be authorized by the city council where the authorization of expenditures that may be granted under the delegation entails commitment of the city’s credit for a period extending beyond the fiscal year in which the authorization is granted.”

38. Section 152 of the said Charter, amended by section 182 of chapter 26 of the statutes of 2001, is again amended by replacing “203” in paragraph 4 by “202”.

39. Schedule C to the said Charter, enacted by section 26 of Order in Council 1308-2001 dated 1 November 2001, is amended by adding the following section after section 231 :

“231.1. Sections 573 to 573.3.4 of the Cities and Towns Act (chapter C-19) apply to the bodies referred to in this chapter, with the necessary modifications, and those bodies are deemed to be local municipalities for the purposes of the regulation made under section 573.3.0.1 of that Act.”

CHARTER OF VILLE DE QUÉBEC

40. Section 114 of the Charter of Ville de Québec (R.S.Q., chapter C-11.5), amended by section 330 of chapter 25 of the statutes of 2001, by section 190 of chapter 76 of the statutes of 2001 and by section 14 of Order in Council 1309-2001 dated 1 November 2001, is again amended

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

“The borough council may, by by-law, delegate any power related to the exercise of its jurisdiction in matters of personnel management to any officer or employee assigned by the city to the borough. The by-law shall indicate the conditions to which the delegation is subject. The officer or employee to which such a delegation has been made shall report to the borough council on any decision made in relation to the delegated power at the first regular meeting after the expiry of five days following the decision.”;

(2) by replacing “II” in the French text of the first line of the fourth paragraph by “Le conseil d’arrondissement”.

41. Section 127 of the said Charter is amended by adding the following paragraph after the second paragraph :

“Every by-law by which the borough council delegates the power to authorize expenditures to an officer or employee assigned by the city to the borough must be authorized by the city council where the authorization of expenditures that may be granted under the delegation entails commitment of the city’s credit for a period extending beyond the fiscal year in which the authorization is granted.”

42. Section 61 of Schedule C to the said Charter, enacted by section 25 of Order in Council 1309-2001 dated 1 November 2001, is amended by adding the following paragraph after the fifth paragraph :

“Sections 573 to 573.3.4 of the Cities and Towns Act (chapter C-19) apply to the bodies referred to in sections 58 to 60, with the necessary modifications, and those bodies are deemed to be local municipalities for the purposes of the regulation made under section 573.3.0.1 of that Act.”

CITIES AND TOWNS ACT

43. The Cities and Towns Act (R.S.Q., chapter C-19) is amended by inserting the following section after section 28.0.0.1 :

“28.0.0.2. Article 688.3.1 of the Municipal Code of Québec (chapter C-27.1) applies, with the necessary modifications, to any municipality the charter of which permits the municipality to determine the location of a park, whether or not the municipality is the owner of the right of way of the park.

The first paragraph of article 688.3.3 of that Code applies to the body that is party to the agreement entered into by the municipality under the powers conferred by the first paragraph. The municipality may become surety for that body and, for that purpose, subsection 3 of section 28 applies.”

44. Section 29.4 of the said Act is amended by striking out “municipal” in the fourth line of the third paragraph.

45. Section 338 of the said Act is amended by replacing “or by the clerk of the municipality or by any peace officer” in the first and second lines of the second paragraph by “, an officer or employee of the municipality, a peace officer, a bailiff or an employee of a public or private mail delivery or courier enterprise.”

46. Section 422 of the said Act, amended by section 126 of chapter 42 of the statutes of 2000, is again amended by replacing “The original of such description must be deposited in the office of the clerk of the municipality and a copy certified by a land surveyor shall be deposited” in the first, second and third lines of subparagraph 3 of the first paragraph by “A copy of the description, certified by a land surveyor, must be deposited in the office of the clerk of the municipality and”.

47. Section 468.51 of the said Act, amended by section 29 of chapter 25 of the statutes of 2001, by section 91 of chapter 26 of the statutes of 2001 and by section 17 of chapter 68 of the statutes of 2001, is again amended

(1) by replacing “subsections 1 to 8 of section 573, sections 573.1 to 573.3.2” in the fourth line by “sections 573 to 573.3.4”;

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

“For the purposes of section 477.2, the population of a management board shall consist of the combined population of all the municipalities that are party to the agreement.”

48. Section 477.1 of the said Act is amended by inserting “or a charter” after “special Act” in the first line of the second paragraph.

49. Section 477.2 of the said Act is amended

(1) by inserting “, except in the case of a municipality having a population of 100,000 or more” after “year” in the fifth line of the fourth paragraph ;

(2) by inserting “or a charter” after “special Act” in the second line of the sixth paragraph ;

(3) by striking out subparagraph 1 of the sixth paragraph ;

(4) by striking out “also” in the first line of subparagraph 3 of the sixth paragraph.

50. The said Act is amended by inserting the following section after section 477.2 :

“477.3. Where the executive committee is authorized to enter into contracts on behalf of the municipality under a provision of a special Act or a charter, or following a delegation permitted under such a provision, the executive committee shall table before the council each month a list of all contracts involving an expenditure exceeding \$25,000 it entered into in the preceding month.

The executive committee shall also table a list of all contracts involving an expenditure exceeding \$2,000 entered into by the executive committee since the beginning of the fiscal year with the same contracting party if those contracts involve a total expenditure exceeding the applicable amount under the first paragraph. The executive committee shall, after such tabling and until the end of the fiscal year, table each month a list of all contracts involving an expenditure exceeding \$2,000 it entered into with the same contracting party in the preceding month.

The executive committee shall also table a list of the contracts referred to in the first and second paragraphs but entered into by an officer or employee to whom the executive committee delegated its power to enter into contracts.

The list shall indicate, for each contract, the name of the contracting party, the amount of the consideration and the object of the contract.”

51. Section 573 of the said Act, amended by section 33 of chapter 25 of the statutes of 2001 and by section 23 of chapter 68 of the statutes of 2001, is again amended

(1) by striking out “and are not covered by paragraph 2 of section 573.3.0.2” in the second line of the first paragraph of subsection 1 ;

(2) by replacing “in paragraph 1 of” in subparagraph *a* of subparagraph 4 of the first paragraph of subsection 1 by “in”;

(3) by replacing subsection 2.1 by the following subsection :

“(2.1) A call for public tenders in relation to a contract referred to in the third paragraph of subsection 1 may stipulate that only tenders meeting one of the following conditions will be considered :

(1) the tenders are submitted by contractors or suppliers, in addition to contractors or suppliers having an establishment in Québec, who have an establishment in a province or territory covered by an intergovernmental agreement on the opening of public procurement applicable to the municipality ;
or

(2) the goods concerned are produced in a territory comprising Québec and any other province or territory referred to in subparagraph 1.”;

(4) by striking out subsection 9.

52. Section 573.1 of the said Act, amended by section 34 of chapter 25 of the statutes of 2001, is again amended by replacing the second paragraph by the following paragraph :

“The first paragraph of subsection 2 and subsections 3 to 8 of section 573 apply to the awarding of a contract referred to in the first paragraph.”

53. Section 573.3.0.1 of the said Act, enacted by section 37 of chapter 25 of the statutes of 2001 and amended by section 25 of chapter 68 of the statutes of 2001, is again amended

(1) by replacing the last sentence of the second paragraph by the following sentence : “The regulation must also provide for the cases where subsection 7 of section 573 applies to a contract covered by the regulation.”;

(2) by inserting “and provide for the cases where the approval or authorization of the Government or any of its ministers or bodies is necessary” after “criteria” in the sixth line of the third paragraph.

54. Section 573.3.0.2 of the said Act, enacted by section 37 of chapter 25 of the statutes of 2001 and amended by section 26 of chapter 68 of the statutes of 2001, is replaced by the following section :

“573.3.0.2. 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, if it involves an expenditure of \$100,000 or more or an expenditure of less than that amount where the regulation so provides, must be awarded in accordance with the regulation under section 573.3.0.1.”

55. The said Act is amended by inserting the following sections after section 573.3.2:

“573.3.3. Where, following a call for tenders, the municipality receives only one conforming tender, the municipality may agree with the tenderer to enter into the contract for a price less than the tendered price without, however, changing the other obligations, if there is a substantial difference between the tendered price indicated in the estimate established by the municipality.

“573.3.4. A member of the council who knowingly, by his or her vote or otherwise, authorizes or effects the awarding or making of a contract without complying with the rules set out in the preceding sections of this subdivision or in the regulation made under section 573.3.0.1 may be held personally liable toward the municipality for any loss or damage it suffers and be declared disqualified, for two years, from office as a member of the council of any municipality, from office as a member of any municipal body within the meaning of section 307 of the Act respecting elections and referendums in municipalities (chapter E-2.2) or from holding a position as an officer or employee of a municipality or such a body.

The liability provided for in the first paragraph is solidary and applies to every officer or employee of the municipality and to every person who knowingly is a party to the illegal act.

Proceedings in declaration of disqualification shall be taken in conformity with articles 838 to 843 of the Code of Civil Procedure (chapter C-25); an ordinary action shall be taken to obtain compensation for loss or damage. Such recourses may be exercised by any ratepayer.

Disqualification may also be declared by way of an action for declaration of disqualification under the Act respecting elections and referendums in municipalities.”

56. Section 573.4 of the said Act, amended by section 121 of chapter 56 of the statutes of 2000, is again amended by replacing “573.3.2 prevail over any inconsistent provision of any special Act” by “573.3.4 prevail over any inconsistent provision of any special Act in force on 19 December 2000”.

MUNICIPAL CODE OF QUÉBEC

57. The Municipal Code of Québec (R.S.Q., chapter C-27.1) is amended by inserting the following article after article 8.1 :

“8.2. Article 688.3.1 applies, with the necessary modifications, to any local municipality the charter of which permits the municipality to determine the location of a park, whether or not the local municipality is the owner of the right of way of the park.

The first paragraph of article 688.3.3 applies to the body that is party to the agreement entered into by the municipality under the powers conferred by the first paragraph. The municipality may become surety for that body and, for that purpose, article 9 applies.”

