



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-SEVENTH LEGISLATURE

Bill 9

An Act respecting the consultation of citizens with respect to the territorial reorganization of certain municipalities

Introduction

**Introduced by
Mr. Jean-Marc Fournier
Minister of Municipal Affairs, Sports and Recreation**

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EXPLANATORY NOTES

This bill grants the citizens of certain municipalities the right to express their opinion on the changes imposed since 2000 in municipal territorial organization. Citizens will thus be allowed to opt for the preservation of their present municipality or the reconstitution of their former municipality or, in the case of a sector detached from the territory of a municipality that has not ceased to exist, the return of the sector to that territory.

The bill sets out a mechanism for the consultation of the citizens of each sector in the municipality. It provides that they may request that a referendum poll be held by signing a register for that purpose. At least 10% of the qualified voters of a sector will have to request the holding of a referendum poll in order for a referendum poll to be held in the sector.

The bill further provides that where a referendum poll is to be held in a sector, the Minister of Municipal Affairs, Sports and Recreation must first commission an impact study on the costs and consequences of the territorial reorganization in respect of which the poll is to be held. The contents of the study must be made available by the Minister.

Under the bill, if a referendum poll is held, a simple majority will be required in order for the answer to the referendum question to be deemed affirmative. The Minister is empowered to establish a transition committee for every municipality whose territory includes one or more sectors where the answer given by the qualified voters is deemed to be affirmative and certain controls are established for the transitional period.

The bill also enacts rules governing the apportionment of the expenses arising from the consultation process between the Government and the ratepayers who required a referendum poll to be held.

The bill provides for the making of intermunicipal agreements where a former municipality is reconstituted following a referendum poll. Such agreements must be entered into between the reconstituted municipality and the city whose territory is reduced following the reconstitution. They will pertain to such matters as the exercise of powers in areas that are not of a purely local nature, the designation

of equipment, infrastructures and activities in respect of which the financing may appropriately be shared by both municipalities and the contribution of one municipality to the financing of the expenditures of the other as regards social housing or the local development centre.

Furthermore, the bill establishes an equalization mechanism in the event that former municipalities are reconstituted. Under this mechanism, the reconstituted municipality would pay annually to the municipality it formerly was a part of, or vice versa, an amount calculated by performing a series of operations set out in the bill.

Lastly, the bill amends various Acts to strike out the provisions related to non-voluntary municipal amalgamations and to adapt certain elements of those provisions to the context of voluntary amalgamations.

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 courts (R.S.Q., chapter C-72.01);
- Act respecting municipal territorial organization (R.S.Q., chapter O-9);
- Act to amend the Act respecting municipal territorial organization and other legislative provisions (2000, chapter 27).

Bill 9

AN ACT RESPECTING THE CONSULTATION OF CITIZENS WITH RESPECT TO THE TERRITORIAL REORGANIZATION OF CERTAIN MUNICIPALITIES

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

CHAPTER I

OBJECT AND INTERPRETATION

1. The object of this Act is to grant the citizens of certain municipalities the right to express their opinion on the changes imposed since 2000 in municipal territorial organization.

That right will allow citizens to opt for the preservation of their municipality and its territory or the reconstitution of their municipality with the territory it had before ceasing to exist or, in the case of a sector detached from the territory of a municipality that has not ceased to exist, the return of the sector to that territory.

The option whereby a municipality is reconstituted will result, in certain cases, in the application of the rules set out in Chapter IV on the making of agreements or the rules set out in Chapter V on an equalization mechanism.

2. In this Act,

(1) subject to the second paragraph, “reconstituted municipality” means a municipality constituted following a referendum poll held under Division IV of Chapter II;

(2) “city” means any municipality constituted by the Act to reform the municipal territorial organization of the metropolitan regions of Montréal, Québec and the Outaouais (2000, chapter 56), Ville de Mont-Tremblant, constituted by Order in Council 1294-2000 dated 8 November 2000, and any municipality constituted by an order under the Act respecting municipal territorial organization (R.S.Q., chapter O-9) following

(a) an authorization under section 125.2 of that Act in respect of a territory corresponding to all or any part of the territory of the municipality; or

(b) a study by the Commission municipale du Québec under the first paragraph of section 125.5 of that Act in respect of a territory corresponding to all or any part of the territory of the municipality.

A municipality constituted following a referendum poll held under Division IV of Chapter II whose territory corresponds to a sector concerned described in paragraph 2 of section 5 is not a reconstituted municipality for the purposes of Chapters IV and V.

A reconstituted municipality and a city are related municipalities where the territory of the former was, immediately prior to its constitution, included in whole or in part in that of the latter.

CHAPTER II

CONSULTATION OF QUALIFIED VOTERS

DIVISION I

GENERAL AND INTERPRETATIVE PROVISIONS

3. The registration process and the referendum poll to be held under Divisions II and IV are governed by the provisions of Title II of the Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2) and any other related provision of that Act, with the necessary modifications including those resulting from this Act.

4. For the purposes of those provisions, the date of reference referred to therein is (*insert the date of assent to this Act*).

