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# NATIONAL ASSEMBLY

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FIRST SESSION

THIRTY-SEVENTH LEGISLATURE

Bill 111

## **An Act to amend various legislative provisions concerning municipal affairs**

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**Introduction**

**Introduced by  
Madam Nathalie Normandeau  
Minister of Municipal Affairs and Regions**

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**Québec Official Publisher  
2005**

## EXPLANATORY NOTES

*This bill introduces amendments to reduce certain time limits in city planning matters and to allow a regional county municipality that regulates by by-law the planting and felling of trees in private forests to designate an officer in each local municipality in whose territory the by-laws apply to be responsible for their enforcement.*

*The bill allows local municipalities to create a financial reserve, as of 2006, to finance expenditures made to improve techniques and procedures and develop infrastructures related to the supply of water. A municipality that created such a reserve has the power to impose a tax from which the revenues are to be allocated of right to the reserve.*

*Under the bill, the clerks and secretary-treasurers of all the municipalities are authorized to amend an act of the council in order to correct an error that is obvious just by reading the documents provided in support of the decision.*

*The bill also allows a mayor of a local municipality with a population of 100,000 or more to set up an office and hire staff. Staff members are not or, if applicable, cease to be officers or employees of the municipality.*

*The bill removes the requirement, when giving a notice of motion, to making an application prior to dispensing with the reading of a by-law before its adoption by a municipal council.*

*The bill increases the time limit within which an officer or employee to whom a power has been delegated must report to the council of the municipality, the executive committee or the borough council from 5 to 25 days.*

*The bill removes the requirement for municipalities and public transit authorities to obtain prior authorization from the Minister of Municipal Affairs and Regions when contracting certain temporary loans.*

*Under the bill, certain contracts for the performance of work on a railway right-of-way are exempted from the rules governing the awarding of contracts.*

*The bill contains various amendments relating to electoral matters in order to simplify the application of certain provisions and harmonize other provisions with the Election Act, in particular, as concerns the authorization of political parties.*

*The bill gives a regional county municipality whose territory is not included in whole or in part in that of the Communauté métropolitaine de Montréal until 1 August to put into force its by-law ordering that the warden be elected by a general vote during the election of November 2005.*

*The bill removes any electoral provisions referring to the notion of “borough elector” or related to such a notion, in particular, any provision mentioning a “borough electoral list” from the constituting acts of various municipalities.*

*Under the bill, the members of the council of Municipalité de Baie-James who are members of the pension plan of elected municipal officers are entitled to obtain pension credit under that plan from 21 December 2001.*

*The bill increases the maximum non-taxable value of the trapping camp of an Indian from \$15,000 to \$26,000, beginning in 2006. It also introduces amendments to maintain the obligation of the Government to pay compensations in lieu of taxes with regard to certain immovables belonging to religious institutions and used by education, health and social services institutions. It also corrects a rule of the various general property tax rates scheme in the case of immovables consisting of non-residential space as well as six or more dwellings.*

*The bill establishes a mechanism by which the minimum and maximum remunerations and indemnities applicable to municipal officers are to be automatically adjusted every year, beginning in 2006, based on the increase in the Consumer Price Index of Canada.*

*The bill authorizes Ville de Québec to create a special financial reserve chargeable to the ratepayers in the territory of the former Ville de Québec in order to amortize the initial actuarial deficit of the pension plan of the employees of the former Ville de Québec.*

*The bill also authorizes Ville de Laval to establish an arts council and to adopt beautification programs.*

*Under the bill, the executive committee of Ville de Terrebonne will become permanent.*

*The bill defines the context in which a municipality or a municipal body may use actuarial gains to redeem a municipal bond paid to the pension fund of a pension plan when there is an agreement with the associations representing officers and employees.*

*The bill confirms the power of a current municipality or a future reconstituted municipality to impose a special tax for the purpose of financing the expenditures related either to holding a referendum on the reconstitution of a former municipality or to reimbursing certain costs assumed by the Chief Electoral Officer or the Government for the referendum or the transition leading to the reconstitution.*

*The bill provides that setting up and operating a snow dump do not constitute the exercise of an agglomeration power. It also broadens the possible content of an agglomeration order made by the Government in order to facilitate transition during the reorganization of current municipalities leading to the reconstitution of former municipalities.*

*The bill introduces amendments in order to apply the first assessment rolls drawn up specifically for the municipalities of the agglomeration of Longueuil to the fiscal years 2007 and 2008 as well as 2006.*

*The bill confirms that the Société d'habitation du Québec is authorized to make international agreements and establish subsidiaries.*

*The bill also contains other provisions, some of which deal with particular situations concerning municipal affairs.*

*Lastly, the bill changes the name of the Minister of Education and the Ministère de l'Éducation to the Minister of Education, Recreation and Sports and the Ministère de l'Éducation, du Loisir et du Sport, respectively. It also changes the name of the Minister of Municipal Affairs, Sports and Recreation and the Ministère des Affaires Municipales, du Sport et du Loisir to the Minister of Municipal Affairs and Regions and the Ministère des Affaires Municipales et des Régions, respectively. Furthermore, provision is made for transferring responsibility for the functions relating to sports and recreation.*

## **LEGISLATION AMENDED BY THIS BILL:**

- Act respecting land use planning and development (R.S.Q., chapter A-19.1);
- Charter of Ville de Gatineau (R.S.Q., chapter C-11.1);
- 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);
- Highway Safety Code (R.S.Q., chapter C-24.2);
- Municipal Code of Québec (R.S.Q., chapter C-27.1);
- James Bay Region Development and Municipal Organization Act (R.S.Q., chapter D-8.2);
- Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2);
- Act respecting municipal taxation (R.S.Q., chapter F-2.1);
- Act respecting the Ministère de l'Éducation (R.S.Q., chapter M-15);
- Act respecting the Ministère des Affaires municipales, du Sport et du Loisir (R.S.Q., chapter M-22.1);
- Act respecting the Pension Plan of Elected Municipal Officers (R.S.Q., chapter R-9.3);
- Act respecting retirement plans for the mayors and councillors of municipalities (R.S.Q., chapter R-16);
- Act respecting safety in sports (R.S.Q., chapter S-3.1);
- Act respecting the Société d'habitation du Québec (R.S.Q., chapter S-8);

- Act respecting public transit authorities (R.S.Q., chapter S-30.01);
- Act respecting the remuneration of elected municipal officers (R.S.Q., chapter T-11.001);
- Act respecting off-highway vehicles (R.S.Q., chapter V-1.2);
- Charter of the City of Laval (1965, 1st session, chapter 89);
- Act to amend various legislative provisions concerning municipal affairs (2003, chapter 3);
- Act respecting the consultation of citizens with respect to the territorial reorganization of certain municipalities (2003, chapter 14);
- Act respecting the exercise of certain municipal powers in certain urban agglomerations (2004, chapter 29).