58. Article 14.2 of the said Code is amended by striking out “municipal” in the fourth line of the third paragraph.

59. Article 156 of the said Code is amended by replacing “or sent by registered or certified mail” in the second paragraph by “by the person who gives the notice, an officer or employee of the municipality, a peace officer, a bailiff or an employee of a public or private mail delivery or courier enterprise”.

60. Article 437.1 of the said Code is amended by inserting “a notice provided for in article 738.2,” after “than” in the first line of the first paragraph.

61. Article 620 of the said Code, amended by section 48 of chapter 25 of the statutes of 2001 and by section 32 of chapter 68 of the statutes of 2001, is again amended

(1) by replacing “subsections 1 to 8 of section 573, sections 573.1 to 573.3.2” in the fourth line by “sections 573 to 573.3.4”;

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

“For the purposes of section 477.2 of the Cities and Towns Act, the population of a management board shall consist of the combined population of all the municipalities that are parties to the agreement.”

62. The said Code is amended by inserting the following articles after article 688.3 :

“688.3.1. The regional county municipality may, by agreement, entrust to a non-profit organization constituted as a legal person the organization,

management or operation of the park concerned, including the carrying out of work or the making of the necessary purchases for such purposes.

The regional county municipality may also, by agreement, entrust to that organization the exercise, on its behalf and on the conditions determined in the agreement, of any power provided for in article 688.1 or the first paragraph of article 688.3.

“688.3.2. The regional county municipality may become surety for the organization referred to in article 688.3.1. However, the regional county municipality shall obtain the authorization of the Minister of Municipal Affairs and Greater Montréal to become surety for an obligation of more than \$50,000.

Before giving the authorization, the Minister may order the regional county municipality to submit the resolution or by-law authorizing the surety to the approval of the persons qualified to vote in the local municipalities that must contribute to the payment of the expenditures relating to the regional park.

The Act respecting elections and referendums in municipalities (chapter E-2.2) applies, with the necessary modifications, to the approval referred to in the second paragraph.

The regional county municipality may also grant subsidies to the organization referred to in article 688.3.1.

“688.3.3. Articles 935 to 936.3 and 938 to 938.4 apply, with the necessary modifications, to the non-profit organization in the carrying out of the agreement provided for in article 688.3.1.

The organization is deemed to be a regional county municipality for the purposes of the regulation made under article 938.0.1.”

63. Article 738.1 of the said Code, enacted by section 37 of chapter 68 of the statutes of 2001, is amended by replacing the second paragraph by the following paragraph :

“A copy of the description, certified by a land surveyor, must be deposited in the office of the secretary-treasurer of the municipality and in the registry office of the registration division in which the land concerned is located.”

64. Article 935 of the said Code, amended by section 53 of chapter 25 of the statutes of 2001 and by section 38 of chapter 68 of the statutes of 2001, is again amended

(1) by striking out “and are not covered by paragraph 2 of article 938.0.2” in the second line of the first paragraph of subarticle 1 of the first paragraph ;

(2) by replacing “in paragraph 1 of” in subparagraph *a* of subparagraph 4 of the first paragraph of subarticle 1 of the first paragraph by “in”;

(3) by replacing subarticle 2.1 of the first paragraph by the following subarticle :

“(2.1) A call for public tenders in relation to a contract referred to in the third paragraph of subarticle 1 may stipulate that only tenders meeting one of the following conditions will be considered :

(1) the tenders are submitted by contractors or suppliers, in addition to contractors or suppliers having an establishment in Québec, who have an establishment in a province or territory covered by an intergovernmental agreement on the opening of public procurement applicable to the municipality ;
or

(2) the goods concerned are produced in a territory comprising Québec and any other province or territory referred to in subparagraph 1.”;

(4) by striking out subarticle 9 of the first paragraph.

65. Article 936 of the said Code, amended by section 54 of chapter 25 of the statutes of 2001, is again amended by replacing the second paragraph by the following paragraph :

“The first paragraph of subarticle 2 and subarticles 3 to 8 of the first paragraph of article 935 apply to the awarding of a contract referred to in the first paragraph.”

66. Article 938.0.1 of the said Code, enacted by section 57 of chapter 25 of the statutes of 2001 and amended by section 40 of chapter 68 of the statutes of 2001, is again amended

(1) by replacing the last sentence of the second paragraph by the following sentence : “The regulation must also provide for the cases where subarticle 7 of the first paragraph of article 935 or subsection 7 of section 573 of the Cities and Towns Act (chapter C-19) applies to a contract covered by the regulation.”;

(2) by inserting “and provide for the cases where the approval or authorization of the Government or any of its ministers or bodies is necessary” after “criteria” in the sixth line of the third paragraph.

67. Article 938.0.2 of the said Code, enacted by section 57 of chapter 25 of the statutes of 2001 and amended by section 41 of chapter 68 of the statutes of 2001, is replaced by the following article :

“938.0.2. 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, if it involves an expenditure of \$100,000 or more or an expenditure of less than that amount where the regulation so provides, must be awarded in accordance with the regulation under article 938.0.1.”

68. The said Code is amended by inserting the following articles after article 938.2 :

“938.3. Where, following a call for tenders, the municipality receives only one conforming tender, the municipality may agree with the tenderer to enter into the contract for a price less than the tendered price without, however, changing the other obligations, if there is a substantial difference between the tendered price indicated in the estimate established by the municipality.

“938.4. A member of the council who knowingly, by his or her vote or otherwise, authorizes or effects the awarding or making of a contract without complying with the rules set out in the preceding articles of this Title or in the regulation made under article 938.0.1 may be held personally liable toward the municipality for any loss or damage it suffers and be declared disqualified, for two years, from office as a member of the council of any municipality, from office as a member of any municipal body within the meaning of section 307 of the Act respecting elections and referendums in municipalities (chapter E-2.2) or from holding a position as an officer or employee of a municipality or such a body.

The liability provided for in the first paragraph is solidary and applies to every officer or employee of the municipality and to every person who knowingly is a party to the illegal act.

Proceedings in declaration of disqualification shall be taken in conformity with articles 838 to 843 of the Code of Civil Procedure (chapter C-25); an ordinary action shall be taken to obtain compensation for loss or damage. Such recourses may be exercised by any ratepayer.

Disqualification may also be declared by way of an action for declaration of disqualification under the Act respecting elections and referendums in municipalities.”

69. Article 961.1 of the said Code is amended by inserting “, except in the case of a municipality having a population of 100,000 or more” after “year” in the fifth line of the fourth paragraph.

ACT RESPECTING THE COMMISSION MUNICIPALE

70. The Act respecting the Commission municipale (R.S.Q., chapter C-35) is amended by inserting the following after section 23 :

“DIVISION III.1

“MEDIATION BY THE COMMISSION

“23.1. The president may, on the application of the parties, refer any dispute in respect of which the Commission may intervene in arbitration under Division IV or any legislative provision to a mediator designated by the president from among the members of the Commission.

“23.2. The role of the mediator is to permit the parties to exchange their points of view and to foster agreement between them.

The mediator may also give an opinion on the dispute, if it subsists, and make recommendations.

“23.3. The mediator, after consultation with the parties, shall define the rules applicable to the mediation and any measures to facilitate its conduct, and shall determine the schedule of meetings.

The parties shall provide the mediator with all the information or documents the mediator requires for the examination of the dispute.

The mediator may convene any person to obtain that person’s point of view.

“23.4. Unless the parties agree otherwise, the mediation process may not continue for more than 30 days after the date on which the mediator is appointed.

The mediator may terminate the mediation before the expiry of that time or the time agreed upon, if the mediator considers in the circumstances that the mediator’s intervention is not useful or appropriate; in such a case, the mediator shall notify the parties in writing.

“23.5. The mediator shall transmit the mediation report and a copy of the agreement signed by the parties, if any, to the president.

“23.6. Any time period prescribed for the submission of an application for arbitration to the Commission is, where applicable, suspended during the mediation. The time period begins to run anew as soon as the mediation ends.

“23.7. Unless the parties to the mediation consent thereto, nothing that is said or written in the course of a mediation session may be admitted as evidence before a court of justice or before a person or body of the administrative branch exercising adjudicative functions.

“23.8. A mediator may not be compelled to disclose anything revealed to or learned by the mediator in the exercise of the mediator’s functions or to produce a document prepared or obtained in the course of such exercise before a court of justice or before a person or body of the administrative branch exercising adjudicative functions.

Notwithstanding section 9 of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1), no person may have access to a document contained in the mediation record.

“23.9. No proceedings may be brought against the mediator for any act performed or omission made in good faith in the exercise of the mediator’s functions.

“23.10. A person who acted as a mediator under this division may not be designated as an arbitrator for the same dispute without the consent of the parties to the arbitration.”

ACT RESPECTING THE COMMUNAUTÉ MÉTROPOLITAINE DE MONTRÉAL

71. The Act respecting the Communauté métropolitaine de Montréal (R.S.Q., chapter C-37.01) is amended by inserting the following section after section 47:

“47.1. Where the council delegates to the executive committee the power to enter into contracts, the executive committee shall table, at each regular meeting of the council, a list of all contracts involving an expenditure exceeding \$25,000 it has entered into since the last meeting at which it tabled such a list.

The executive committee shall also table a list of all contracts involving an expenditure exceeding \$2,000 entered into by the executive committee since the beginning of the fiscal year, with the same contracting party if those contracts involve a total expenditure exceeding the applicable amount under the first paragraph. The executive committee shall, after such tabling and until the end of the fiscal year, table at each regular meeting of the council a list of all contracts involving an expenditure exceeding \$2,000 it has entered into with the same contracting party since the last meeting at which it tabled such a list.

The executive committee shall also table a list of the contracts referred to in the first and second paragraphs but entered into by an employee to whom the executive committee delegated its power to enter into contracts under section 48.

The list shall indicate, for each contract, the name of the contracting party, the amount of the consideration and the object of the contract.”