5. For the purposes of this chapter and the provisions referred to in section 3, the sector concerned is

(1) any part of the territory of the city that corresponds to the whole territory of a local municipality that ceased to exist upon the constitution of the city;

(2) the combination of parts of the territory of the city and of any other existing municipality that corresponds to the whole territory of a local municipality that ceased to exist upon the constitution of the city; or

(3) any part of the territory of the city that was transferred to that territory from the territory of another existing municipality by the Act or order having constituted the city.

DIVISION II

REGISTRATION PROCESS

6. Every city shall hold a registration process for each sector concerned that is included in whole or in part in its territory.

The objective of the process is to allow qualified voters entitled to have their names entered on the referendum list of the sector concerned to request that a referendum poll be held on the subject of the consultation.

7. The register shall be open for five consecutive days.

The Government shall fix the date of the first day. It may fix a different day for each city.

The Government shall define the question that will be submitted to voters if a referendum poll is held in the sector concerned.

Not later than the tenth day before the first day the register is open, the Government shall advise the city of the date of that first day and of the text of the referendum question.

8. The public notice prescribed by section 539 of the Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2) shall contain the following particulars in respect of each sector concerned :

(1) the text of the referendum question ;

(2) the right of the persons for whom it is intended to request that a referendum poll be held by entering their name, address and capacity, together with their signature, in a register open for that purpose ;

(3) the number of requests required for a referendum poll to be held ;

(4) where and when the register will be open for registration ; and

(5) where and when the results of the registration process will be announced.

The third, fourth and fifth paragraphs of that section do not apply to the notice.

9. For the purposes of the registration process for each sector concerned, the clerk or the secretary-treasurer of the city shall draw up the list of the qualified voters entitled to have their names entered on the referendum list of the sector.

For that purpose, the chief electoral officer shall, not later than (*insert the date of the fifth day following the date of assent to this Act*), send the list of electors whose names are entered on the permanent list of electors for the

sector concerned on (*insert the date of assent to this Act*) to the clerk or the secretary-treasurer, as if the chief electoral officer had received a request under section 546 of the Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2). Notwithstanding the fifth paragraph of that section, the chief electoral officer shall assume the costs relating to the production of the list sent.

On the basis of the list drawn up under the first paragraph, the clerk or the secretary-treasurer shall certify in writing the number of qualified voters entitled to have their names entered on the referendum list of the sector concerned. The clerk or the secretary-treasurer shall forward a copy of the certificate to the Minister.

10. An identity verification panel, as provided for in section 545.1 of the Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2), must be established in each place where the register is open for registration.

11. As soon as practicable after the certificates required under section 555 of the Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2) have been drawn up for all the sectors concerned included in whole or in part in the territory of the city, the clerk or the secretary-treasurer shall forward a copy of the certificates to the Minister.

12. Notwithstanding section 553 of the Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2), a referendum poll must be held in a sector concerned if the number of requests reaches 10% of the qualified voters entitled to have their names entered on the referendum list of that sector.

However, in the case of a sector concerned where the number of such voters does not exceed 5,000, a poll must be held if the number of requests reaches the number applicable under subparagraph 1 or 2 of the first paragraph of that section.

DIVISION III

IMPACT STUDY AND CITIZEN INFORMATION

13. The Minister shall, in respect of every sector concerned where a referendum poll is to be held, commission a study on the consequences and estimated costs of what forms the subject of the referendum. If a referendum poll is to be held in more than one sector concerned included in whole or in part in the territory of the same city, a single study shall be conducted in respect of that city and shall make distinctions for each sector.

The study shall pertain to any aspect of the territorial reorganization of the sector concerned as is determined by the Minister.

If the subject of the referendum is the constitution of a municipality, the study shall include an estimate of the physical, human and financial resources necessary to enable the reconstituted municipality to exercise its powers with due regard for the framework established in either of Chapters IV and V if applicable. The study shall also contain an estimate of the transition costs and of the impact of the new municipal administration on tax accounts in the reconstituted municipality.

14. As soon as practicable after receipt of the copy of the certificate forwarded under section 11 in respect of the sector concerned, the Minister shall designate the person responsible for the study in accordance with the Public Administration Act (R.S.Q., chapter A-6.01). The study must be completed within 60 days after the person is designated.

The Minister may grant additional time if the person shows that the study cannot be completed within the time allotted.

15. Insofar as the person responsible for the study considers it useful for the purposes of his or her mandate, the person may require any local municipality having jurisdiction in all or part of the sector concerned or any body thereof to furnish any information or document belonging to them concerning

(1) the financial situation of the municipality or body ; or

(2) the staff or any person in the employ of the municipality.

The first paragraph also applies in respect of information and documents relating to a pension plan held by any administrator of such a plan or by any public body exercising a responsibility under the law in respect of such a plan.

16. Every council member, officer or employee of a municipality or of any body thereof or of a person referred to in the second paragraph of section 15 shall cooperate with the person responsible for the study.