# Bill 111

## 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.** Section 59.7 of the Act respecting land use planning and development (R.S.Q., chapter A-19.1) is amended by replacing “45” in the first line of the second paragraph by “30”.

**2.** The Act is amended by inserting the following section after section 79.19.1, enacted by section 6 of chapter 20 of the statutes of 2004:

**“79.19.2.** The council of the regional county municipality may, by by-law, designate a by-law enforcement officer in every municipality in whose territory the by-laws provided for in sections 79.1 and 79.19 apply; the designation is valid only if the council of the municipality consents to it.

Only the representatives of the municipalities in whose territory the by-law provided for in section 79.1 applies may participate in the deliberations and vote of the council of the regional county municipality in relation to the by-law provided for in the first paragraph, both for its adoption and for the exercise of the functions arising from it. Only those municipalities shall contribute to the payment of expenses resulting from such adoption or exercise.

Section 120 applies, with the necessary modifications, to the officers designated under the first paragraph.”

**3.** Section 103 of the Act is amended by replacing “45” in the second line of the first paragraph by “30”.

**4.** Section 110.7 of the Act is amended by replacing “45” in the first line of the second paragraph by “30”.

**5.** Section 137.11 of the Act is amended by replacing “45” in the first line of the second paragraph by “30”.

**6.** Section 231 of the Act is amended by adding the following at the end of the first paragraph: “The court may order the owner or the person having custody of the structure to keep the structure under adequate surveillance until

the imposed corrective measure has been carried out. It may authorize the regional county municipality or the municipality to ensure surveillance at the owner's expense if the owner or person having custody of the structure fails to comply with the court judgment."

#### CHARTER OF VILLE DE GATINEAU

**7.** Section 4 of Schedule B to the Charter of Ville de Gatineau (R.S.Q., chapter C-11.1) is repealed.

**8.** Section 6.5 of Schedule B to the Charter is repealed.

#### CHARTER OF VILLE DE LÉVIS

**9.** Section 14 of the Charter of Ville de Lévis (R.S.Q., chapter C-11.2) is repealed.

**10.** Section 15 of the Charter is amended by striking out the first sentence.

**11.** Section 35 of the Charter is repealed.

**12.** Section 36 of the Charter is replaced by the following section:

**"36.** The division of the territory of the city into electoral districts must be done in such a way that the resulting number of councillors per borough corresponds to that provided for in Schedule B."

**13.** Sections 37, 38 and 39 of the Charter are repealed.

**14.** Section 85 of the Charter is amended

(1) by adding the following sentence at the end of the second paragraph: "To that end, if a power is attributed to or an obligation imposed on the council of a municipality with a certain population, the population of the city is taken into consideration rather than the population of the borough.";

(2) by replacing "five" in the last line of the third paragraph by "25".

#### CHARTER OF VILLE DE LONGUEUIL

**15.** Section 16 of the Charter of Ville de Longueuil (R.S.Q., chapter C-11.3) is repealed.

**16.** Section 17 of the Charter is amended by striking out the first sentence.

**17.** Section 37 of the Charter is repealed.

**18.** Section 38 of the Charter is replaced by the following section:



**“38.** The division of the territory of the city into electoral districts must be done in such a way that the resulting number of councillors per borough corresponds to that provided for in Schedule B.”

**19.** Sections 39, 40 and 41 of the Charter are repealed.

**20.** Section 71 of the Charter is amended

(1) by adding the following sentence at the end of the second paragraph: “To that end, if a power is attributed to or an obligation imposed on the council of a municipality with a certain population, the population of the city is taken into consideration rather than the population of the borough.”;

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

“Subject to section 477.2 of the Cities and Towns Act (chapter C-19), the borough council may, by regulation, provide for the delegation of any power within its jurisdiction, other than the power to make by-laws or a power under section 82 or 83, to any officer or employee assigned to the borough by the city and set the terms and conditions for the exercise of the delegated power. If the delegation concerns personnel management, the officer or employee to whom the power was delegated must report to the borough council on any decision made in the exercise of the delegated power at the first regular meeting after the expiry of 25 days following the date of the decision.”

**21.** Section 22 of Schedule C to the Charter is repealed.

#### CHARTER OF VILLE DE MONTRÉAL

**22.** Section 15 of the Charter of Ville de Montréal (R.S.Q., chapter C-11.4) is repealed.

**23.** Section 16 of the Charter is amended by striking out the first sentence.

**24.** Sections 19, 40, 41 and 42 of the Charter are repealed.

**25.** Section 130 of the Charter, amended by section 31 of chapter 28 of the statutes of 2003, is again amended

(1) by adding the following sentence at the end of the second paragraph: “To that end, if the power is assigned to or the obligation imposed on the council of a municipality with a certain population, the population of the city rather than that of the borough must be taken into account.”;

(2) by replacing “five” in the last line of the third paragraph by “25”.

**26.** Section 144.1 of the Charter, enacted by section 41 of chapter 28 of the statutes of 2003, is amended by replacing “The” in the first line by “Subject to

the terms and conditions determined in the by-law under section 186 of Schedule C, the”.

**27.** Section 144.2 of the Charter, enacted by section 41 of chapter 28 of the statutes of 2003, is amended by replacing “The” in the first line of the first paragraph by “Subject to the terms and conditions determined in the by-law under section 186 of Schedule C, the”.

**28.** Section 144.3 of the Charter, enacted by section 41 of chapter 28 of the statutes of 2003, is amended by striking out “requiring only the approval of the Minister of Municipal Affairs, Sports and Recreation” in the first and second lines of the second paragraph.