72. Section 106 of the said Act, amended by section 204 of chapter 25 of the statutes of 2001 and by section 98 of chapter 68 of the statutes of 2001, is again amended

(1) by striking out “and are not covered by paragraph 2 of section 112.2” in the second and third lines of the first paragraph;

(2) by replacing “in paragraph 1 of” in subparagraph *a* of subparagraph 4 of the first paragraph by “in”;

(3) by replacing “ou” in the French text of the first line of subparagraph *b* of subparagraph 4 of the first paragraph by a comma.

73. Section 107 of the said Act, amended by section 205 of chapter 25 of the statutes of 2001, is again amended

(1) by replacing “to which the second paragraph of section 106 applies” in the second line of the first paragraph by “referred to in the second paragraph of section 106”;

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

“The first sentence of the fourth paragraph and the sixth, seventh and eighth paragraphs of section 108 apply to the awarding of a contract referred to in the first paragraph of this section.”

74. Section 108 of the said Act, amended by section 99 of chapter 68 of the statutes of 2001, is again amended

(1) by replacing “to which the first paragraph of section 106 applies” in the second line of the first paragraph by “referred to in the first paragraph of section 106”;

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

“A call for public tenders in relation to a contract referred to in the second paragraph may stipulate that only tenders meeting one of the following conditions will be considered :

(1) the tenders are submitted by contractors or suppliers, in addition to contractors or suppliers having an establishment in Québec, who have an establishment in a province or territory covered by an intergovernmental agreement on the opening of public procurement applicable to the Community ;
or

(2) the goods concerned are produced in a territory comprising Québec and any other province or territory referred to in subparagraph 1.”

75. Section 112.1 of the said Act, enacted by section 207 of chapter 25 of the statutes of 2001 and amended by section 100 of chapter 68 of the statutes of 2001, is again amended

(1) by replacing the last sentence of the second paragraph by the following sentence: “The regulation must also provide for the cases where the first sentence of the eighth paragraph of section 108 or subsection 7 of section 573 of the Cities and Towns Act (chapter C-19) applies to a contract covered by the regulation.”;

(2) by inserting “and provide for the cases where the approval or authorization of the Government or any of its ministers or bodies is necessary” after “criteria” in the sixth line of the third paragraph;

(3) by replacing “by a municipality” in the second line of the fifth paragraph by “by the Community”.

76. Section 112.2 of the said Act, enacted by section 207 of chapter 25 of the statutes of 2001 and amended by section 101 of chapter 68 of the statutes of 2001, is again amended by replacing the first paragraph by the following paragraph:

“112.2. 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, if it involves an expenditure of \$100,000 or more or an expenditure of less than that amount where the regulation so provides, must be awarded in accordance with the regulation under section 112.1.”

77. Section 113 of the said Act, amended by section 208 of chapter 25 of the statutes of 2001, is again amended by adding the following sentence at the end of the first paragraph: “The Minister may, on his or her own initiative, exercise that power in respect of a class of contracts.”

78. The said Act is amended by inserting the following sections after section 118:

“118.1. Where, following a call for tenders, the Community receives only one conforming tender, the Community may agree with the tenderer to enter into the contract for a price less than the tendered price without, however, changing the other obligations, if there is a substantial difference between the tendered price indicated in the estimate established by the Community.

“118.2. A member of the council who knowingly, by his or her vote or otherwise, authorizes or effects the awarding or making of a contract without complying with the rules set out in sections 106 to 118.1 or in the regulation made under section 112.1 may be held personally liable toward the Community for any loss or damage it suffers and be declared disqualified, for two years, from office as a member of the council of any municipality, from office as a member of any municipal body within the meaning of section 307 of the Act respecting elections and referendums in municipalities (chapter E-2.2) or from holding a position as an employee of a municipality or such a body.

The liability provided for in the first paragraph is solidary and applies to every employee of the Community and to every person who knowingly is a party to the illegal act.

Proceedings in declaration of disqualification shall be taken in conformity with articles 838 to 843 of the Code of Civil Procedure (chapter C-25); an ordinary action shall be taken to obtain compensation for loss or damage. Such recourses may be exercised by any ratepayer.

Disqualification may also be declared by way of an action for declaration of disqualification under the Act respecting elections and referendums in municipalities.”

79. Section 180 of the said Act is amended

(1) by replacing “its tax base” in the fourth line of the first paragraph by “the tax base of the municipalities listed in Schedule I, which may also include a shared tax base element without regard to the existence or non-existence of growth. The program must be”;

(2) by inserting “take out of the aggregate of the contributions required from the municipalities in relation to the sharing and” after “must” in the second line of the second paragraph;

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

“The program must also include rules to determine how the balance is to be used where the payment to be made under the second paragraph and any apportioning between the municipalities in relation to the sharing leaves unallocated a portion of the aggregate referred to in that paragraph.”

80. Schedule I to the said Act, replaced by section 77 of chapter 56 of the statutes of 2000, is amended by inserting “Paroisse de Saint-Jean-Baptiste,” after “Paroisse de Saint-Isidore,” in the seventeenth line.

ACT RESPECTING THE COMMUNAUTÉ MÉTROPOLITAINE DE QUÉBEC

81. The Act respecting the Communauté métropolitaine de Québec (R.S.Q., chapter C-37.02) is amended by inserting the following section after section 38:

“38.1. Where the council delegates to the executive committee the power to enter into contracts, the executive committee shall table, at each regular meeting of the council, a list of all contracts involving an expenditure exceeding \$25,000 it has entered into since the last meeting at which it tabled such a list.

The executive committee shall also table a list of all contracts involving an expenditure exceeding \$2,000 entered into by the executive committee since the beginning of the fiscal year, with the same contracting party if those contracts involve a total expenditure exceeding the applicable amount under the first paragraph. The executive committee shall, after such tabling and until the end of the fiscal year, table at each regular meeting of the council a list of

all contracts involving an expenditure exceeding \$2,000 it has entered into with the same contracting party since the last meeting at which it tabled such a list.

The executive committee shall also table a list of the contracts referred to in the first and second paragraphs but entered into by an employee to whom the executive committee delegated its power to enter into contracts under section 39.

The list shall indicate, for each contract, the name of the contracting party, the amount of the consideration and the object of the contract.”

82. Section 99 of the said Act, amended by section 485 of chapter 25 of the statutes of 2001 and by section 208 of chapter 68 of the statutes of 2001, is again amended

(1) by striking out “and are not covered by paragraph 2 of section 105.2” in the second and third lines of the first paragraph;

(2) by replacing “in paragraph 1 of” in subparagraph *a* of subparagraph 4 of the first paragraph by “in”;

(3) by replacing “ou” in the French text of the first line of subparagraph *b* of subparagraph 4 of the first paragraph by a comma.

83. Section 100 of the said Act, amended by section 486 of chapter 25 of the statutes of 2001, is again amended

(1) by replacing “to which the second paragraph of section 99 applies” in the second line of the first paragraph by “referred to in the second paragraph of section 99”;

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

“The first sentence of the fourth paragraph and the sixth, seventh and eighth paragraphs of section 101 apply to the awarding of a contract referred to in the first paragraph of this section.”

84. Section 101 of the said Act, amended by section 209 of chapter 68 of the statutes of 2001, is again amended

(1) by replacing “to which the first paragraph of section 99 applies” in the second line of the first paragraph by “referred to in the first paragraph of section 99”;

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

“A call for public tenders in relation to a contract referred to in the second paragraph may stipulate that only tenders meeting one of the following conditions will be considered:

(1) the tenders are submitted by contractors or suppliers, in addition to contractors or suppliers having an establishment in Québec, who have an establishment in a province or territory covered by an intergovernmental agreement on the opening of public procurement applicable to the Community ;
or

(2) the goods concerned are produced in a territory comprising Québec and any other province or territory referred to in subparagraph 1.”

85. Section 105.1 of the said Act, enacted by section 488 of chapter 25 of the statutes of 2001 and amended by section 210 of chapter 68 of the statutes of 2001, is again amended

(1) by replacing the last sentence of the second paragraph by the following sentence: “The regulation must also provide for the cases where the first sentence of the eighth paragraph of section 101 or subsection 7 of section 573 of the Cities and Towns Act (chapter C-19) applies to a contract covered by the regulation.”;

(2) by inserting “and provide for the cases where the approval or authorization of the Government or any of its ministers or bodies is necessary” after “criteria” in the sixth line of the third paragraph;

(3) by replacing “by a municipality” in the second line of the fifth paragraph by “by the Community”.

86. Section 105.2 of the said Act, enacted by section 488 of chapter 25 of the statutes of 2001 and amended by section 211 of chapter 68 of the statutes of 2001, is again amended by replacing the first paragraph by the following paragraph:

“105.2. 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, if it involves an expenditure of \$100,000 or more or an expenditure of less than that amount where the regulation so provides, must be awarded in accordance with the regulation under section 105.1.”

87. Section 106 of the said Act, amended by section 489 of chapter 25 of the statutes of 2001, is again amended by adding the following sentence at the end of the first paragraph: “The Minister may, on his or her own initiative, exercise that power in respect of a class of contracts.”

88. The said Act is amended by inserting the following sections after section 111:

“111.1. Where, following a call for tenders, the Community receives only one conforming tender, the Community may agree with the tenderer to enter into the contract for a price less than the tendered price without, however, changing the other obligations, if there is a substantial difference between the tendered price indicated in the estimate established by the Community.

“111.2. A member of the council who knowingly, by his or her vote or otherwise, authorizes or effects the awarding or making of a contract without complying with the rules set out in sections 99 to 111.1 or in the regulation made under section 105.1 may be held personally liable toward the Community for any loss or damage it suffers and be declared disqualified, for two years, from office as a member of the council of any municipality, from office as a member of any municipal body within the meaning of section 307 of the Act respecting elections and referendums in municipalities (chapter E-2.2) or from holding a position as an employee of a municipality or such a body.

The liability provided for in the first paragraph is solidary and applies to every employee of the Community and to every person who knowingly is a party to the illegal act.