No person may prohibit its officers or employees from cooperating in the study with the person responsible for the study, or take or threaten to take any disciplinary measure against them for having cooperated with that person.

Section 123 of the Act respecting labour standards (R.S.Q., chapter N-1.1) applies, with the necessary modifications, to any officer or employee who believes he or she has been the victim of an act prohibited by the second paragraph.

17. Sections 15 and 16 apply notwithstanding the Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., chapter A-2.1).

The person responsible for the study and his or her employees are required to ensure the confidentiality of the information obtained under those sections.

18. Not later than the thirtieth day before the date on which the referendum poll is to be held, the Minister shall make the contents of the study available by any mode of publication the Minister determines.

As far as practicable, the Minister shall make the contents of all the studies available on the same date.

DIVISION IV

REFERENDUM POLL

19. The Government shall fix the date of the referendum poll.

The same date shall be fixed for all referendum polls unless circumstances require the Government to fix another date for a particular referendum poll. Where that is the case, if a referendum poll is to be held in two or more sectors concerned included in whole or in part in the territory of the same city, the same date shall be fixed for all such sectors.

The Minister shall inform the city and the chief electoral officer in writing of the date fixed.

20. The date fixed for the referendum poll must be a Sunday occurring in the period beginning 45 days after the day on which the date is fixed by the Government.

21. An advance poll shall be held on the seventh day preceding the date of the referendum poll.

22. The chief electoral officer is responsible for the organization and holding of the referendum poll. The chief electoral officer has the powers and duties assigned to a municipality or its clerk or secretary-treasurer by Title II of the Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2).

The chief electoral officer may direct the clerk or the secretary-treasurer of the city to perform, under the authority of the chief electoral officer, any act that comes under the first paragraph, except acting as the returning officer for the referendum poll.

23. For the purposes of paragraph 1 of section 575 of the Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2), the referendum question to be printed on each ballot paper is the question defined by the Government under the second paragraph of section 7.

24. The public notice provided for in section 572 of the Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2) shall contain the following particulars :

(1) when the polling station or stations will be open for the advance poll and for the referendum poll ;

(2) the text of the referendum question ;

(3) where the polling station or stations will be located for the advance poll and for the referendum poll and, if there is to be more than one polling station, indications to determine in which polling station a person whose name is entered on the referendum list may vote ; and

(4) when the addition of votes will begin and where it will take place.

The third, fifth and sixth paragraphs of that section do not apply to the notice.

25. The answer given to the referendum question by qualified voters is deemed to be affirmative where the poll results show a greater number of affirmative votes than negative votes.

26. Section 577 of the Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2) does not apply.

27. The additions of votes shall begin during the evening of or on the day following the day of the referendum poll.

The chief electoral officer shall communicate the results of the addition of votes, as soon as they are known, to the Minister, to the city and, where the sector concerned is described in paragraph 2 of section 5, to any other municipality referred to in that paragraph.

The chief electoral officer shall make sure that the results are communicated to all parties concerned on the same day.

28. The chief electoral officer shall draw up a statement of the final results of the referendum poll as prescribed by section 578 of the Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2).

In addition to or in lieu of tabling the statement as prescribed in that section, the chief electoral officer shall forward a copy to the Minister, to the city and, where the sector concerned is described in paragraph 2 of section 5, to any other municipality referred to in that paragraph.

The chief electoral officer shall make sure that all parties concerned receive their copy of the statement on the same day.

CHAPTER III

TRANSITION AND COST SHARING

DIVISION I

TRANSITION COMMITTEE

29. The Government may establish a transition committee in respect of any city whose territory includes, in whole or in part, one or more sectors concerned where the answer given to the referendum question is deemed to be affirmative. The number of members of the transition committee, including a chair, shall be determined in the order.

If the territory of the city includes, in whole or in part, more than one sector that meets the condition set out in the first paragraph, the Government may establish more than one transition committee.

30. The chair and the other members of the transition committee shall be designated by the Minister.

The Minister shall fix the remuneration, allowances and other conditions of employment of the chair and the other members.

31. No person who is a member of the council of a local municipality whose territory includes all or part of the sector concerned that was within the purview of the committee or that is to be enlarged by the transfer of that sector following the referendum poll may sit as a member of the transition committee.

No person who has acted as a member of the transition committee may be elected in the first general election held in the reconstituted municipality whose territory corresponds to the sector concerned that was within the purview of the transition committee. Nor may such a person be hired by the reconstituted municipality to hold a position referred to in the second paragraph of section 71 of the Cities and Towns Act (R.S.Q., chapter C-19) or the first paragraph of article 267.0.1 of the Municipal Code of Québec (R.S.Q., chapter C-27.1) before the expiry of a period of two years from the end of the person's term as a member of the transition committee.

Where following the referendum poll, the sector concerned that was within the purview of the transition committee is transferred from the territory of the city to the territory of another existing local municipality, the second paragraph applies as if the existing local municipality were a reconstituted municipality. For that purpose, the disqualification under that paragraph applies for the first general election held after the end of the term of the person as a member of the transition committee and for any by-election held after the end of the term and before that general election.