**29.** Section 146.1 of the Charter, enacted by section 42 of chapter 28 of the statutes of 2003, is amended by striking out the third paragraph.

**30.** Section 102.1 of Schedule C to the Charter, amended by section 151 of chapter 29 of the statutes of 2004, is repealed.

**31.** Section 133 of Schedule C to the Charter is amended by striking out “, and must specify that they are issued for the purposes of the working fund of the city” at the end of subparagraph 2 of the first paragraph.

#### CHARTER OF VILLE DE QUÉBEC

**32.** Section 14 of the Charter of Ville de Québec (R.S.Q., chapter C-11.5) is repealed.

**33.** Section 15 of the Charter is amended by striking out the first sentence.

**34.** Section 37 of the Charter is repealed.

**35.** Section 38 of the Charter is replaced by the following section:

**“38.** The division of the territory of the city into electoral districts must be done in such a way that the resulting number of councillors per borough corresponds to that provided for in Schedule B.”

**36.** Sections 39, 40 and 41 of the Charter are repealed.

**37.** Section 114 of the Charter is amended

(1) by adding the following sentence at the end of the second paragraph: “To that end, if a power is attributed to or an obligation imposed on the council of a municipality with a certain population, the population of the city is taken into consideration rather than the population of the borough.”;

(2) by replacing “five” in the ninth line of the third paragraph by “25”.

**38.** Section 40 of Schedule C to the Charter is repealed.

**39.** Schedule C to the Charter is amended by inserting the following sections after section 149:

“**149.1.** The city council may, by by-law, create a financial reserve to finance the expenditures, under the sixth paragraph of section 8 of this Charter, relating to a debt of Ville de Québec, as it existed on 31 December 2001. Such a reserve is deemed to be created for the benefit of the sector of the territory of the city corresponding to the territory of that former municipality.

Subdivision 31.1 of Division XI of the Cities and Towns Act (chapter C-19) applies to such a financial reserve, subject to the following rules:

(1) a by-law creating a financial reserve does not require the approval of the qualified voters in the sector referred to in the first paragraph;

(2) despite section 569.6 of the Cities and Towns Act, a sum allocated to the financial reserve must be invested in accordance with the by-law that created the reserve; the by-law must aim to constitute a diversified portfolio so as to minimize major losses;

(3) any amount by which income exceeds expenditures, determined at the end of the existence of the reserve, is converted into a tax credit for the exclusive benefit of the taxable immovables in the sector referred to in the first paragraph.

“**149.2.** The city council may allocate a loan in the amount of \$20,000,000 to the financial reserve provided for in section 149.1 for a term of not more than 20 years and on the repayment conditions agreed upon with the Government.”

**40.** Section 182 of Schedule C to the Charter is repealed.

#### CITIES AND TOWNS ACT

**41.** The Cities and Towns Act (R.S.Q., chapter C-19) is amended by inserting the following section after section 92:

“**92.1.** The clerk is authorized to amend the minutes or a by-law, resolution, order or other act of the council, executive committee or borough council in order to correct an error that is obvious just by reading the documents provided in support of the decision. In such a case, the clerk must attach the minutes of the correction to the original of the amended document and file a copy of the amended document and of the minutes of the correction at the next meeting of the council, executive committee or borough council.”

**42.** Section 108.4.2 of the Act is amended by inserting “and that the external auditor considers necessary to carry out his mandate” after “107.7” in the third line.

**43.** The Act is amended by inserting the following after section 114.3:

“IX. — *Office staff of the mayor*

“**114.4.** The mayor of a municipality with a population of 100,000 or more may appoint a chief of staff and any other staff members necessary for the orderly administration of the mayor’s office.

“**114.5.** The standards and scales according to which the chief of staff and other staff members are recruited, appointed and remunerated, as well as their other conditions of employment, are determined by the executive committee.

“**114.6.** Subject to section 114.9, a person who joins the office staff of the mayor does not become or, if applicable, ceases to be an officer or employee of the municipality.

However, a person who ceases to be an officer or employee of the municipality under the first paragraph retains the classification held at the time of appointment to the office staff of the mayor throughout the period of that appointment.

“**114.7.** A former officer or employee referred to in section 114.6 may, at any time, require from the municipality an assessment of the classification that former officer or employee would be assigned the person if the right to return to the public service were exercised under section 114.8.

The assessment must take into account the classification referred to in the second paragraph of section 114.6, as well as the experience and education acquired since the date of appointment to the office staff of the mayor.

“**114.8.** A former officer or employee referred to in section 114.6 may, on ceasing to be a member of the office staff of the mayor, require that the municipality reassess the qualifications of the former officer or employee and place that person by priority in a position corresponding to those qualifications.

The application for reassessment must be made in writing and received not later than the sixtieth day following the day the person ceases to be a member of the office staff of the mayor.

“**114.9.** A person who is a member of the office staff of the mayor is deemed to be an officer or employee of the municipality for the purposes of Division XIII.1.

**“114.10.** If the mayor exercised the right referred to in section 114.4 before the budget of the municipality was adopted, the budget must contain an estimate to cover the expenditures relating to the office staff and determined according to the standards, scales and other conditions set under section 114.5.

However, the estimate may not exceed the percentage, determined by the Minister, of the total of the other estimates in the budget.

**“114.11.** The cost of services provided by a member of the office staff of the mayor does not constitute an election expense for the purposes of Division V of Chapter XIII of Title I of the Act respecting elections and referendums in municipalities (chapter E-2.2).”

**44.** Section 356 of the Act is amended by replacing the first sentence of the second paragraph by the following sentence: “It is not necessary to read the by-law if a copy of the proposed by-law was given to the council members not later than two juridical days before the sitting at which it is to be approved and if, at that sitting, all the council members present declare that they have read it and waive the reading of it.”

**45.** Section 477.2 of the Act is amended

(1) by replacing “five” in the third line of the fifth paragraph by “25”;

(2) by replacing “five” in the second line of subparagraph 3 of the sixth paragraph by “25”.

**46.** Section 567 of the Act, amended by section 101 of chapter 20 of the statutes of 2004, is again amended by striking out the second sentence of the second paragraph of paragraph 2.