Proceedings in declaration of disqualification shall be taken in conformity with articles 838 to 843 of the Code of Civil Procedure (chapter C-25); an ordinary action shall be taken to obtain compensation for loss or damage. Such recourses may be exercised by any ratepayer.

Disqualification may also be declared by way of an action for declaration of disqualification under the Act respecting elections and referendums in municipalities.”

89. Section 170 of the said Act is amended

(1) by replacing “its tax base” in the third line of the first paragraph by “the tax base of the municipalities listed in Schedule A, which may also include a shared tax base element without regard to the existence or non-existence of growth. The program must be”;

(2) by inserting “take out of the aggregate of the contributions required from the municipalities in relation to the sharing and” after “must” in the second line of the second paragraph;

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

“The program must also include rules to determine how the balance is to be used where the payment to be made under the second paragraph and any apportioning between the municipalities in relation to the sharing leaves unallocated a portion of the aggregate referred to in that paragraph.”

JAMES BAY REGION DEVELOPMENT AND MUNICIPAL ORGANIZATION ACT

90. Section 35 of the James Bay Region Development and Municipal Organization Act (R.S.Q., chapter D-8), amended by section 5 of chapter 61 of the statutes of 2001, is again amended by replacing the second paragraph by the following paragraph :

“The Act respecting the remuneration of elected municipal officers (chapter T-11.001) applies to the municipality, with the following modifications :

(1) the municipality is deemed to be a supramunicipal body for the application of sections 21 to 23, 30.1, 31 and 32 of the Act respecting the remuneration of elected municipal officers to any of the persons referred to in subparagraph 1 of the first paragraph of section 36;

(2) the municipality is deemed to be a regional county municipality for the purposes of section 30.0.3 of the Act respecting the remuneration of elected municipal officers.”

ACT RESPECTING DUTIES ON TRANSFERS OF IMMOVABLES

91. Section 17 of the Act respecting duties on transfers of immovables (R.S.Q., chapter D-15.1) is amended by inserting the following paragraph after paragraph *a* :

“(a.1) where the transferor and the transferee are registered charities for the purposes of the Taxation Act (chapter I-3);”.

92. Section 20 of the said Act is amended

(1) by inserting “by a natural person” after “immovable” in the first line of subparagraph *e* of the first paragraph ;

(2) by inserting “the same person or, in relation to one another,” after “are” in the third line of subparagraph *e* of the first paragraph ;

(3) by inserting “the same person or” after “are” in the third line of subparagraph *e.1* of the first paragraph.

ACT RESPECTING ELECTIONS AND REFERENDUMS IN MUNICIPALITIES

93. Section 63 of the Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2) is amended by inserting the following paragraph after paragraph 1 :

“(1.1) the officers or employees of a mandatory body of the municipality referred to in paragraph 1 or 2 of section 307;”.

94. Section 66 of the said Act, amended by section 140 of chapter 56 of the statutes of 2000, is again amended by replacing the second paragraph by the following paragraph:

“Every person who, following a judgment that has become *res judicata*, is disqualified under any of sections 568, 569 and 573.3.4 of the Cities and Towns Act (chapter C-19), articles 938.4, 1082 and 1094 of the Municipal Code of Québec (chapter C-27.1), section 118.2 of the Act respecting the Communauté métropolitaine de Montréal (chapter C-37.01), section 111.2 of the Act respecting the Communauté métropolitaine de Québec (chapter C-37.02), section 108.2 of the Act respecting public transit authorities (2001, chapter 23), section 6 of the Municipal Works Act (chapter T-14) and sections 204 and 358 of the Act respecting Northern villages and the Kativik Regional Government (chapter V-6.1), is also ineligible.”

95. The said Act is amended by inserting the following section after section 81.1:

“81.2. An identity verification panel shall also be established for any mobile polling station.

The identity verification panel is composed of the deputy returning officer, who is the chairman of the panel, and of the poll clerk.

The function of the panel members is to verify the identity of electors who have been unable to produce identification pursuant to the third paragraph of section 215. Decisions are made by a unanimous vote.”

96. Section 86 of the said Act is amended by inserting “or a mandatory body of the municipality referred to in paragraph 1 or 2 of section 307” after “municipality” in the second line of the first paragraph.

97. Section 99 of the said Act, amended by section 83 of chapter 25 of the statutes of 2001, is again amended

(1) by replacing “place” in paragraph 2 by “places”;

(2) by inserting the following paragraph after paragraph 6:

“(6.1) the names of the returning officer’s assistants who are authorized to receive nomination papers, where applicable;”;

(3) by inserting “and, where applicable, the telephone numbers of the offices of the returning officer’s assistants” after “officer” in paragraph 7;

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

“The returning officer shall transmit to the chief electoral officer a certified copy of the notice of election.”

98. Section 126 of the said Act is amended by adding the following sentence at the end of the fourth paragraph: “The same applies to the notice referred to in subparagraph 2 of the first paragraph.”

99. Section 129 of the said Act is amended by replacing “whose name is” in the first line by “who is entitled to have his name”.

100. Section 153 of the said Act, amended by section 85 of chapter 25 of the statutes of 2001, is again amended

(1) by inserting “or in the office of the assistant designated by the returning officer for that purpose” after “officer” in the second line of the first paragraph ;

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

101. Section 161 of the said Act is amended

(1) by replacing “or” in the first line by “and”;

(2) by replacing “is authorized” in the second line by “are authorized”.

102. Section 162.1 of the said Act, enacted by section 86 of chapter 25 of the statutes of 2001, is amended

(1) by inserting “, through his or her official representative or the official representative referred to in the third paragraph,” after “candidate” in the third line of the first paragraph ;

(2) by striking out “, and the name and address of any elector who provided more than \$100 and the amount so provided” in the fourth and fifth lines of the first paragraph ;

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

“For the purposes of the first paragraph, “publicity expense” means any expense meeting all of the following conditions :

(1) it is made during the period beginning on 1 January of the current year and ending at the beginning of the election period within the meaning of section 364 or, in the case of a by-election, during the period beginning on the day on which the office concerned becomes vacant and ending at the beginning of the election period within the meaning of that section ;

(2) its object is any publicity measure relating to the election, whatever the medium used, other than an announcement of the holding of a meeting for the selection of a candidate, provided that the announcement consists only of the date, time and place of the meeting, the name and visual identification of the party and the names of the persons nominated.”;

(4) by replacing “also indicate the publicity expenses” in the third line of the third paragraph by “indicate the publicity expenses within the meaning of the second paragraph”.

103. Sections 180 and 181 of the said Act are replaced by the following section :

“180. An elector who votes in a mobile polling station and declares under oath that he is unable to mark his ballot paper himself may be assisted by the deputy returning officer and the poll clerk.”

104. Section 226 of the said Act is amended by striking out “by reason of an infirmity or because he cannot read,” in the second line of the first paragraph.

105. Section 238 of the said Act is amended

(1) by replacing “the poll” in the second line of the first paragraph by “votes”;

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

“The deputy returning officer shall draw up a sufficient number of copies of the statement of votes to provide, in addition to his copy, a copy for the returning officer and for each representative assigned to the polling station.”

106. Section 239 of the said Act is repealed.

107. Section 241 of the said Act is amended

(1) by striking out “the statement of the poll and” in the first line of the first paragraph ;

(2) by replacing “of the poll” in the fifth line of the first paragraph by “of votes”;

(3) by striking out the third paragraph.

108. Section 243 of the said Act is amended by striking out the fourth paragraph.

109. Section 244 of the said Act is amended by striking out the third paragraph.

110. Section 247 of the said Act is amended

(1) by replacing “the poll” in the second line of the first paragraph by “votes”;

(2) by striking out “if only one copy of the statement of the poll has been drawn up or” in the second line of the second paragraph.

111. Section 248 of the said Act is amended

(1) by replacing “the poll” in the first line of the first paragraph by “votes to be remitted to him”;

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

“If it appears impossible to obtain the statement of votes referred to in the first paragraph, the returning officer shall use the statement of votes of the deputy returning officer or of a representative or the statement contained in the ballot box.”

112. Section 249 of the said Act is replaced by the following section :

“249. After consulting the statement of votes, the returning officer shall place it in an envelope and seal the envelope.

If the statement of votes was taken out of the ballot box, the returning officer shall place the envelope in the ballot box and seal the ballot box.”

113. Section 250 of the said Act is amended by striking out “the statement of the poll and” in the first line of the first paragraph.

114. Section 251 of the said Act is amended by striking out “the statement of the poll,” in the first line.

115. Section 260 of the said Act is amended by inserting “to the chief electoral officer and” after “notice” in the first line of the second paragraph.

116. Section 267 of the said Act is amended by inserting “used in the addition of the votes, where that is the case” after “votes” in the third line of the second paragraph.

117. Section 268 of the said Act is amended by striking out “statement of the poll and the” in the fourth line of the first paragraph.

118. Section 272 of the said Act is amended by striking out “statement of the poll and” in the second line.

119. Section 284 of the said Act, amended by section 56 of chapter 68 of the statutes of 2001, is again amended

(1) by inserting “and no officer or employee of a mandatory body of the municipality referred to in paragraph 1 or 2 of section 307” after “63” in the second line of the first paragraph;

(2) by striking out “or officers or employees of a mandatory body of the municipality within the meaning of paragraph 1 or 2 of section 307” in the second paragraph.

120. Section 285.5 of the said Act is amended by adding the following paragraph after the second paragraph:

“No election poster or billboard may be placed on the right of way of a public road that is contiguous to a residential immovable.”

121. Section 285.7 of the said Act is amended by inserting “or with any support that could cause damage to or leave permanent marks on the pole” after “fasteners” in subparagraph 3 of the first paragraph.

122. Section 340 of the said Act, amended by section 88 of chapter 25 of the statutes of 2001, is again amended by striking out the third paragraph.