32. No judicial proceedings may be brought against the members, employees or representatives of the transition committee by reason of an official act done in good faith in the exercise of their functions.

Sections 604.6 to 604.10 of the Cities and Towns Act (R.S.Q., chapter C-19) apply, with the necessary modifications, in respect of the members and employees of the transition committee as if the Government were the municipality referred to in those sections.

33. The Government may, on the terms and conditions it determines, grant the transition committee any sum of money it considers necessary for its operation.

34. The transition committee is a municipal body for the purposes of the Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., chapter A-2.1).

35. The mission of the transition committee is to participate, together with the administrators and employees of the city or any other existing municipality, in the establishment of the conditions most conducive to facilitating the transition between the successive municipal administrations in the sector concerned that is within the purview of the transition committee.

36. The order referred to in section 29 shall determine the rules relating to the status, organization, operation, powers and responsibilities of the transition committee and the rules that apply to its mode of financing and the payment of the expenses arising from its mandate. The powers exercised by the transition committee as regards contract and physical resources management are not subject to sections 58 to 61 of the Public Administration Act (R.S.Q., chapter A-6.01).

The order may also prescribe any rule concerning

- (1) the exercise of the transition committee's power to borrow ;
- (2) the term of appointment of the transition committee and the power of the Minister to extend that term for any period the Minister determines ;
- (3) the power of the transition committee to require any information or document from a municipality, a mandatory body of the municipality within the meaning of section 18 of the Act respecting the Pension Plan of Elected Municipal Officers (R.S.Q., chapter R-9.3) or a supramunicipal body within the meaning of that section whose territory includes the territory of the municipality ;
- (4) the use by the transition committee of the services of any officer or employee of a municipality or of any body referred to in subparagraph 3 ;

(5) the obligations of a municipality, of any body referred to in subparagraph 3 and of their officers and employees with respect to the transition committee; and

(6) the power of the Minister to issue any directive to the transition committee with respect to the information to be provided to the citizens of any municipality whose territory includes all or part of the sector concerned that is within the purview of the transition committee.

DIVISION II

COST SHARING

37. The Government shall reimburse the city for all expenses incurred to organize and hold the registration process.

38. The costs related to acts carried out under Division III of Chapter II shall be borne by the Government.

39. A reconstituted municipality whose territory corresponds to a sector concerned all or part of which was included in the territory of the city immediately before the constitution of the municipality shall reimburse the city and the Government for all expenses incurred by the city and the chief electoral officer, respectively, to organize and hold the referendum poll in that sector.

An existing local municipality whose territory was enlarged by the transfer of the sector concerned following a referendum poll is required to reimburse the city and the Government pursuant to the first paragraph.

40. The expenses incurred by the city to organize and hold a referendum poll whose outcome was negative shall be financed by revenues derived exclusively from the sector concerned in which the referendum poll was held.

The same applies to the financing of a reimbursement to be made by a municipality pursuant to the second paragraph of section 39.

If one part of the sector referred to in the first paragraph is in the territory of the city and another is in the territory of another local municipality, the expenses referred to in that paragraph shall be apportioned in proportion to the number of requests for the holding of the referendum poll that were received during the registration process from each part of the sector. The aliquot share relating to the part of the sector that is in the territory of the other municipality shall be paid to the city by that municipality.

41. The city shall reimburse the Government for all expenses incurred by the chief electoral officer to organize and hold a referendum poll whose outcome was negative.

Section 40 applies, with the necessary modifications, to the financing of that reimbursement.

42. A reconstituted municipality shall reimburse the Government for the sums of money allocated to the transition committee established in respect of the sector concerned and those allocated for the carrying out of its mandate.

If the transition committee was established in respect of two or more sectors concerned to which the territories of two or more reconstituted municipalities correspond, the sums referred to in the first paragraph shall be apportioned between those municipalities on the basis of their respective standardized property values for the first full fiscal year after they come into existence.

An existing local municipality whose territory was enlarged by the transfer of the sector concerned following a referendum poll is required to reimburse the Government pursuant to the first paragraph. Section 40 applies, with the necessary modifications, to the financing of the reimbursement.

43. The Minister shall send each municipality that is required to reimburse the Government under either of sections 39, 41 or 42 a demand for payment containing a statement of the expenses to be reimbursed.

44. The Minister may, with the agreement of any municipality that is party to a dispute arising from the cost sharing provided for in this division, submit the matter to the Commission municipale du Québec for arbitration.

Prior to arbitration, the Commission may proceed pursuant to Division III.1 of the Act respecting the Commission municipale (R.S.Q., chapter C-35).

DIVISION III

CONTROLS REGARDING THE ADMINISTRATION OF CERTAIN SECTORS

45. Sections 46 and 47 shall apply to any sector concerned where the answer given to the referendum question is deemed to be affirmative.

They shall apply as of the day following the day on which results of the addition of votes showing a greater number of affirmative votes than negative votes are communicated to the local municipality having jurisdiction over all or part of the sector. If, however, such a majority is not reached according to the addition of votes but is reached according to the statement of the final results of the referendum poll, they shall apply as of the day on which the municipality receives a copy of that statement.