**47.** The Act is amended by inserting the following after section 569.6:

“§31.2. — *Financial reserve for the supply of water*

**“569.7.** A municipality may, for the benefit of its whole territory, create a financial reserve to finance expenditures made to improve techniques and procedures and develop infrastructures related to the supply of water.

The supply of water includes all matters related to waterworks, sewers, and, in general, water supply and water purification.

The duration of the reserve is unlimited.

**“569.8.** The reserve is made up of

(1) any revenues from the tax under section 569.11 which are of right allocated to the reserve;

(2) the sums the municipality annually allocates to the reserve out of its general fund or its revenues from

(a) any tax, other than the tax under section 569.11, or any tariff, if the tax or tariff is imposed for the supply of water;

(b) any subsidy or other liberality not reserved for a purpose other than the purposes for which the reserve is created;

(3) the interest earned on the capital allocated to the reserve under subparagraph 1 or 2.

**“569.9.** The resolution creating the reserve must set out the amount and the mode of financing the municipality proposes for the reserve.

It must specify that the reserve is created for the benefit of the whole territory of the municipality, for the purpose of financing the expenditures referred to in section 569.7.

**“569.10.** The sums allocated to the reserve must be invested in accordance with section 99.

**“569.11.** In addition to any property or rental tax and any tariff it may impose for the supply of water, a municipality that has a reserve under section 569.7 may, by by-law, impose a special annual tax on all the taxable immovables in its territory on the basis of their taxable value.

The tax rate may vary according to the classes of immovables determined by the by-law.”

**48.** Section 573.3 of the Act is amended by adding the following subparagraph after subparagraph 9 of the first paragraph:

“(10) whose object is the performance of work on a railway right-of-way used as such, entered into with the owner or operator of the railway, for a price corresponding to the price usually charged by an undertaking generally performing such work.”

## MUNICIPAL CODE OF QUÉBEC

**49.** The Municipal Code of Québec (R.S.Q., chapter C-27.1) is amended by inserting the following article after article 202:

**“202.1.** The secretary-treasurer is authorized to amend the minutes or a by-law, resolution, order or other act of the council in order to correct an error that is obvious just by reading the documents provided in support of the decision. In such a case, the secretary-treasurer shall attach the minutes of the correction to the original of the amended document and file a copy of the

amended document and of the minutes of the correction at the next sitting of the council.”

**50.** Article 445 of the Code is amended by replacing the first sentence of the second paragraph by the following sentence: “It is not necessary to read the by-law if a copy of the proposed by-law was given to the council members not later than two juridical days before the sitting at which it is to be approved and if, at that sitting, all the council members present declare that they have read it and waive the reading of it.”

**51.** Article 938 of the Code is amended by adding the following subparagraph after subparagraph 9 of the first paragraph:

“(10) whose object is the performance of work on a railway right-of-way used as such, entered into with the owner or operator of the railway, for a price corresponding to the price usually charged by an undertaking generally performing such work.”

**52.** Article 961.1 of the Code is amended by replacing “five” in the third line of the fifth paragraph by “25”.

**53.** Article 1093 of the Code is amended by striking out the second sentence of the second paragraph.

**54.** The Code is amended by inserting the following after article 1094.6:

## **“CHAPTER VII**

### **“FINANCIAL RESERVE FOR THE SUPPLY OF WATER**

**“1094.7.** A local municipality may, for the benefit of its whole territory, create a financial reserve to finance expenditures made to improve techniques and procedures and develop infrastructures related to the supply of water.

The supply of water includes all matters related to waterworks, sewers, and, in general, water supply and water purification.

The duration of the reserve is unlimited.

**“1094.8.** The reserve is made up of

(1) any revenues from the tax under article 1094.11 which are of right allocated to the reserve;

(2) the sums the municipality annually allocates to the reserve, taken out of its general fund or its revenues from

(a) any tax, other than the tax under article 1094.11, or any tariff, if the tax or tariff is imposed for the supply of water;

(b) any subsidy or other liberality not reserved for a purpose other than the purposes for which the reserve is created;

(3) the interest earned on the capital allocated to the reserve under paragraph 1 or 2.

**“1094.9.** The resolution creating the reserve must set out the amount and the mode of financing the municipality proposes for the reserve.

It must specify that the reserve is created for the benefit of the whole territory of the municipality, for the purpose of financing the expenditures referred to in article 1094.7.

**“1094.10.** The sums allocated to the reserve must be invested in accordance with article 203.

**“1094.11.** In addition to any property or rental tax and any tariff it may impose for the supply of water, a municipality that has a reserve under article 1094.7 may, by by-law, impose a special annual tax on all the taxable immovables in its territory on the basis of their taxable value.

The tax rate may vary according to the classes of immovables determined in the by-law.”

#### JAMES BAY REGION DEVELOPMENT AND MUNICIPAL ORGANIZATION ACT

**55.** The James Bay Region Development and Municipal Organization Act (R.S.Q., chapter D-8.2) is amended by inserting the following sections after section 35.1:

**“35.2.** A person referred to in the first paragraph of section 36 who is a member of a pension plan established by the Act respecting the Pension Plan of Elected Municipal Officers (chapter R-9.3) may choose to obtain pension credit equivalent to that granted under that plan in respect of the pensionable salary paid to the person as a member of the council of the municipality during any period after 20 December 2001 the person specifies. Section 17 and the first paragraph of section 58 of that Act apply, with the necessary modifications, to the determination of the pensionable salary paid by the municipality with regard to the period redeemed in accordance with this section.

However, the period redeemed by a person referred to in subparagraph 1 of the first paragraph of section 36 may not occur before the date the person became a member of the pension plan as a member of the council of the local municipality of which the person is the mayor.

**“35.3.** To exercise the right provided for in section 35.2, a person must send a written request to the Commission administrative des régimes de retraite et d’assurances. A copy of the request must be sent to the municipality.



The request must indicate, among other things, the period for which it is being made. Subject to the second paragraph, a later request may be made for all or part of a year for which a right of redemption is granted by section 35.2, provided a request has not already been made for that period.

A request for redemption must reach the Commission not later than the ninetieth day following the date on which the person ceases to be a member of the council of the municipality.

**“35.4.** A person who exercises the right provided for in section 35.2 must pay the Commission the amount corresponding to the contributions payable by a member, under the pension plan, to obtain pension credit. The amount must include the interest that would have accrued on those contributions.

