



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-NINTH LEGISLATURE

Bill 30

An Act to amend various legislative provisions concerning municipal affairs

Introduction

**Introduced by
Mr. Laurent Lessard
Minister of Municipal Affairs, Regions and Land
Occupancy**

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EXPLANATORY NOTES

This bill amends the Cities and Towns Act and the Municipal Code of Québec to allow a council to hold discussions with tenderers, when it uses a system of bid weighting and evaluating to award a contract for the operation of certain municipal immovables or facilities, in order to further define the project before obtaining final tenders and to negotiate with the person who obtains the highest score in order to bring the parties to enter into a contract.

The Municipal Code of Québec is also amended to allow any representative of Municipalité de Rapides-des-Joachims, Paroisse de Notre-Dame-des-Sept-Douleurs or Paroisse de Saint-Antoine-de-L'Isle-aux-Grues who sits on the council of the regional county municipality to participate, deliberate and vote by telephone or another means of communication.

The Act respecting municipal taxation is amended to replace the obligation for the clerk to forward a copy of notices of alteration of the roll to certain public bodies by an obligation for the assessor to forward to the same bodies a copy of the certificate altering the roll.

The Act respecting public transit authorities is amended to enable the council of a municipality in whose territory the Société de transport de Montréal plans to carry out work or works necessary for the pursuit of its mission to adopt a by-law allowing the work or works to be carried out and, for that purpose and despite any provision to the contrary, enacting planning rules that the Société de transport de Montréal will be required to comply with.

Lastly, amendments of a more local or temporary nature are introduced.

LEGISLATION AMENDED BY THIS BILL:

- Cities and Towns Act (R.S.Q., chapter C-19);
- Municipal Code of Québec (R.S.Q., chapter C-27.1);
- Act respecting municipal taxation (R.S.Q., chapter F-2.1);

- Act respecting public transit authorities (R.S.Q., chapter S-30.01);
- Act to again amend various legislative provisions concerning municipal affairs (2005, chapter 50).

ORDERS IN COUNCIL AMENDED BY THIS BILL:

- Order in Council 1229-2005 dated 8 December 2005, concerning the urban agglomeration of Montréal;
- Order in Council 516-2010 dated 23 June 2010, concerning the constitution of Municipalité régionale de comté du Golfe-du-Saint-Laurent.

Bill 30

AN ACT TO AMEND VARIOUS LEGISLATIVE PROVISIONS CONCERNING MUNICIPAL AFFAIRS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

CITIES AND TOWNS ACT

1. The Cities and Towns Act (R.S.Q., chapter C-19) is amended by inserting the following sections after section 573.1.0.4:

“573.1.0.5. If the council uses a system of bid weighting and evaluating described in section 573.1.0.1 to award a contract described in the second paragraph, it may, in the call for tenders, provide that the opening of tenders will be followed by individual discussions with each tenderer to further define the technical or financial aspects of the project and allow the tenderer to submit a final tender that reflects the outcome of those discussions.

The contracts concerned are those by which the municipality entrusts to a person the operation of a park, a facility or place designed for the practice of cultural, recreational or community activities, a convention centre or an exhibition centre.

A call for tenders for such contracts must also contain

(1) the rules for breaking a tie in the points assigned to final tenders by the selection committee;

(2) the procedure and the time period, which may not exceed six months, for holding discussions; and

(3) provisions allowing the municipality to ensure compliance at all times with the rules applicable to it, in particular with respect to access to the documents of public bodies and the protection of personal information.

The council shall establish a selection committee consisting of at least three members, other than council members; the committee shall evaluate each final tender and, for each criterion mentioned in the call for tenders described in the first paragraph, assign points which the secretary of the selection committee shall record in the secretary’s report referred to in section 573.1.0.12.

“573.1.0.6. In addition to any publication required under subparagraph 1 of the third paragraph of subsection 1 of section 573, every call for final tenders

must be sent in writing to each tenderer referred to in the first paragraph of section 573.1.0.5.

“573.1.0.7. In the case of a call for tenders described in section 573.1.0.5 or 573.1.0.6, the prohibition set out in subsection 3.1 of section 573 applies until the reports referred to in section 573.1.0.12 are tabled.

“573.1.0.8. Subsections 4 to 6 of section 573 do not apply to a tender submitted following a call for tenders described in section 573.1.0.5 or 573.1.0.6.

Such tenders must be opened in the presence of the secretary of the selection committee; the secretary shall record the names of the tenderers and the price of each tender in the report referred to in section 573.1.0.12.

“573.1.0.9. If the council establishes a qualification process described in section 573.1.0.2 to award a single contract under section 573.1.0.5, it may set a limit, which may not be less than three, on the number of suppliers to which it will grant qualification.