They shall cease to apply on the day on which

(1) in keeping with the final results of the referendum poll, jurisdiction over all or part of the sector is transferred to the reconstituted municipality

whose territory corresponds to the sector or to the other local municipality into whose territory the sector is transferred ; or

(2) the municipality referred to in the second paragraph receives a copy of the statement of the final results of the referendum poll showing a number of affirmative votes equal to or lesser than negative votes.

46. Any decision of the municipality referred to in the second paragraph of section 45 or a body of that municipality giving rise to an expense chargeable to the ratepayers of the sector must, to come into force, be approved by the Minister.

Where a transition committee is established in respect of the sector, the Minister's power of approval is exercised by the transition committee.

Approval is not required where the share of the expense chargeable to the ratepayers of the sector is under 25%.

47. The municipality referred to in the second paragraph of section 45 or a body of that municipality shall not, without the Minister's authorization, alienate an immovable located in the sector or a movable worth over \$10,000 that is principally used by the residents or ratepayers of the sector or for the administration of the sector.

The Minister may, before approving or rejecting an application for authorization, request the opinion of the competent transition committee.

CHAPTER IV

AGREEMENTS RELATING TO CERTAIN SERVICES, EQUIPMENT, INFRASTRUCTURES OR POWERS

DIVISION I

EXERCISE OF CERTAIN POWERS

48. Subject to sections 49 and 66, a reconstituted municipality and a city that are related municipalities shall, within the time prescribed by the Minister, enter into an agreement concerning

- (1) property assessment ;
- (2) management of municipal watercourses ;
- (3) fire protection ;
- (4) police services, except where such services are provided to the city by the Sûreté du Québec ;

- (5) civil protection;
- (6) the municipal court;
- (7) passenger transportation;
- (8) residual materials disposal and recycling;
- (9) the management of the streets and roads of the arterial system; and

(10) where the city succeeded a regional county municipality or an urban community, any other area in respect of which a power was granted to the successor body under a legislative provision.

For the purposes of subparagraph 9 of the first paragraph, the arterial system must be defined in the agreement. However, where the territory of the city is divided into boroughs, the definition of the arterial system established by the city shall apply.

49. Where a power in any of the areas mentioned in the first paragraph of section 48 is exercised in respect of the city by a municipal body within the meaning of section 307 of the Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2), the agreement required under that paragraph shall be entered into between the reconstituted municipality and the municipal body.

No such agreement is required, however, in respect of an area mentioned in any of subparagraphs 1, 2 and 7 of that paragraph where the power is granted to the municipal body by a legislative provision.

50. No agreement is required in respect of an area referred to in the first paragraph of section 48 if, immediately prior to the constitution of the reconstituted municipality, neither the city nor a body referred to in section 49 exercised the power in that area in respect of the city.

51. Any rule relating to an area mentioned in the first paragraph of section 48 that is established in the act constituting the reconstituted municipality applies until the coming into force of

- (1) an agreement under that paragraph; or
- (2) a government order under the second paragraph of this section.

Where no agreement is entered into within the time prescribed by the Minister, the Government shall establish the rules. In particular, where an agreement is required between a reconstituted municipality and a city, the Government shall establish the rule whereby financial contributions are apportioned between those municipalities on the basis of their respective standardized property values.

Where an agreement was required to be entered into in respect of an area mentioned in subparagraph 9 of the first paragraph of section 48, the Government shall also establish, subject to the second sentence of the second paragraph of that section, a definition of the arterial system.

52. Any rule or definition established by the Government under section 51 shall cease to have effect upon the coming into force of an agreement, between the bodies required to enter into an agreement under the first paragraph of section 48, concerning the area with regard to which the rule or definition was established.

53. For the purposes of sections 51 and 52, an agreement shall come into force pursuant to the provisions of the Act that governs the parties with respect to the area that is the subject-matter of the agreement and, in particular, after it has received every required approval.

DIVISION II

DESIGNATION OF CERTAIN EQUIPMENT, INFRASTRUCTURES OR ACTIVITIES

54. A reconstituted municipality and a city that are related municipalities shall, within the time prescribed by the Minister, enter into an agreement

(1) designating any equipment belonging to one of them in respect of which the financing of expenditures or the revenue may appropriately be shared between them; and

(2) establishing rules in respect of the management of the equipment referred to in subparagraph 1 and the shared financing of the related expenditures or the sharing of the related revenue.

The first paragraph may apply in particular in respect of equipment that is

(1) relatively well-known;

(2) unique in the territory of the related municipalities; or

(3) widely used by citizens or ratepayers of the reconstituted municipality or the city, as the case may be, in whose territory the equipment is not situated.

55. For the purpose of helping the reconstituted municipality and the city fulfil the obligation set out in section 54, the Minister may appoint a conciliator.

56. Where no agreement has been entered into within the prescribed time, the Minister may request a report on the situation by the conciliator appointed under section 55 or, if there is no such conciliator, the conciliator the Minister appoints.