Section 61 of the Act respecting the Pension Plan of Elected Municipal Officers (chapter R-9.3) applies with regard to the payment of the amount referred to in the first paragraph.

The municipality must pay the Commission the difference between that amount and the amount required to provide for the payment of the pension attributable to all or part of the years of service credited to a person in accordance with the redemption made.

**“35.5.** A person who exercises the right provided for in section 35.2 is deemed to have been a member of the pension plan established by the Act respecting the Pension Plan of Elected Municipal Officers (chapter R-9.3) with regard to all or part of the years of service thus credited.”

**56.** Section 38 of the Act is amended by replacing “two-year” in the first line of the first paragraph by “four-year”.

**57.** Section 38.1 of the Act is amended by replacing “two-year” in the second line of the first paragraph by “four-year”.

## ACT RESPECTING ELECTIONS AND REFERENDUMS IN MUNICIPALITIES

**58.** Section 52 of the Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2) is amended by adding the following paragraph after the second paragraph:

“A person who is not an elector of the municipality when the person votes in an advance poll solely because that person is not then of full age, but who will have attained full age by polling day, is deemed to be an elector of the municipality.”

**59.** Section 69 of the Act is amended by inserting “, the Act respecting school elections (chapter E-2.3)” after “section 645” in the third line of the first paragraph.

**60.** Section 81.1 of the Act is amended by inserting the following paragraph after the second paragraph:

“If there is only one polling station in a place, the deputy returning officer and the poll clerk of the polling station may act as panel members.”

**61.** The Act is amended by inserting the following section after section 88.1:

“**88.2.** The Act respecting labour standards (chapter N-1.1) does not apply to election officers.”

**62.** Section 97 of the Act is amended by inserting “, the Act respecting school elections (chapter E-2.3)” after “section 645” in the second line of the first paragraph.

**63.** Section 126 of the Act is replaced by the following section:

“**126.** Not later than five days before the last day set for making applications for entry, striking off or correction, the returning officer shall send each person whose name is entered on the list of electors to be revised a notice reproducing the particulars concerning that person which appear on the list, including the particulars contained in the public notice, and send to each residential address for which no elector’s name is entered on the list of electors to be revised and which is within the territory of the municipality or within the district or ward whose electoral list is to be revised, a notice including the particulars contained in the public notice and indicating that no electors’ names are entered on the list.

Notices to be sent to persons at the same address may be combined in one notice.

No mention of the date of birth of electors is made in the notice.

If two or more boards of revisors are established, the only particulars provided for in subparagraph 3 of the first paragraph of section 125 that are to be included in the notice are those concerning the board responsible for the revision of the part of the list that includes the name of the person to whom the notice is sent or that would include the name of the elector if a name were entered for the address to which the notice is sent.”

**64.** Section 140 of the Act is amended by adding the following paragraph after the third paragraph:

“That information must be sent to the chief electoral officer not later than the thirtieth day after the revision of the list of electors is completed or interrupted.”

**65.** Section 148 of the Act is repealed.

**66.** Section 149 of the Act is amended by replacing the second and third paragraphs by the following paragraph:

“The application must be accompanied by a list including the names, addresses and signatures of at least 10 electors of the municipality who support the application.”

**67.** Section 150 of the Act is amended by replacing “sections 148 and 149” in the second line of the first paragraph by “section 149”.

**68.** Section 152 of the Act is amended

(1) by striking out the first paragraph;

(2) by replacing “The returning officer shall also” in the first line of the second paragraph by “The returning officer shall”.

**69.** Section 162.1 of the Act is amended

(1) by replacing “in detail” in the second line of the first paragraph by “the total amount of”;

(2) by adding the following sentence at the end of the first paragraph: “If the total amount is greater than \$1,000, a breakdown of the publicity expense must be made.”;

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

“The chief electoral officer shall see that this section is carried out and, in that regard, may perform the same duties as those listed in section 368, if they are consistent with this section.”

**70.** Section 164 of the Act is amended by replacing “the writing” in the fourth line by “The candidate may designate himself as his official agent. Except in that case, the writing”.

**71.** Section 175 of the Act is amended by inserting “, or, if there is no revision of the list under section 277, not later than 12 days before polling day” at the end of subparagraph 2 of the second paragraph.

**72.** Section 180 of the Act is amended by adding the following paragraphs at the end:

“The elector may also be assisted

(1) by the elector’s spouse or relative within the meaning of section 131; or

(2) by another person, in the presence of the deputy returning officer and the poll clerk.

The person referred to in subparagraph 2 of the second paragraph shall attest under oath to not having assisted another elector who is not that person's spouse or relative within the meaning of section 131, during the advance poll."

**73.** Section 186 of the Act is amended by striking out "authorized" in the second line of the third paragraph.

**74.** Section 210 of the Act is amended by replacing "9 a.m." and "7 p.m." in the second line by "10 a.m." and "8 p.m." respectively.

**75.** Section 226 of the Act is amended by replacing "he has not assisted another elector during the poll" in the second line of the second paragraph by "the person has not assisted another elector who is not that person's spouse or relative within the meaning of section 131, during the poll".

**76.** Section 283 of the Act is amended

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

"The returning officer may have any prohibited partisan publicity removed if the party, ticket or candidate promoted by the publicity refuses or neglects to remove it after being asked to do so.";

(2) by striking out "waiting in line" in the third line of the second paragraph.

**77.** Section 378 of the Act is amended by adding the following sentence at the end: "The leader must be an elector of the municipality in whose territory the party intends to carry on its activities."

**78.** Section 383 of the Act is amended by inserting "except an authorized independent candidate who designates himself as his official agent and representative" at the end of subparagraph 2 of the first paragraph.

**79.** Section 396 of the Act is repealed.

**80.** Section 397 of the Act is amended by replacing the second and third paragraphs by the following paragraphs:

"The application must be accompanied by a list including the names and addresses of party members who are electors of the municipality and who support the application; the minimum number of party members is set out in the third paragraph. The list must include the number and the expiry date of each person's membership card and contain each person's signature.

The minimum number of party members who must be on the list is

(1) 100, in the case of a municipality with a population of 100,000 or more;

(2) 50, in the case of a municipality with a population of 50,000 to 99,999; and

(3) 25, in the case of a municipality with a population of 5,000 to 49,999.”