“573.1.0.10. Any provision required in order to bring the parties to enter into a contract may be negotiated with the person that obtained the highest score, provided the provision conserves the basic elements of the calls for tenders described in sections 573.1.0.5 and 573.1.0.6 and the basic elements of the tender.

“573.1.0.11. The discussions and negotiations described in sections 573.1.0.5 and 573.1.0.10 are, in the case of the municipality, under the responsibility of a person identified in the call for tenders who may neither be a council member nor a member or the secretary of the selection committee. The person shall record the dates and subjects of any discussions or negotiations in that person’s report referred to in section 573.1.0.12.

“573.1.0.12. The contract may not be entered into before the secretary of the selection committee and the person referred to in section 573.1.0.11 table their reports before the council.

The report of the person referred to in section 573.1.0.11 must certify that any discussions or negotiations were carried out in compliance with the applicable provisions and that all tenderers were treated equally. The report of the secretary of the selection committee must do likewise with respect to every other step of the tendering process.”

MUNICIPAL CODE OF QUÉBEC

2. Article 164.1 of the Municipal Code of Québec (R.S.Q., chapter C-27.1) is amended by replacing the first paragraph by the following paragraph:

“164.1. To the extent that all the members of the council of the regional county municipality give their consent, any of the following may participate, deliberate and vote at a sitting of the council by telephone or another means of communication that enables all persons participating or present at the sitting to hear one another:

(1) any member of the council of Municipalité régionale de comté de Caniapiscau, Municipalité régionale de comté de Minganie or Municipalité régionale de comté du Golfe-du-Saint-Laurent; and

(2) any representative of Municipalité de Rapides-des-Joachims, Paroisse de Notre-Dame-des-Sept-Douleurs or Paroisse de Saint-Antoine-de-L’Isle-aux-Grues who sits on the council of the regional county municipality.”

3. The Code is amended by inserting the following articles after article 936.0.4:

“936.0.5. If the council uses a system of bid weighting and evaluating described in article 936.0.1 to award a contract described in the second paragraph, it may, in the call for tenders, provide that the opening of tenders will be followed by individual discussions with each tenderer to further define the technical or financial aspects of the project and allow the tenderer to submit a final tender that reflects the outcome of those discussions.

The contracts concerned are those by which the municipality entrusts to a person the operation of a park, a facility or place designed for the practice of cultural, recreational or community activities, a convention centre or an exhibition centre.

A call for tenders for such contracts must also contain

(1) the rules for breaking a tie in the points assigned to final tenders by the selection committee;

(2) the procedure and the time period, which may not exceed six months, for holding discussions; and

(3) provisions allowing the municipality to ensure compliance at all times with the rules applicable to it, in particular with respect to access to the documents of public bodies and the protection of personal information.

The council shall establish a selection committee consisting of at least three members, other than council members; the committee shall evaluate each final tender and, for each criterion mentioned in the call for tenders described in the first paragraph, assign points which the secretary of the selection committee shall record in the secretary’s report referred to in article 936.0.12.

“936.0.6. In addition to any publication required under subparagraph 1 of the third paragraph of subarticle 1 of the first paragraph of article 935, every

call for final tenders must be sent in writing to each tenderer referred to in the first paragraph of article 936.0.5.

“936.0.7. In the case of a call for tenders described in article 936.0.5 or 936.0.6, the prohibition set out in subarticle 3.1 of the first paragraph of article 935 applies until the reports referred to in article 936.0.12 are tabled.

“936.0.8. Subarticles 4 to 6 of the first paragraph of article 935 do not apply to a tender submitted following a call for tenders described in article 936.0.5 or 936.0.6.

Such tenders must be opened in the presence of the secretary of the selection committee; the secretary shall record the names of the tenderers and the price of each tender in the report referred to in article 936.0.12.

“936.0.9. If the council establishes a qualification process described in article 936.0.2 to award a single contract under article 936.0.5, it may set a limit, which may not be less than three, on the number of suppliers to which it will grant qualification.

“936.0.10. Any provision required in order to bring the parties to enter into a contract may be negotiated with the person that obtained the highest score, provided the provision conserves the basic elements of the calls for tenders described in articles 936.0.5 and 936.0.6 and the basic elements of the tender.

“936.0.11. The discussions and negotiations described in articles 936.0.5 and 936.0.10 are, in the case of the municipality, under the responsibility of a person identified in the call for tenders who may neither be a council member nor a member or the secretary of the selection committee. The person shall record the dates and subjects of any discussions or negotiations in that person’s report referred to in article 936.0.12.