57. After the conciliator files the report, the Government may make an order designating equipment under section 54 and establishing rules applicable to the management of the equipment and the shared financing of the related expenditures or the sharing of the related revenue.

58. Any rule established by the Government under section 57 shall cease to have effect upon the coming into force of an agreement, between the reconstituted municipality and the city, concerning the equipment with regard to which the rule was established.

59. Any rule established under section 54 or 57 in respect of the shared financing of expenditures or the sharing of revenue in respect of equipment may have retroactive effect to the date of constitution of the reconstituted municipality.

60. Sections 54 to 59 also apply, with the necessary modifications, in respect of an infrastructure or an activity.

Where an activity is carried on in relation to an event, it makes no difference whether the event is organized by the reconstituted municipality or by the city.

DIVISION III

CONTRIBUTION TO THE FINANCING OF CERTAIN EXPENDITURES

61. A reconstituted municipality shall contribute to the financing of the expenditures of the city related to it, and vice versa, in respect of social housing and the local development centre.

62. The reconstituted municipality and the city shall, within the time prescribed by the Minister, enter into an agreement determining the amount of their respective contributions or establishing rules whereby it may be determined.

63. Any rule in respect of the financing of expenditures referred to in section 61 that is established in the act constituting the reconstituted municipality shall apply until

(1) the coming into force of an agreement under section 62; or

(2) the effective date of the rule established under the second paragraph of this section.

Where no agreement is entered into within the time prescribed by the Minister, the amount of the respective contributions is established by apportioning the total amount of expenditures under section 61 between the reconstituted municipality and the city on the basis of their respective standardized property values.

64. The second paragraph of section 63 shall cease to have effect upon the coming into force of an agreement entered into between the reconstituted municipality and the city in accordance with the obligation imposed on them by section 61.

65. Sections 61 to 64 do not apply to an expenditure

(1) which, pursuant to a legislative provision, is to be assumed by a 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

(2) resulting from an aliquot share payable to a municipal body referred to in paragraph 1.

DIVISION IV

PROPOSAL IN RESPECT OF THE ESTABLISHMENT OF A MECHANISM FOR THE JOINT EXERCISE OF CERTAIN POWERS

66. A city that succeeded a regional county municipality or an urban community and any reconstituted municipality related to the city shall enter into an agreement in which they make a proposal to the Minister concerning a mechanism enabling them to jointly exercise their powers as regards

(1) the land use and development plan, except where the territories of the reconstituted municipality and the city are included in the territory of a metropolitan community;

(2) the fire safety cover plan;

(3) the civil protection plan; and

(4) the residual materials management plan, except where the territories of the reconstituted municipality and the city are included in the territory of a metropolitan community that exercises that power in respect of the city.

The agreement under the first paragraph shall be forwarded to the Minister within the time prescribed by the Minister.

67. Any mechanism established in the act constituting the reconstituted municipality with respect to the exercise of a power as regards any of the plans mentioned in the first paragraph of section 66 continues to apply unless it is replaced by a mechanism established in a later statute.

If the Minister receives the agreement under that paragraph within the prescribed time, the Minister shall, as soon as practicable after receipt of the agreement, give a written notice to the reconstituted municipality and the city indicating what legislative action the Minister intends to recommend to the Government with a view to replacing the mechanism established in the act

constituting the reconstituted municipality or stating that the Minister does not intend to recommend the replacement of the mechanism.

DIVISION V

ADDITIONAL TIME

68. The time limits prescribed in sections 48, 54, 62 and 66 may be extended by the Minister at the request of any of the bodies subject thereto or of the conciliator appointed under section 55.

CHAPTER V

EQUALIZATION MECHANISM

69. In this chapter,

(1) “current fiscal year” means the fiscal year for which the equalization amount is calculated;

(2) “equalization amount” means the amount to be paid by or to a municipality under the provisions of this chapter.

70. An equalization mechanism whereby a reconstituted municipality pays the city related to it, or vice versa, an amount calculated by consecutively performing the operations set out in sections 71 to 75 is hereby established.

This amount shall be paid for every fiscal year as of the first full fiscal year after the coming into existence of the reconstituted municipality.

71. The first operation consists in establishing, for the current fiscal year, the standardized property value per inhabitant of the reconstituted municipality, hereinafter called “individual property wealth”.

The individual property wealth of the municipality is established by dividing its standardized property value for the current fiscal year by its population for the same fiscal year.

For that purpose,

(1) the standardized property value used is the value established in accordance with Division I of Chapter XVIII.1 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1);

(2) the property assessment roll used is the roll as it stands on the date on which its status is reflected in the form completed using the information contained in the roll summary produced during the last semester preceding the current fiscal year, as prescribed in the regulation under paragraph 1 of section 263 of the Act respecting municipal taxation; and

(3) the population figure used is the population as it will stand on 1 January of the current fiscal year according to the data available on the date referred to in paragraph 2.