**81.** Section 400 of the Act is amended by inserting “, unless the candidate designates himself as his official agent and representative, in which case that fact must be indicated” at the end of subparagraph 5 of the first paragraph.

**82.** Section 406 of the Act is repealed.

**83.** Section 458 of the Act is amended

(1) by inserting “opened for that purpose” after “an account” in the second line of the second paragraph;

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

“It is not necessary to open such an account if the sums come exclusively from contributions made by an authorized independent candidate.”

**84.** Section 479 of the Act is amended by replacing “containing” in the third line of the first paragraph by “in the form prescribed by a directive of the chief electoral officer. The report must contain”.

**85.** Section 482 of the Act is replaced by the following section:

“**482.** If the auditor of the party must audit the financial report, it shall be deemed filed with the treasurer only if it is accompanied by the report of the auditor of the party.”

**86.** Section 488 of the Act is amended

(1) by replacing “examine” in the first line by “audit”;

(2) by replacing “and issue” in the second line by “if the revenues collected exceed \$5,000. The auditor shall then deliver”.

**87.** Section 512.1 of the Act is amended by adding the following paragraphs at the end:

“An authorized political party that does not present candidates at a general election or a by-election and that wishes to intervene as a private intervenor shall notify the treasurer of the municipality accordingly. The party is deemed to hold an authorization as a private intervenor from the treasurer from the date its notice is received; the treasurer assigns the party an authorization number.

Sections 512.7, 512.8 and 512.12 to 512.20 apply to that party, with the necessary modifications. For the purposes of those sections, the party leader is deemed to be the elector representing the private intervenor referred to in the last paragraph of section 512.3.

An authorized political party that took advantage of section 455 during an election period cannot obtain the status of private intervenor during that period.”

**88.** The Act is amended by inserting the following section after section 533:

**“533.1.** A qualified voter who attests under oath to not being able to enter the personal particulars required or sign the register, may be assisted by the person in charge of the register.

The qualified voter may also be assisted

(1) by the qualified voter’s spouse or relative within the meaning of section 131; or

(2) by another person, in the presence of the person in charge of the register.

The person referred in subparagraph 2 of the second paragraph shall attest under oath to not having assisted another elector who is not that person’s spouse or relative within the meaning of section 131, during the registration procedure.”

**89.** Section 550 of the Act is amended

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

“The person in charge of the register may have any prohibited publicity removed.”;

(2) by striking out “waiting in line” in the second and third lines of the second paragraph.

**90.** The Act is amended by inserting the following section after section 550:

**“550.1.** Section 86 applies, with the necessary modifications, to a person who exercises a function under this chapter.”

**91.** Section 567 of the Act is amended by adding the following subparagraph after subparagraph 5 of the first paragraph:

“(6) the provisions of Chapter VII.1 respecting election posters and billboards.”

**92.** Section 594 of the Act is amended by inserting the following paragraph after paragraph 1:

“(1.1) every person other than an officer or employee who exercises a function under Chapter IV of Title II and who engages in partisan work after taking the oath of office;”.

**93.** Section 601 of the Act is amended

(1) by striking out “or sympathiser” in the second line of paragraph 1;

(2) by replacing “of the electoral district mentioned” in the third line of paragraph 1 by “of the municipality mentioned”.

**94.** Section 602 of the Act is amended by replacing “of the electoral district mentioned” in the third line by “of the municipality mentioned”.

**95.** Section 636.1 of the Act is amended

(1) by inserting “or referendum” after “election” in the first line of paragraph 1;

(2) by inserting “or referendum” after “election” in the first line of paragraph 2.

#### ACT RESPECTING MUNICIPAL TAXATION

**96.** Section 231.2 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1), amended by section 166 of chapter 20 of the statutes of 2004, is again amended by replacing “\$15 000” in the fourth line by “\$26,000”.

**97.** Section 244.42 of the Act is amended by replacing “were all or part of the rate specific to the category of industrial immovables not applicable to the unit” in the eighth and ninth lines of the second paragraph by “if that rate were fixed and if no rate specific to the category of industrial immovables were fixed”.

**98.** Section 244.47 of the Act is amended by replacing “has not fixed a rate specific to the category of immovables consisting of six or more dwellings” by “did not fix a rate specific to the category of immovables consisting of six or more dwellings or fixed a rate equal to the basic rate” in the second and third lines of the third paragraph.

**99.** Section 244.53 of the Act is amended by replacing the third paragraph by the following paragraph:

“Even if no rate specific to the category of non-residential immovables has been fixed, the first or second paragraph applies to a unit of assessment referred to in that paragraph belonging to the category of immovables consisting

of six or more dwellings, if a rate specific to that category and higher than the basic rate has been fixed; for the purposes of that paragraph, a rate specific to the category of non-residential immovables, equal to the basic rate, is then deemed to have been fixed. If the unit of assessment belonging to the category of immovables consisting of six or more dwellings is referred to in the first paragraph, a reference to the basic rate in that paragraph is deemed to be a reference to the rate specific to that category.”

**100.** Section 255 of the Act, replaced by section 187 of chapter 20 of the statutes of 2004, is amended by adding the following subparagraph after subparagraph 4 of the second paragraph:

- “(5) an immovable whose owner is a religious institution and
  - (a) that a person referred to in subparagraph 2 uses for one of the person’s ordinary activities;
  - (b) that a person referred to in subparagraph 3 uses for purposes mentioned in that subparagraph; or
  - (c) that a person referred to in subparagraph 4 uses for purposes specific to an institution mentioned in that subparagraph, other than preschool, elementary or secondary education.”

**101.** Section 261.5 of the Act is amended by replacing “were all or part of the rate specific to the category of industrial immovables not applicable to the unit” at the end of the second paragraph by “if that rate were fixed and if no rate specific to the category of industrial immovables were fixed”.

## ACT RESPECTING THE MINISTÈRE DE L’ÉDUCATION

**102.** Section 1.1 of the Act respecting the Ministère de l’Éducation (R.S.Q., chapter M-15) is amended by replacing “and in the fields of university education and university research, except a field of education within the competence of another minister” in the second, third and fourth lines by “and university education and research, except where another minister is responsible, and in the fields of recreation and sports”.