123. Section 364 of the said Act, amended by section 643 of chapter 29 of the statutes of 2000 and by section 89 of chapter 25 of the statutes of 2001, is again amended by replacing “as the case may be, on the day following” in the second line of the definition of “**election period**” by “in the case of a by-election, on the day of”.

124. Section 375 of the said Act, amended by section 91 of chapter 25 of the statutes of 2001, is again amended by replacing “treasurer of the municipality” in the first line by “clerk or the secretary-treasurer”.

125. Section 383 of the said Act is amended by inserting “or of a mandatory body of the municipality referred to in paragraph 1 or 2 of section 307” after “municipality” in subparagraph 5 of the first paragraph.

126. Section 389 of the said Act is amended by inserting “or of a mandatory body of the municipality referred to in paragraph 1 or 2 of section 307” after “municipality” in subparagraph 2 of the first paragraph.

127. Section 403 of the said Act is amended by replacing the second paragraph by the following paragraph:

“In the case of a party, the application must be accompanied with a copy of the resolution to that effect passed in conformity with the by-laws of the party and certified by two or more officers of the party.”

128. Section 409 of the said Act is amended by adding the following sentence at the end of the second paragraph: “However, if the party’s liabilities exceed the assets, the chief electoral officer shall pay the respective creditors on a *pro rata* basis.”

129. Section 413 of the said Act, amended by section 95 of chapter 25 of the statutes of 2001, is again amended by inserting the following sentence after the first sentence of the first paragraph: “In such case, the second paragraph of section 408 applies, except subparagraph 3, with the necessary modifications.”

130. Section 415 of the said Act is amended by striking out the second paragraph.

131. Section 416 of the said Act is amended by striking out the second paragraph.

132. Section 422 of the said Act is amended by replacing “and the closing financial report are” in the fourth line of the third paragraph by “is”.

133. Section 445 of the said Act is amended by inserting “or of an independent candidate” after “party” in the first line.

134. Section 453 of the said Act is amended by replacing “program of news or commentary” in the first and second lines of paragraph 2 by “public affairs, news or public opinion program”.

135. Section 463 of the said Act is amended by replacing “a radio or television advertisement relating to an election” in the first line of the third paragraph by “an advertisement relating to an election broadcast on the radio or television or produced using any other medium or information technology”.

136. Section 466 of the said Act is amended by replacing “\$35” in the first line of the second paragraph by “\$100”.

137. Section 476 of the said Act is amended by inserting “or, if the candidate has no debts, the amount of the candidate’s personal contribution supported by a receipt referred to in the second paragraph of section 484” after “candidate” in the second line of the second paragraph.

138. Section 479 of the said Act is amended

(1) by replacing “a statement of revenues and expenditures” in the third line of the first paragraph by “an income statement”;

(2) by replacing “normes comptables généralement reconnues” in the French text of the fifth line of the first paragraph by “principes comptables généralement reconnus”.

139. Section 480 of the said Act is amended by replacing “statement of revenues and expenditures” in the first line by “income statement”.

140. Section 481 of the said Act is amended by adding the following paragraph at the end :

“The information described in subparagraph 3 of the first paragraph shall be presented according to the alphabetical order of the names of the electors.”

141. Section 492 of the said Act is amended by inserting “in the form prescribed by a directive of the chief electoral officer” after “treasurer” in the third line of the first paragraph.

142. Section 502 of the said Act is amended

(1) by replacing “for the office of councillor of the electoral district having the list of electors with the greatest number of electors” in the sixth and seventh lines of the second paragraph by “that obtained the greatest number of votes”;

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

“The first three paragraphs do not apply to a person who resigned from the party if a copy of the person’s letter of resignation was transmitted to the treasurer and the chief electoral officer not less than three months before the expiry of the time fixed for transmission of the report.”

143. Section 512.4.1 of the said Act, enacted by section 101 of chapter 25 of the statutes of 2001, is amended by replacing the second paragraph by the following paragraph :

“For the purposes of the first paragraph, “publicity expense” means any expense meeting the following conditions :

(1) it is made during the period beginning on 1 January of the current year and ending at the beginning of the election period or, in the case of a by-election, during the period beginning on the day on which the office concerned becomes vacant and ending at the beginning of the election period ;

(2) its object is any publicity measure relating to the election, whatever the medium used.”

144. Section 532 of the said Act is amended by adding the following sentence at the end of the third paragraph : “The clerk or the secretary-treasurer shall also inform the chief electoral officer, in writing, of the date of the sitting.”

145. Section 556 of the said Act is amended by adding the following paragraph at the end :

“The clerk or the secretary-treasurer shall inform the chief electoral officer, in writing, of the date of the reading of the certificate.”

146. Section 559 of the said Act is amended by adding the following sentence at the end of the second paragraph: “The clerk or the secretary-treasurer shall inform the chief electoral officer, in writing, of the date of publication of the notice.”

147. Section 570 of the said Act is amended by striking out the second paragraph.

148. Section 578 of the said Act is amended by adding the following paragraph at the end:

“The clerk or the secretary-treasurer shall inform the chief electoral officer, in writing, of the date of the tabling of the statement.”

149. Section 586 of the said Act is amended by striking out “the statement of the poll or” in the first line of paragraph 9.

150. Section 595 of the said Act is amended

(1) by replacing “with the knowledge that they” in the first line of subparagraph 1 of the first paragraph by “that”;

(2) by replacing “with the knowledge that it is” in the first and second lines of subparagraph 2 of the first paragraph by “that is”;

(3) by replacing “with the knowledge that” in the first line of subparagraph 3 of the first paragraph by “when”.

151. Section 597 of the said Act is amended by replacing “with the knowledge that it is” in the second and third lines by “that is”.

152. Section 609 of the said Act is replaced by the following section:

“609. The following are guilty of an offence:

(1) every party or independent candidate who fails to transmit to the chief electoral officer, within 60 days after the withdrawal of the party’s or candidate’s authorization, a document that must be transmitted pursuant to section 408;

(2) every party that fails to transmit to the chief electoral officer, within 60 days after it merges with another party, the financial report required under section 419.”

153. Section 616 of the said Act is amended by inserting “or of an independent candidate” after “party” in the first line.

154. Section 624 of the said Act is amended by inserting the following subparagraph after subparagraph 3 of the first paragraph:

“(4) every person who broadcasts or causes to be broadcast any advertisement he knows to be related to an election and that is produced using any medium or information technology other than those referred to in subparagraphs 1 to 3, without mention being made at the beginning or at the end of the advertisement of the name and title of the official agent or deputy who caused it to be broadcast and the name of the party or independent candidate in whose behalf he is acting.”

155. Section 632 of the said Act is amended by inserting the following paragraph after paragraph 1 :

“(1.1) offers himself as a candidate under a name that is not his own name, unless it is the name by which he is commonly known and the conditions described in section 155 are met;”.

156. Section 636 of the said Act is amended by striking out “of a municipality” in the second line of paragraph 1.

157. The said Act is amended by inserting the following section after section 636.1 :

“636.2. Every person who contravenes a provision of this Act or of a regulation made under this Act is guilty of an offence, even if the contravention does not constitute an offence under any other provision of this chapter.”

158. Section 641 of the said Act is amended by adding the following paragraph at the end :

“Where a person is convicted of an offence under paragraph 2 of section 610, a judge may, on an application by the prosecutor which is attached to the statement of offence, impose an additional fine of an amount equal to the amount of the illegal contribution for which the person is convicted.”

159. The said Act is amended by inserting the following section after section 644 :

“644.1. Every person who is guilty of an offence described in section 636.2 is liable to a fine of not more than \$500.”

160. The said Act is amended by inserting the following section after section 658 :

“658.1. The clerk or the secretary-treasurer shall keep every document referred to in Chapter VI of Title I or in any of Chapters III to VI of Title II that relates to election or referendum proceedings for a period of one year following the end of the proceedings.”

161. Section 886 of the said Act is amended by replacing “the preceding calendar year” in the third line of the first paragraph by “their preceding fiscal year”.

ACT RESPECTING MUNICIPAL TAXATION

162. Section 18.2 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1) is amended by replacing “1 January” in the first line of the first paragraph by “15 February”.

163. The said Act is amended by inserting the following subdivision after section 41.1 :

“§7. — Division of a unit of assessment

“41.2. A unit of assessment constituted in accordance with another provision of this division must be divided where the combined application of sections 208, 2 and 61 would operate to cause part of the unit to be entered on the roll in the name of a person other than the person in whose name the remainder of the unit is entered.

In such a case, that part and the remainder of the unit constitute separate units of assessment.”

164. Section 68 of the said Act is amended by adding the following sentence at the end of the fourth paragraph: “A structure used for wireless telecommunications shall not be entered on the roll where it belongs to the operator of the system referred to in this section and is used exclusively for the operation of the system, including the surveillance or protection of the system.”

165. The said Act is amended by inserting the following section after section 138.5:

“138.5.1. The owner of an immovable to which a regulation under paragraph 10 of section 262 applies may, where all the acts required under sections 18.1 to 18.5 have been performed, bring before the Tribunal a proceeding to contest the correctness of the value of the immovable entered on the roll at the time of its deposit, without first filing an application for review to that effect.

The proceeding must be brought within the time applicable for the filing of an application for review relating to the same subject-matter. The motion by which the proceeding is brought must be accompanied by a writing, signed by the owner and the assessor, attesting that all the acts required under sections 18.1 to 18.5 have been performed, failing which the proceeding is deemed not to have been brought. The last paragraph of section 138.5, with the necessary modifications, applies to the proceeding.

The documents exchanged pursuant to sections 18.1 to 18.5 and of which the assessor possesses an original or a copy replace, for the purposes of the second paragraph of section 114 of the Act respecting administrative justice (chapter J-3), the documents relevant to the contestation that are normally filed as part of the process of administrative review.

No application for review relating to the same subject-matter may be filed after the proceeding has been brought.”

166. Section 172 of the said Act is amended by striking out the second paragraph.

167. Section 174 of the said Act is amended by replacing “section 34” in the first line of paragraph 12.1 by “a provision of Division I of Chapter V”.