72. The second operation consists in establishing, for the current fiscal year, the standardized property value per inhabitant of all the related municipalities, namely, the city and every reconstituted municipality, hereinafter called the “aggregate property wealth”.

The second and third paragraphs of section 71 apply for the purposes of the first paragraph as if the related municipalities were a single municipality.

73. The third operation consists in calculating the deficiency, for the current fiscal year, in the individual property wealth of the reconstituted municipality in relation to the aggregate property wealth of all the related municipalities or vice versa, as the case may be.

This deficiency is calculated by algebraically subtracting the aggregate property wealth determined under section 72 from the individual property wealth determined under section 71 and multiplying the difference thus obtained by the population figure used in determining the individual property wealth of the reconstituted municipality.

The positive or negative value of the product of this multiplication is retained and affects the results of the subsequent operations.

74. The fourth operation consists in calculating the fiscal impact, for the reconstituted municipality and the current fiscal year, of the deficiency in the individual property wealth in relation to the aggregate property wealth, or vice versa.

Such fiscal impact is calculated by multiplying the product obtained under section 73 by the standardized aggregate taxation rate of all the related municipalities, namely, the city and every reconstituted municipality, for the fiscal year immediately preceding the current one.

For that purpose, the standardized aggregate taxation rate is the rate calculated pursuant to the regulation under paragraph 7 of section 262 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1) as if the related municipalities were a single municipality, with the necessary modifications including the following :

(1) the revenues taken into consideration are the revenues anticipated in the budgets of the related municipalities for the preceding fiscal year referred to in the second paragraph ; and

(2) the property assessment roll used is the roll as it stands on the date on which its status is reflected in the form completed using the information contained in the roll summary produced during the last semester before the

preceding fiscal year referred to in the second paragraph, as prescribed in the regulation under paragraph 1 of section 263 of the Act respecting municipal taxation.

Where the current fiscal year is the first full fiscal year after the coming into existence of the reconstituted municipality, the standardized aggregate taxation rate is that of the city for the preceding fiscal year referred to in the second paragraph.

75. The fifth operation consists in calculating the equalization amount to be paid or received by the reconstituted municipality for the current fiscal year.

This amount is calculated by multiplying the product obtained under section 74 by 0.15.

76. Where the product obtained under section 75 is a positive number, the reconstituted municipality shall pay the city the equalization amount for the current fiscal year.

Where the product is a negative number, it shall be converted into a positive number and the city shall pay the reconstituted municipality the equalization amount for the current fiscal year.

The city shall pay any equalization amount it owes for the current fiscal year only after receiving any such amount owed to it for the same fiscal year.

CHAPTER VI

REGULATIONS

77. The Government may, in respect of a consultation under Chapter II, make regulations establishing rules relating to all or some of the matters forming the subject of Chapter XIII and Chapter XIV of Title I of the Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2), concerning the financing and control of expenses and the disclosure of contributions.

The Minister shall present a draft of such a regulation to the Government after receiving a recommendation in that regard from the chief electoral officer.

78. The Minister may, in respect of a consultation under Chapter II, make regulations establishing a tariff of the remuneration or expense allowances which the following persons are entitled to receive in respect of duties performed in the course of the consultation:

(1) any person performing duties under Chapter IV of Title II of the Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2);

(2) clerks or secretary-treasurers or any member, secretary or revising officer of a board of revisors performing duties under Chapter V of Title II of that Act; and

(3) any referendum officer performing duties under Chapter VI of Title II of that Act.

The second paragraph of section 580 and section 585 of that Act apply in respect of such a regulation.

CHAPTER VII

LEGISLATIVE AMENDMENTS

79. The Cities and Towns Act (R.S.Q., chapter C-19) is amended by inserting the following section after section 73.2:

“73.3. Any officer or employee performing duties within the scope of the powers exercised by the council of a borough recognized under section 29.1 of the Charter of the French language (chapter C-11) is, for the purposes of sections 20 and 26 of that Charter, deemed to be an officer or employee of the borough.”

80. The Municipal Code of Québec (R.S.Q., chapter C-27.1) is amended by inserting the following article after article 165.1:

“165.2. Any officer or employee performing duties within the scope of the powers exercised by the council of a borough recognized under section 29.1 of the Charter of the French language (chapter C-11) is, for the purposes of sections 20 and 26 of that Charter, deemed to be an officer or employee of the borough.”

81. Section 18.1 of the Municipal Courts Act (R.S.Q., chapter C-72.01) is amended by striking out the second paragraph.

82. Section 18.3 of the said Act is amended by striking out “, subject to the provisions of section 18.4,” in the first and second lines of the first paragraph.