**103.** Section 1.2 of the Act is amended

- (1) by inserting “, recreation and sports” after “education” in subparagraph 1 of the first paragraph;
- (2) by inserting “as well as the level of participation in recreation and sports activities” after “professional achievement” in the second line of subparagraph 2 of the first paragraph.

**104.** Section 5 of the Act is amended by replacing “for such purpose,” in the first line of the second paragraph by “for the purposes of this Act”.



ACT RESPECTING THE MINISTÈRE DES AFFAIRES MUNICIPALES,  
DU SPORT ET DU LOISIR

**105.** Section 7.1 of the Act respecting the Ministère des Affaires municipales, du Sport et du Loisir (R.S.Q., chapter M-22.1) is repealed.

ACT RESPECTING THE PENSION PLAN OF ELECTED MUNICIPAL  
OFFICERS

**106.** Section 54.1 of the Act respecting the Pension Plan of Elected Municipal Officers (R.S.Q., chapter R-9.3) is amended by adding the following paragraph after the second paragraph:

“However, a regulation provided for in the second paragraph may fix a different rate of interest than the rate fixed under that paragraph with respect to the period beginning on the day following the date an application for a refund is received at the Commission and ending on the date of the refund. If the event giving entitlement to a refund is the death of the member, beneficiary or surviving spouse, the period begins on the day following the date of death.”

**107.** Section 70.4 of the Act is amended by replacing “, where applicable, the vice-chairman of the Commission” in the first and second lines of the second paragraph by “any vice-chairmen of the Commission,”.

**108.** Section 70.10 of the Act is amended by replacing “its vice-chairman” in the first line by “any vice-chairmen” and “the vice-chairman” in the second line by “a vice-chairman”.

**109.** Section 75 of the Act is amended by adding the following paragraph after the second paragraph:

“A regulation provided for in subparagraph 4.4 of the first paragraph may determine periods relating to interest payable and determine a separate rate of interest for each period.”

ACT RESPECTING RETIREMENT PLANS FOR THE MAYORS AND  
COUNCILLORS OF MUNICIPALITIES

**110.** Section 42 of the Act respecting retirement plans for the mayors and councillors of municipalities (R.S.Q., chapter R-16) is amended by inserting the following paragraph after the first paragraph:

“A regulation under subparagraph *a* or *k* of the first paragraph may determine periods relating to interest payable and determine a separate rate of interest for each period.”

## ACT RESPECTING THE SOCIÉTÉ D'HABITATION DU QUÉBEC

**111.** The Act respecting the Société d'habitation du Québec (R.S.Q., chapter S-8) is amended by inserting the following section after section 3.3:

**“3.3.1.** With the authorization of the Government, the Société may acquire or establish any subsidiary that may be useful in the pursuit of its mission.

A legal person all of whose common shares are held directly or indirectly by the Société is a subsidiary of the Société. A subsidiary of the Société is a mandatary of the State.

The provisions of this Act, with the exception of sections 2, 3.1 to 3.3, 3.5, 6 to 22, 51 to 86.1, except subparagraph 1 of the first paragraph of section 86, sections 87 and 88.1, the second paragraph of section 89 and sections 90 to 94.5 apply to a subsidiary of the Société, with the necessary modifications.”

**112.** Section 89.1 of the Act is replaced by the following section:

**“89.1.** Subject to the applicable legislative provisions, the Société may enter into an agreement with a government other than the Gouvernement du Québec, with a department or body of that government or with an international organization or one of its agencies.

The Société may enter into an agreement with a department or body of the Gouvernement du Québec, with a municipality or with a person or body.

Within the framework of an agreement under the first or second paragraph relating to the administration of a program consistent with the objects of the Société, the Société may, to the extent it indicates, authorize the signatory to transfer part of the administration to a third person.”

**113.** Section 90 of the Act is amended

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

**“90.** If an agreement under the first paragraph of section 89.1 with the Government of Canada or a body of the Government of Canada could affect the economic, financial or fiscal policies of the Gouvernement du Québec, the agreement must be negotiated after consultation with the Minister of Finance and with the Minister's authorization, and must be made on the basis of a proposal that has received the Minister's prior approval.”;

(2) by inserting “referred to in the first paragraph” after “agreement” in the first line of the third paragraph;

(3) by replacing “such an agreement” in the first line of the fourth paragraph by “an agreement referred to in the first paragraph”.

**114.** Section 90.0.1 of the Act is amended by replacing “accord visé” in the second line of the first paragraph of the French text by “entente visée”.

#### ACT RESPECTING PUBLIC TRANSIT AUTHORITIES

**115.** Section 124 of the Act respecting public transit authorities (R.S.Q., chapter S-30.01) is amended by striking out the second sentence.

#### ACT RESPECTING THE REMUNERATION OF ELECTED MUNICIPAL OFFICERS

**116.** Section 12 of the Act respecting the remuneration of elected municipal officers (R.S.Q., chapter T-11.001), replaced by section 199 of chapter 20 of the statutes of 2004, is amended by replacing “fixed by the government regulation provided for in section 31.6” in the second and third lines of the second paragraph by “established in accordance with Division VI”.

**117.** Section 13 of the Act, amended by section 200 of chapter 20 of the statutes of 2004, is again amended by replacing “fixed by the government regulation provided for in section 31.6” in the third paragraph by “established in accordance with Division VI”.

**118.** Section 16 of the Act, amended by section 201 of chapter 20 of the statutes of 2004, is again amended

(1) by replacing “fixed in respect of each of them by the government regulation provided for in section 31.6” in the first paragraph by “established in respect of each of them in accordance with Division VI”;

(2) by replacing “fixed by the government regulation provided for in section 31.6” in the second paragraph by “established in accordance with Division VI”.

**119.** Section 21 of the Act is amended

(1) by replacing “by government regulation under section 32” in the third line of the first paragraph by “under sections 21.1 to 21.3”;

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

“A member of a borough council who is not also a member of the council of the municipality whose territory includes the borough is considered a member of the council of that municipality.”

**120.** The Act is amended by inserting the following sections after section 21:

**“21.1.** Subject to sections 21.2 and 21.3, the total annual remuneration a member of the council of a municipality is entitled to receive for all duties performed within the municipality, a mandatory body of the municipality or a

supramunicipal body may not exceed the amount established for the position the member holds among those referred to in the second paragraph. For each subparagraph of that paragraph, the amount is established in accordance with Division VI.