168. Section 205 of the said Act is amended by inserting “or that would become taxable if the fifth paragraph of section 210 did not apply” after “208” in the second line of the fifth paragraph.

169. Section 210 of the said Act, amended by section 120 of chapter 25 of the statutes of 2001, is again amended by adding the following paragraph after the fourth paragraph :

“If the Government of Québec has granted an exemption in respect of a tax that a foreign government or an international body would otherwise have been required to pay under section 208 as a lessee or occupant of an immovable, the immovable

(1) shall remain not taxable, notwithstanding the second paragraph of section 208, even if it is not referred to in paragraph 1 or 1.1 of section 204; and

(2) shall remain entered in the name of the foreign government or the international body, as if the third paragraph of section 208 continued to apply notwithstanding the exemption, if the Government of Québec must pay an amount to stand in lieu of the tax in respect of which the exemption has been granted.”

170. Section 258 of the said Act is amended by adding the following paragraph at the end :

“Sections 254 to 257 also do not apply in respect of an immovable whose lessee or occupant is exempted from such payment under section 210, if an amount must be paid in respect of the immovable under the second paragraph of that section. However, where the amount does not stand in lieu of a tax, compensation or tariff referred to in the last sentence of the first paragraph of section 257, the payment provided for in that sentence must be made.”

171. Section 261.1 of the said Act is amended by replacing paragraph 3 by the following paragraph :

“(3) the standardized non-taxable values of the immovables in respect of which a sum in lieu of municipal property taxes must be paid under the second paragraph of section 210;”.

ACT RESPECTING MUNICIPAL INDUSTRIAL IMMOVABLES

172. Section 6 of the Act respecting municipal industrial immovables (R.S.Q., chapter I-0.1) is amended

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

“However, where at the time of its alienation the immovable constitutes a unit of assessment entered on the property assessment roll of the municipality or part of such a unit whose value is entered on the roll separately, the price of alienation must be equal to or greater than the lesser of the total of the cost and expenses referred to in the second paragraph and the value of the immovable entered on the roll.”;

(2) by inserting “or third” after “second” in the third line of the third paragraph ;

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

“Where it has acquired an immovable in whole or in part by expropriation, the municipality may, as long as the final expropriation indemnity has not been fixed, apply to the Minister of Municipal Affairs and Greater Montréal for authorization to alienate the immovable notwithstanding the application of the second, third, fourth and fifth paragraphs. If the Minister grants authorization, those paragraphs do not apply to the alienation.”

173. Section 6.0.1 of the said Act is amended

(1) by adding the following sentence at the end of the first paragraph : “However, the municipality may fix a period of less than three years in the contract.”;

(2) by replacing “mentioned in” in the second line of the second paragraph by “applicable pursuant to”.

ACT RESPECTING IMMOBILIÈRE SHQ

174. The Act respecting Immobilière SHQ (R.S.Q., chapter I-0.3) is amended by striking out “municipal” in the fourth line of the first paragraph and the third line of the second paragraph of section 3, the second line of the first paragraph of section 23, the second line of section 24, the third line of the first paragraph of section 33 and the fifth line of section 35.

ACT RESPECTING THE MINISTÈRE DES AFFAIRES MUNICIPALES ET DE LA MÉTROPOLE

175. The Act respecting the Ministère des Affaires municipales et de la Métropole (R.S.Q., chapter M-22.1) is amended by inserting the following section after section 17.6:

“17.6.1. The Minister may, after consultation with the bodies representing municipalities including the Union des municipalités du Québec and the Fédération québécoise des municipalités locales et régionales (FQM), establish performance indicators that relate to the administration of municipal bodies and prescribe the conditions and procedures for the implementation of the indicators in municipal bodies.

The Minister may, for that purpose, classify municipal bodies into categories and establish performance indicators or conditions and procedures of implementation that may vary according to the categories of municipal bodies.

The Minister may also prescribe the manner in which municipal bodies are to provide citizens with the information determined by the Minister regarding the results measured using the performance indicators.

The Minister may exempt any municipal body from the application of performance indicators for any period the Minister determines.

For the purposes of this section, “municipal bodies” means the bodies referred to in section 5 of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1).”

ACT RESPECTING MUNICIPAL TERRITORIAL ORGANIZATION

176. The Act respecting municipal territorial organization (R.S.Q., chapter O-9) is amended by inserting the following section after section 121:

“121.1. Where, under section 244.29 of the Act respecting municipal taxation (chapter F-2.1), the municipality fixes, for a fiscal year prior to the fiscal year in which the first assessment roll drawn up specifically for the municipality comes into force, a general property tax rate specific to the category of industrial immovables or to the category of immovables consisting of six or more dwellings, the coefficient referred to in section 244.44 or 244.47 of that Act, as the case may be, is the coefficient established on the basis of a comparison of the last two property assessment rolls of the applicant municipality having the largest population.”

ACT RESPECTING THE PENSION PLAN OF ELECTED MUNICIPAL OFFICERS

177. Section 76.1 of the Act respecting the Pension Plan of Elected Municipal Officers (R.S.Q., chapter R-9.3), enacted by section 171 of chapter 25 of the statutes of 2001 and amended by section 88 of chapter 68 of the statutes

of 2001, is again amended by striking out “, in accordance with a government order,” in the second and third lines.

ACT RESPECTING THE SOCIÉTÉ D’HABITATION DU QUÉBEC

178. The Act respecting the Société d’habitation du Québec (R.S.Q., chapter S-8) is amended by inserting the following sections after section 56.1 enacted by section 8 of chapter 2 of the statutes of 2002 :

“56.2. The object, constitution and administration of the fund must be consistent with the following rules :

(1) the fund shall be established for the carrying out of projects consistent with a social housing program implemented under this Act and identified for that purpose by the Société, or for a social housing program having received prior approval from the Société ;

(2) the fund may be made up of the following :

(a) the money paid into the fund annually by the municipality or the regional county municipality, including interest, in the amount and according to the terms and conditions the Société determines ; and

(b) gifts, legacies and other contributions paid into it to further the achievement of the objects of the fund ; and

(3) the municipality or, as the case may be, the regional county municipality, shall pay into the fund annually the basic contribution previously determined by the Société to enable the building of social housing in its territory and, on request, shall provide the Société with any information required as regards the carrying out of such projects.

“56.3. The rules set out in paragraphs 1 and 2 of section 56.2 apply to a social housing development fund constituted under the Charter of Ville de Gatineau (chapter C-11.1), the Charter of Ville de Lévis (chapter C-11.2), the Charter of Ville de Longueuil (chapter C-11.3), the Charter of Ville de Montréal (chapter C-11.4), the Charter of Ville de Québec (chapter C-11.5), the Act respecting the Communauté métropolitaine de Montréal (chapter C-37.01), the Act respecting the Communauté métropolitaine de Québec (chapter C-37.02), or under an order made in accordance with the Act respecting municipal territorial organization (chapter O-9), with the necessary modifications.”

179. The said Act is amended by inserting the following section after section 88 :

“88.1. The Government may determine the conditions of any subsidy it grants to the Société to provide for the total or partial payment in principal and interest of any loan or other obligation of the Société.”

ACT RESPECTING THE SOCIÉTÉ QUÉBÉCOISE
D'ASSAINISSEMENT DES EAUX

180. Section 5 of the Act respecting the Société québécoise d'assainissement des eaux (R.S.Q., chapter S-18.2.1) is amended by replacing the first paragraph by the following paragraph :

“5. The affairs of the Société are administered by a board of directors of three members appointed by the Government.”

181. Section 6 of the said Act is replaced by the following section :

“6. The Government shall designate the president of the Société, who is also the managing director, from among the persons it appoints under section 5.”

182. Section 9 of the said Act is amended by striking out “chairman of the board of directors or the” in the first line.

183. Section 10 of the said Act is repealed.

184. Section 13 of the said Act is repealed.

185. Section 14 of the said Act is replaced by the following section :

“14. Two members of the board of directors, including the president of the Société, are a quorum. If votes are tied, the president has a casting vote.”

ACT RESPECTING THE REMUNERATION OF ELECTED MUNICIPAL
OFFICERS

186. Section 2 of the Act respecting the remuneration of elected municipal officers (R.S.Q., chapter T-11.001) is amended by striking out “municipal” in the fifth line of the second paragraph.

ACT TO AMEND THE ACT RESPECTING MUNICIPAL INDUSTRIAL
IMMOVABLES

187. Section 14 of the Act to amend the Act respecting municipal industrial immovables (1994, chapter 34) is repealed.

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

188. Section 247 of the Act to reform the municipal territorial organization of the metropolitan regions of Montréal, Québec and the Outaouais (2000, chapter 56), amended by section 227 of chapter 25 of the statutes of 2001 and by section 112 of chapter 68 of the statutes of 2001, is again amended by

replacing “sections 109.6 to 110” in the fifth line of subparagraph 1 of the second paragraph by “sections 59.2 to 59.4 and 109.6 to 110”.

189. Section 248 of the said Act, amended by section 228 of chapter 25 of the statutes of 2001 and by section 113 of chapter 68 of the statutes of 2001, is again amended by replacing “sections 109.6 to 110” in the fifth line of the second paragraph by “sections 59.2 to 59.4 and 109.6 to 110”.

190. Section 249 of the said Act, amended by section 229 of chapter 25 of the statutes of 2001 and by section 114 of chapter 68 of the statutes of 2001, is again amended 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 with sections 59.2 to 59.4 and 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 a borough council with the city’s development plan shall be effected in accordance with sections 137.2 to 137.8, with the necessary modifications and in particular the modifications applicable under the second paragraph of section 74 of the Charter of Ville de Longueuil (R.S.Q., chapter C-11.3).”

191. Section 250 of the said Act, amended by section 230 of chapter 25 of the statutes of 2001 and by section 115 of chapter 68 of the statutes of 2001, is again amended by replacing “sections 109.6 to 110” in the fifth line of the second paragraph by “sections 59.2 to 59.4 and 109.6 to 110”.