“936.0.12. The contract may not be entered into before the secretary of the selection committee and the person referred to in article 936.0.11 table their reports before the council.

The report of the person referred to in article 936.0.11 must certify that any discussions or negotiations were carried out in compliance with the applicable provisions and that all tenderers were treated equally. The report of the secretary of the selection committee must do likewise with respect to every other step of the tendering process.”

ACT RESPECTING MUNICIPAL TAXATION

4. Section 132 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1) is amended by replacing “the receipt by the Minister of a copy of the notice” by “the Minister receives a copy of the certificate of alteration”.

5. Section 138.5 of the Act is amended

(1) by striking out “or in the case where the school board or the municipal body responsible for assessment is the applicant under subparagraph 3 of that second paragraph” in subparagraph 2 of the fourth paragraph;

(2) by replacing subparagraph 4 of the fourth paragraph by the following subparagraphs:

“(4) the sending of a copy of the certificate of alteration to the school board or the municipal body responsible for assessment, in the case where the school board or the body is the applicant under subparagraph 3 of that second paragraph;

“(5) receipt by the Minister of a copy of the certificate of alteration, in the case described in subparagraph 4 of that second paragraph.”

6. Section 153 of the Act is amended by replacing “or a copy of the notice of alteration” in the second paragraph by “or a copy of the certificate of alteration or of the notice of alteration”.

7. Section 179 of the Act is amended by adding the following paragraph at the end:

“The assessor shall forward a copy of the certificate

(1) to the school board concerned;

(2) to the municipal body responsible for assessment, if the assessor is not an employee of the municipal body;

(3) to the Minister, if the alteration concerns an entry used to calculate an amount payable by the Government under section 210, 254 or 257;

(4) to the Minister of Agriculture, Fisheries and Food, if the alteration concerns a unit of assessment that includes an agricultural operation registered in accordance with a regulation under section 36.15 of the Act respecting the Ministère de l’Agriculture, des Pêcheries et de l’Alimentation (chapter M-14) and situated in an agricultural zone established under the Act respecting the preservation of agricultural land and agricultural activities (chapter P-41.1).”

8. Section 180 of the Act is amended

(1) by striking out “to the school board concerned and to the municipal body responsible for assessment. He shall send a copy of the notice” in the third paragraph;

(2) by striking out the fourth paragraph.

9. Section 180.0.1 of the Act is repealed.

ACT RESPECTING PUBLIC TRANSIT AUTHORITIES

10. The Act respecting public transit authorities (R.S.Q., chapter S-30.01) is amended by inserting the following section after section 158.2:

“158.3. The council of a municipality in whose territory the Société de transport de Montréal plans to carry out work or works necessary for the pursuit of its mission, provided for in section 151, relating to the subway network may, by by-law, allow such work or works to be carried out.

For that purpose and despite any provision to the contrary, the purpose of the by-law is to enact the planning rules that the Société de transport de Montréal must comply with in carrying out the work and works concerned.

For the purposes of the first paragraph, if the territory in which the Société plans to carry out work or works is the territory of Ville de Montréal, Ville de Westmount, Ville de Mont-Royal or Ville de Longueuil, “council of a municipality” means the urban agglomeration council of Montréal or the urban agglomeration council of Longueuil, as applicable.”

ACT TO AGAIN AMEND VARIOUS LEGISLATIVE PROVISIONS CONCERNING MUNICIPAL AFFAIRS

11. Section 133 of the Act to again amend various legislative provisions concerning municipal affairs (2005, chapter 50), amended by section 37 of chapter 19 of the statutes of 2008 and section 102 of chapter 18 of the statutes of 2010, is again amended by replacing “2011” in the second paragraph by “2012”.

OTHER AMENDING PROVISIONS

12. Section 67 of Order in Council 1229-2005 dated 8 December 2005 (2005, G.O. 2, 5176A), concerning the urban agglomeration of Montréal, amended by section 130 of chapter 60 of the statutes of 2006, section 33 of chapter 19 of the statutes of 2008 and section 111 of chapter 18 of the statutes of 2010, is again amended by replacing “2011” in the second paragraph by “2012”.

13. Section 68 of the Order in Council, replaced by section 34 of chapter 19 of the statutes of 2008 and amended by section 112 of chapter 18 of the statutes of 2010, is again amended by replacing “2011” in the fifth paragraph by “2012”.

14. Section 8 of Order in Council 516-2010 dated 23 June 2010 (2010, G.O. 2, 1973), concerning the constitution of Municipalité régionale de comté du Golfe-du-Saint-Laurent, is repealed.

FINAL PROVISION

15. This Act comes into force on (*insert the date of assent to this Act*), except sections 4 to 9, which come into force on 1 January 2012.