83. Section 18.4 of the said Act is repealed.

84. Section 86 of the Act respecting municipal territorial organization (R.S.Q., chapter O-9) is amended by inserting the following after “amalgamation” in the second paragraph: “pertaining in particular to

(1) the creation, for municipal administration purposes, of one or more boroughs, the creation and composition of the council responsible for the administration of a borough, the determination of the number of members on the council of each borough or of a formula to establish that number, which may be different in each borough, the procedure to be used to designate the

chair of a borough council, the remuneration of the chair and other council members, the participation of the latter in the pension plan of elected municipal officers and the mode of financing of the council ;

(2) the division of the territory of the municipality into electoral districts for the purposes of all general elections subsequent to the first, the election of the council of the municipality and, if applicable, of a borough ;

(3) the division of the territory into wards or the possibility for the municipality of dividing its territory into wards and, if applicable, the composition, functioning and powers of a ward council ;

(4) the creation, composition, functioning and powers of an executive committee ;

(5) the sharing of the powers granted by an Act to the municipality between the council of the municipality and any borough council ;

(6) rules relating to labour relations, in particular as regards the sharing of the powers and responsibilities in respect of officers and employees between the council of the municipality and any borough council ; and

(7) in the case of a municipality resulting from the amalgamation of all the municipal territories in the territory of a given regional county municipality, rules enabling the municipality to succeed to the rights and obligations of the regional county municipality, the officers and employees of the regional county municipality to be governed by section 122 and the municipality to be considered as a regional county municipality for the purposes of certain legislative provisions.”

85. The said Act is amended by inserting the following section after section 86:

“86.1. Where the applicant municipality is recognized under the second paragraph of section 29.1 of the Charter of the French language (chapter C-11), the application referred to in section 86 may also stipulate the following conditions :

(1) the creation of a borough or group of boroughs whose territory corresponds exactly to that of the municipality ;

(2) the fact that any borough referred to in paragraph 1 is deemed to be recognized under the second paragraph of section 29.1 of the Charter of the French language and that the third paragraph of that section applies to the borough, with the necessary modifications.”

86. Section 96 of the said Act is amended by adding the following paragraph after the second paragraph :

“The Minister may not propose an amendment whose object is to withdraw one of the conditions stipulated pursuant to section 86.1.”

87. Section 108 of the said Act is amended by replacing the third paragraph by the following paragraph :

“The order may, in addition to the conditions stated in section 86.1, set out any condition applicable to the amalgamation pertaining in particular to

(1) the creation, for municipal administration purposes, of one or more boroughs, the creation and composition of the council responsible for the administration of a borough, the determination of the number of members on the council of each borough or of a formula to establish that number, which may be different in each borough, the procedure to be used to designate the chair of a borough council, the remuneration of the chair and other council members, the participation of the latter in the pension plan of elected municipal officers and the mode of financing of the council ;

(2) the division of the territory of the municipality into electoral districts for the purposes of all general elections subsequent to the first, the election of the council of the municipality and, if applicable, of a borough ;

(3) the division of the territory into wards or the possibility for the municipality of dividing its territory into wards and, if applicable, the composition, functioning and powers of a ward council ;

(4) the creation, composition, functioning and powers of an executive committee ;

(5) the sharing of the powers granted by an Act to the municipality between the council of the municipality and any borough council ;

(6) rules relating to labour relations, in particular as regards the sharing of powers and responsibilities in respect of officers and employees between the council of the municipality and any borough council ; and

(7) in the case of a municipality resulting from the amalgamation of all the municipal territories in the territory of a given regional county municipality, rules enabling the municipality to succeed to the rights and obligations of the regional county municipality, the officers and employees of the regional county municipality to be governed by section 122 and the municipality to be considered as a regional county municipality for the purposes of certain legislative provisions.”

88. Section 110 of the said Act is amended by adding the following paragraph at the end :

“The Government may amend the order at the request of the municipality not later than 12 months from the date set for the first general election.”

89. Section 114 of the said Act is amended by adding the following paragraph after the second paragraph:

“Where all of the applicant municipalities were recognized under the second paragraph of section 29.1 of the Charter of the French language (chapter C-11), the municipality is deemed to be likewise recognized.”

90. Divisions IX and X of Chapter IV of Title II of the said Act are repealed.

91. Section 214.3 of the said Act is amended by adding the following paragraph after the second paragraph:

“Notwithstanding the first paragraph, the conditions contained in an order under section 108 that pertain to a subject mentioned in any of subparagraphs 1 to 7 of the third paragraph of that section or in section 86.1 are not limited to a transitional duration.”

92. Sections 14 and 14.1 of the Act to amend the Act respecting municipal territorial organization and other legislative provisions (2000, chapter 27) are repealed.

CHAPTER VIII

TRANSITIONAL AND FINAL PROVISIONS

93. Every act performed under a provision repealed by section 83, 90 or 92 remains valid and, if applicable, continues to produce its effects.

Notwithstanding the first paragraph, any study under section 125.5 of the Act respecting municipal territorial organization (R.S.Q., chapter O-9) that is in progress on (*insert the date of coming into force of this Act*) shall end on that date.

94. The Government retains the power granted it by the second paragraph of section 125.30 of the Act respecting municipal territorial organization (R.S.Q., chapter O-9) as it read before (*insert the date of coming into force of this Act*) as if section 125.27 of that Act had not been repealed.

95. The Minister of Municipal Affairs, Sports and Recreation is responsible for the administration of this Act.

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