ACT RESPECTING PUBLIC TRANSIT AUTHORITIES

192. Sections 93 to 95 of the Act respecting public transit authorities (2001, chapter 23) are replaced by the following sections :

“93. The following contracts may be awarded only in accordance with section 95 if they involve an expenditure of \$100,000 or more :

- (1) insurance contracts ;
- (2) contracts for the performance of work ;
- (3) contracts for the supply of materials or equipment, including contracts for the lease of equipment with an option to purchase ;
- (4) contracts for the providing of services other than professional services

(a) referred to in section 101 ;

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

Contracts referred to in any of the subparagraphs of the first paragraph or in section 101 may be awarded only in accordance with section 94 if they involve an expenditure of at least \$25,000 and of less than \$100,000.

The first two paragraphs do not apply to a contract

(1) whose object is the supply of materials or equipment or the providing of services for which a tariff is fixed or approved by the Government of Canada or of Québec or by a minister or body thereof ;

(2) whose object is the supply of materials or equipment or the providing of services and which is entered into with a municipal body within the meaning of the Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., chapter A-2.1) ;

(3) whose object is the performance of work to remove, move or reconstruct mains or installations for waterworks, sewers, electricity, gas, steam, telecommunications, oil or other fluids and which is entered into with the owner of the mains or installations, with a municipal body within the meaning of the Act respecting Access to documents held by public bodies and the Protection of personal information or with a public utility for a price corresponding to the price usually charged by an undertaking generally performing such work ;

(4) whose object is the supply of services by a single supplier or by a supplier that, in the field of communications, electricity or gas is in a monopoly position ;

(5) whose object is the maintenance of specialized equipment which must be carried out by the manufacturer or representative of the manufacturer ;

(6) whose object is the supply of bulk trucking services, through the holder of a brokerage permit issued under the Transport Act (R.S.Q., chapter T-12) ;

(7) whose object is the supply of movable property or services related to cultural or artistic fields, subscriptions or computer software for educational purposes ;

(8) whose object is the supply of materials or equipment and which is entered into in circumstances that are exceptionally advantageous for the transit authority such as the bankruptcy or liquidation of the supplier ;

(9) whose object results from the use of a software package or software product designed to

- (a) ensure compatibility with existing equipment ;
- (b) ensure the protection of exclusive rights such as copyrights, patents or exclusive licences ;
- (c) carry out research and development ;
- (d) produce a prototype or original concept.

The second paragraph does not apply

(1) to a professional services contract entered into with the designer of plans and specifications for adaptation, modification or supervision work where the plans and specifications are used and the contract relating to their design was the subject of a call for tenders ;

(2) to a contract covered by the regulation in force made under section 100.

“94. Any contract involving an expenditure of less than \$100,000, from among the contracts referred to in the second paragraph of section 93, may be awarded only after a call for tenders, by way of written invitation, to at least two insurers, contractors or suppliers, as the case may be.

The first sentence of the fourth paragraph and the sixth, seventh and eighth paragraphs of section 95 apply to the awarding of a contract referred to in the first paragraph of this section.

“95. Any contract involving an expenditure of \$100,000 or more, from among the contracts referred to in the first paragraph of section 93, may be awarded only after a call for tenders by way of an advertisement published in a newspaper circulated in the transit authority’s area of jurisdiction.

In the case of a construction, supply or services contract, the call for public tenders must be published by means of an electronic tendering system accessible both to contractors and suppliers having an establishment in Québec and to contractors and suppliers having an establishment in a province or territory covered by an intergovernmental agreement on the opening of public procurement applicable to the transit authority and in a newspaper that is circulated in the transit authority’s area of jurisdiction or, if it is not circulated therein, that is a publication specialized in the field and sold mainly in Québec. In the case of a supply or services contract, the electronic tendering system to be used for the publication of the call for public tenders shall be the system approved by the Government.

For the purposes of the second paragraph,

(1) “construction contract” means a contract regarding the construction, reconstruction, demolition, repair or renovation of a building, structure or other civil engineering work, including site preparation, excavation, drilling,

seismic investigation, the supply of products and materials, equipment and machinery if these are included in and incidental to a construction contract, as well as the installation and repair of fixtures of a building, structure or other civil engineering work;

(2) “supply contract” means a contract for the purchase, lease or rental of movable property that may include the cost of installing, operating and maintaining property;

(3) “services contract” means a contract for supplying services that may include the supply of parts or materials necessary to the supply.

The time limit for receipt of tenders must not be less than eight days. However, in the case of tenders in relation to a contract referred to in the second paragraph, the time limit for the receipt of tenders must not be less than 15 days.

A call for public tenders in relation to a contract referred to in the second paragraph may stipulate that only tenders that meet one of the following conditions will be considered:

(1) they are submitted by contractors or suppliers, in addition to contractors or suppliers having an establishment in Québec, who have an establishment in a province or territory covered by an intergovernmental agreement on the opening of public procurement applicable to the transit authority;

(2) the goods concerned are produced in the territory comprising Québec and any such province or territory.

Tenders may not be called for nor may the contracts resulting therefrom be awarded except on a fixed price or unit price basis.

All tenders must be opened publicly in the presence of at least two witnesses, on the date and at the time and place mentioned in the call for tenders. All tenderers may be present at the opening of the tenders. The names of the tenderers and their respective prices must be declared aloud on the opening of the tenders.

Subject to section 96, a transit authority may not, without the prior authorization of the Minister of Municipal Affairs and Greater Montréal, award the contract to any person other than the person who submitted the lowest tender within the prescribed time. However, where it is necessary, to comply with the conditions for a government grant, that the contract be awarded to a person other than the person who submitted the lowest tender within the prescribed time, the transit authority may, without that authorization, award the contract to the person whose tender is the lowest among the tenders submitted within the prescribed time that fulfil the conditions for the grant.”

193. Section 100 of the said Act is amended by replacing the second, third and fourth paragraphs by the following paragraphs:

“The regulation must determine the procedure for awarding such a contract, requiring it to be awarded after a call for public tenders published in an electronic tendering system approved by the Government, after the use of a register of suppliers or according to any other procedure it specifies, including the choice of the contracting party by agreement. The regulation must also provide for the cases where the first sentence of the eighth paragraph of section 95 or subsection 7 of section 573 of the Cities and Towns Act (R.S.Q., chapter C-19) applies to a contract covered by the regulation.

The regulation may prescribe categories of contracts, professional services, awarding procedures, amounts of expenditures or territories for calls for tenders, combine categories and make different rules according to the categories or combinations. It may also provide in which cases, when a system of bid weighting and evaluating is used, it is not necessary for price to be one of the evaluation criteria and provide for the cases where the approval or authorization of the Government or one of its ministers or bodies is necessary.

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.

The regulation may, in respect of the contracts it specifies, establish a rate schedule fixing the maximum hourly rate that may be paid by a transit authority.”

194. Section 101 of the said Act is replaced by the following section:

“101. 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, if it involves an expenditure of \$100,000 or more or an expenditure of less than that amount where the regulation so provides, must be awarded in accordance with the regulation under section 100.

The first paragraph does not apply to a professional services contract entered into with the designer of plans and specifications for adaptation, modification or supervision work where the plans and specifications are used and the contract relating to their design was the subject of a call for tenders.”

195. Section 103 of the said Act is amended by adding the following sentence at the end of the first paragraph: “The Minister of Municipal Affairs and Greater Montréal may, on his or her own initiative, exercise that power in

respect of all the transit authorities or a category of them as regards a contract or a class of contracts.”

196. The said Act is amended by inserting the following sections after section 108:

“108.1. Where, following a call for tenders, a transit authority receives only one conforming tender, the transit authority may agree with the tenderer to enter into the contract for a price less than the tendered price without, however, changing the other obligations, if there is a substantial difference between the tendered price indicated in the estimate established by the transit authority.

“108.2. A member of the board of directors who knowingly, by his or her vote or otherwise, authorizes or effects the awarding or making of a contract without complying with the rules set out in sections 93 to 108.1 or in the regulation made under section 100 may be held personally liable toward the transit authority for any loss or damage it suffers and be declared disqualified, for two years, from office as a member of the council of any municipality, from office as a member of any municipal body within the meaning of section 307 of the Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2) or from holding a position as an employee of a municipality or such a body.

The liability provided for in the first paragraph is solidary and applies to every employee of the transit authority and to every person who knowingly is a party to the illegal act.

Proceedings in declaration of disqualification shall be taken in conformity with articles 838 to 843 of the Code of Civil Procedure (R.S.Q., chapter C-25); an ordinary action shall be taken to obtain compensation for loss or damage. Such recourses may be exercised by any ratepayer.

Disqualification may also be declared by way of an action for declaration of disqualification under the Act respecting elections and referendums in municipalities.”

OTHER AMENDING PROVISIONS

197. Section 68 of Order in Council 841-2001 dated 27 June 2001, respecting Ville de Saguenay, is amended

(1) by replacing “on a” in the fourth line of the second paragraph by “on the council of a”;

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

“The borough council may, by by-law, delegate any power related to the exercise of its jurisdiction in matters of personnel management to any officer

or employee assigned by the city to the borough. The by-law shall indicate the conditions to which the delegation is subject. The officer or employee to which such a delegation has been made shall report to the borough council on any decision made in relation to the delegated power at the first regular meeting after the expiry of five days following the decision.”;

(3) by replacing “Il” in the French text of the first line of the fourth paragraph by “Le conseil d’arrondissement”.

198. Section 81 of the said Order in Council is amended by adding the following paragraph after the second paragraph :

“Every by-law by which the borough council delegates the power to authorize expenditures to an officer or employee assigned by the city to the borough must be authorized by the city council where the authorization of expenditures that may be granted under the delegation entails commitment of the city’s credit for a period extending beyond the fiscal year in which the authorization is granted.”

199. Section 63 of Order in Council 850-2001 dated 4 July 2001, respecting Ville de Sherbrooke, is amended

(1) by replacing “on a” in the fourth line of the second paragraph by “on the council of a”;

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

“The borough council may, by by-law, delegate any power related to the exercise of its jurisdiction in matters of personnel management to any officer or employee assigned by the city to the borough. The by-law shall indicate the conditions to which the delegation is subject. The officer or employee to which such a delegation has been made shall report to the borough council on any decision made in relation to the delegated power at the first regular meeting after the expiry of five days following the decision.”;

(3) by replacing “Il” in the French text of the first line of the fourth paragraph by “Le conseil d’arrondissement”.

200. Section 75 of the said Order in Council is amended by adding the following paragraph after the second paragraph :

“Every by-law by which the borough council delegates the power to authorize expenditures to an officer or employee assigned by the city to the borough must be authorized by the city council where the authorization of expenditures that may be granted under the delegation entails commitment of the city’s credit for a period extending beyond the fiscal year in which the authorization is granted.”

201. The English text of Order in Council 1308-2001 dated 1 November 2001, respecting Ville de Montréal, is amended by striking out Schedules A and B.

TRANSITIONAL AND FINAL PROVISIONS

202. Notwithstanding section 53.9 of the Act respecting land use planning and development (R.S.Q., chapter A-19.1), by-law 01-01 of Municipalité régionale de comté de Thérèse-De Blainville, adopted by the council of the regional county municipality on 19 September 2001 by resolution 01-124, comes into force on (*insert here the date of assent to this Act*).

203. Ville de Sainte-Agathe-des-Monts shall reimburse the candidates for the office of member of the council of Municipalité de Sainte-Agathe-Nord, in the general election held on 5 November 2000, for their election expenses in connection with that election.

For the purposes of the first paragraph, “election expenses” means the expenses referred to in sections 450 to 454 of the Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2), with the necessary modifications.

The city shall establish the rules that apply to the vouchers required from candidates claiming a reimbursement under the first paragraph.

204. Ville de Sainte-Agathe-des-Monts is subject to the jurisdiction of Municipalité régionale de comté des Laurentides in matters of assessment.

Any officer or employee of the city who is assigned to the assessment service or all of whose working time is devoted exclusively to matters of assessment and whose services are no longer required because the city has lost its jurisdiction with respect to that matter shall become, without reduction in salary, an officer or employee of the regional county municipality and shall retain seniority and employee benefits. No such officer or employee may be dismissed solely as a result of the city’s loss of jurisdiction in matters of assessment and, where applicable, the sixth paragraph of section 5.2 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1) applies, with the necessary modifications.

205. Ville de Rimouski is, as of 1 January 2002, subject to the jurisdiction of Municipalité régionale de comté de Rimouski-Neigette in matters of assessment.

206. Where a unit of assessment belonging to a group of non-residential immovables referred to in section 244.31 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1) is the subject of a lease that has been effective since a date prior to 17 June 1994 and that does not allow the owner to increase the rent stipulated to take into account new taxes for which the owner becomes the debtor, or to have the lessee otherwise assume payment of such a tax, the owner may nonetheless, in accordance with the rules set out in this section,

increase the rent stipulated to take into account all or part of the amount payable by the owner by reason of the imposition of a mode of property taxation specific to the non-residential sector.

The rent that may be so increased is the rent payable for the period, subsequent to 30 June 2002, in which the lease is effective and that includes all or part of a fiscal year for which the amount referred to in the first paragraph is payable.

However, the rent stipulated in a lease entered into for part of the unit of assessment that does not constitute premises within the meaning of the last two paragraphs of section 244.34 of the Act respecting municipal taxation, cannot be so increased.

Where the lease is entered into for such premises among other premises within the unit of assessment, the increase in rent shall take into account only the proportion of the amount referred to in the first paragraph that corresponds to the proportion that the premises under lease are of the total of the taxable values of all the premises.

Subject to the sixth and seventh paragraphs, the amount payable for a fiscal year by reason of the imposition of a mode of property taxation specific to the non-residential sector is,

(1) where under section 244.29 of the Act respecting municipal taxation, the local municipality having jurisdiction fixes a general property tax rate specific to the category of non-residential immovables, the difference obtained by subtracting the amount of the tax that would be payable if only the basic rate provided for in section 244.38 of that Act were applied from the amount of the tax payable in respect of the unit of assessment for the fiscal year; or

(2) where the local municipality having jurisdiction imposes the tax on non-residential immovables, the amount of the tax payable in respect of the unit of assessment for the fiscal year.

For a fiscal year, other than the fiscal year 2002, before the end of which the lease ceases to be effective, the amount payable by reason of the imposition of a mode of property taxation specific to the non-residential sector is the product obtained by multiplying the amount determined under the fifth paragraph by the quotient resulting from the division of the number of whole days in the fiscal year that have elapsed at the time at which the lease ceases to be effective, by 365 or by 366 in the case of a leap year.

For the fiscal year 2002, the amount payable by reason of the imposition of a mode of property taxation specific to the non-residential sector is, according to whether the lease is effective or not throughout the second half-year,

(1) one-half of the amount determined under the fifth paragraph; or

(2) the product obtained by multiplying one-half of the amount determined under the fifth paragraph by the quotient resulting from the division of the number of whole days within the second half-year that have elapsed at the time the lease ceases to be effective by 184.

Section 491, section 244.64 and subparagraph 2 of the second paragraph of section 244.32 of the Act respecting municipal taxation apply, with the necessary modifications, for the purpose of interpreting, respectively, the words “owner”, “tax” and “taxable value” used in this section.

207. Where a local municipality, for the same fiscal year, imposes the surtax or tax on non-residential immovables and fixes, under section 244.29 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1), a general property tax rate specific to the category of immovables consisting of six or more dwellings, the amount of the latter tax is calculated as follows :

(1) section 244.53 of that Act is applied as if a rate specific to the category of non-residential immovables had been fixed, which rate is deemed to be equal to the sum obtained by adding the basic rate provided for in section 244.38 of that Act and the rate of the surtax or tax on non-residential immovables ; and

(2) the amount of the surtax or tax on non-residential immovables is subtracted from the result of the operation described in subparagraph 1.

If the condition mentioned in the first paragraph is satisfied only in part of the territory of the municipality, the rule set out in that paragraph applies only in that part.

Every element included in the advance application of the rule set out in the first paragraph is valid in any budget adopted for the fiscal year 2002, in any resolution or by-law relating to the imposition of taxes for that fiscal year and in any tax account or other document arising from such a budget, resolution or by-law.

208. Where the development plan in force in the territory of a local municipality does not yet take into account the governmental guidelines that are related to the objectives referred to in subparagraph 2.1 of the first paragraph of section 5 of the Act respecting land use planning and development (R.S.Q., chapter A-19.1) and that are complementary to the Act to amend the Act to preserve agricultural land and other legislative provisions in order to promote the preservation of agricultural activities (1996, chapter 26), the local municipality may not avail itself of the power provided for in subparagraph 4.1 of the second paragraph of section 113 of the Act respecting land use planning and development enacted by section 20, in respect of an agricultural zone established under the Act respecting the preservation of agricultural land and agricultural activities (R.S.Q., chapter P-41.1), before the coming into force of an interim control by-law containing a provision applicable in respect of that zone and adopted under that subparagraph by virtue of the reference

provided in the third paragraph of section 64 of the Act respecting land use planning and development enacted by section 13.

Where the development plan does not yet take into account those guidelines, the municipality may not avail itself, in respect of that agricultural zone, of any of the powers provided for in Divisions X and XI of Chapter IV of Title I of the Act respecting land use planning and development enacted by section 24.

209. The first regulatory amendment made under section 573.3.0.1 of the Cities and Towns Act (R.S.Q., chapter C-19), article 938.0.1 of the Municipal Code of Québec (R.S.Q., chapter C-27.1), section 112.1 of the Act respecting the Communauté métropolitaine de Montréal (R.S.Q., chapter C-37.01) and section 105.1 of the Act respecting the Communauté métropolitaine de Québec (R.S.Q., chapter C-37.02), as amended respectively by sections 53, 66, 75 and 85, is not subject to the provisions of Division III of the Regulations Act (R.S.Q., chapter R-18.1).

The first regulation made under section 100 of the Act respecting public transit authorities (2001, chapter 23), as amended by section 193, is not subject to the provisions of Division III of the Regulations Act.

210. Sections 80 and 188 to 191 have effect from 1 January 2002.

211. Sections 91 and 92 have effect in respect of any transfer under the Act respecting duties on transfers of immovables (R.S.Q., chapter D-15.1) made after 20 December 2001.

212. Notwithstanding section 300 of the Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2), any person who, on *(insert here the date that is one day before the date of assent to this Act)*, was a member of the council of a local municipality or a borough and was an employee or officer of a mandatory body of the municipality is not disqualified for the duration of his or her current term of office.

213. The periods referred to in the second paragraph of sections 162.1 and 512.4.1 of the Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2), enacted respectively by sections 102 and 143, exclude any day prior to *(insert here the date of assent to this Act)* for the purposes of any publicity expense other than a publicity expense that was already covered by the replaced paragraphs.

214. The report to be made by the chief electoral officer and the Commission de la représentation not later than 30 September 2002 pursuant to section 886 of the Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2), as amended by section 161, shall cover the period between 1 January 2001 and 31 March 2002.

215. Section 164 has effect for the purposes of any fiscal year from the fiscal year 2003.

216. Section 177 has effect from 21 June 2001.

217. Notwithstanding subparagraph 1 of the fourth paragraph of section 93 of the Act respecting public transit authorities (2001, chapter 23) enacted by section 192 and notwithstanding the second paragraph of section 101 of that Act enacted by section 194, the contracting party may be chosen by agreement in the case of a professional services contract entered into with the designer of preliminary or final plans and specifications or other documents of the same nature prepared before (*insert here the date of assent to this Act*) for additional or supervision work in relation to those plans and specifications or other documents, even if the contract relating to their design was not the subject of a call for tenders.

218. Every contract awarding process in progress on (*insert here the date of assent to this Act*) under a provision replaced by section 192 is continued in accordance with that provision, despite the provision having been replaced.

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