The following positions are subject to separate maximum annual remunerations:

- (1) the mayor of Ville de Montréal;
- (2) the mayor of a municipality with a population of 500,000 or more;
- (3) the mayor of a municipality with a population of 300,000 to 499,999;
- (4) the mayor of a municipality with a population of 100,000 to 299,999;
- (5) the mayor of a municipality with a population of 50,000 to 99,999;
- (6) a member of the executive committee of a metropolitan community or the chair or vice-chair of a standing committee of a metropolitan community;
- (7) the warden of a regional county municipality elected in accordance with section 210.29.2 of the Act respecting municipal territorial organization (chapter O-9);
- (8) a member of the council of a municipality, other than a member referred to in subparagraphs 1 to 7 or section 21.2.

**“21.2.** The total annual remuneration referred to in section 21.1 to which a member of the executive committee of a municipality with a population of 50,000 or more, or the chair or vice-chair of a standing committee of that municipality may be entitled may not exceed 90% of the maximum applicable to the mayor of the municipality.

**“21.3.** Where the maximums under two or more provisions included in the subparagraphs of the second paragraph of section 21.1 or in section 21.2 are likely to apply to the same person, the greater of those maximums applies.”

**121.** Section 22 of the Act, amended by section 202 of chapter 20 of the statutes of 2004, is again amended by replacing “fixed by the government regulation provided for in section 32.1” in the first paragraph by “established in accordance with Division VI”.

**122.** The Act is amended by inserting the following after section 24:

## **“DIVISION VI**

### **“INDEXATION**

**“24.1.** Sections 24.2 to 24.4 apply in respect of any amount under section 12, 13, 16, 21.1 or 22.

**“24.2.** Subject to section 24.3, the amount applicable for a fiscal year, referred to as “the fiscal year concerned” is the result obtained by indexing upward the amount applicable for the preceding fiscal year.

The indexation consists in increasing the amount applicable for the preceding fiscal year by a percentage corresponding to the rate of increase, according to Statistics Canada, of the Consumer Price Index for Canada.

That rate is established by

(1) subtracting the index established for the third month of December preceding the fiscal year concerned from the index established for the second month of December preceding that fiscal year; and

(2) dividing the difference obtained under subparagraph 1 by the index established for the third month of December preceding the fiscal year concerned.

If the indexation results in a mixed number,

(1) for an amount under section 12, only the first three decimal places are considered;

(2) for another amount, only the integer is used and it is rounded up if the first decimal is greater than 4.

**“24.3.** If an increase is impossible for the fiscal year concerned, the amount applicable for that fiscal year is equal to the amount applicable for the preceding fiscal year.

**“24.4.** Before the beginning of the fiscal year concerned, the Minister of Municipal Affairs and Regions shall publish a notice in the *Gazette officielle du Québec*

(1) stating the percentage corresponding to the rate of increase used to establish any amount applicable for that fiscal year or, as the case may be, indicating that an increase is impossible for that fiscal year;

(2) stating any amount applicable for that fiscal year.”

**123.** Chapter V of the Act, amended by sections 204 to 207 of chapter 20 of the statutes of 2004, is repealed.

## CHARTER OF THE CITY OF DE LAVAL

**124.** The Charter of the City of Laval (1965, 1st session, chapter 89) is amended by inserting the following sections after section 32:

**“32.1.** The council may, by by-law, establish an arts council.

**“32.2.** The arts council has the following functions:

(1) to draw up and keep a permanent list of the associations, societies, organizations, groups or persons engaged in artistic and cultural activities in the territory of the city;

(2) to align, co-ordinate and promote artistic or cultural initiatives in the territory of the city; and

(3) within the limits of the funds available for that purpose, to designate the associations, societies, organizations, groups or persons and the artistic or cultural events worthy of receiving grants, determine the amount of any grant and recommend payment by the city.

The city council may, by by-law, confer any other power on the arts council or impose on it any other duty it believes could enable it to more fully attain its objects.

**“32.3.** The council shall determine, by the by-law referred to in section 32.1, the number of members composing the arts council, the qualifications they must have, the duration of their terms and the time and method of their appointment and replacement, as well as the rules of internal management and operation of the arts council, and the rules of procedure for its meetings.

**“32.4.** The members of the arts council must be Canadian citizens and be domiciled in the territory of the city.

The members are appointed by the city council, which shall designate a chair and two vice-chairs from among those members.

**“32.5.** The members of the arts council are not remunerated. However, they are entitled to reimbursement by the arts council for all expenses authorized by the arts council that they incur in the exercise of their functions.

**“32.6.** The members of the arts council may retain the services of the personnel they require, including a secretary, and determine their remuneration.

The employees of the arts council are not by that sole fact officers or employees of the city.

The treasurer of the city or an assistant designated by the treasurer is by virtue of office the treasurer of the arts council.

**“32.7.** The fiscal year of the arts council coincides with that of the city, and the city’s auditor shall audit the financial statements of the arts council and, within 120 days following the expiry of the fiscal year, make a report of that audit to the city.

**“32.8.** The arts council is provided with a special fund of which the treasurer of the arts council has custody.

**“32.9.** The fund is constituted of

- (1) the gifts, legacies and grants made to the arts council;
- (2) the sums voted annually for that purpose out of the city’s budget; and
- (3) the sums put at the disposal of the arts council every year that have not been used at the end of the fiscal year.

The city council may, by by-law, prescribe the minimum amount that must be allocated every year for the purposes of subparagraph 2 of the first paragraph. As long as the by-law remains in force, the treasurer of the city must include the amount prescribed in the certificate prepared in accordance with section 474 of the Cities and Towns Act (R.S.Q, chapter C-19).

**“32.10.** The fund is used exclusively to pay grants, on the recommendation of the arts council, and to defray the administrative costs of the arts council.

At the end of each fiscal year, the treasurer of the arts council shall render account to it of the sums paid under the first paragraph.

**“32.11.** The jurisdiction of the arts council extends to every municipality whose territory is situated in whole or in part within a 50-kilometre radius of the territory of the city and which has expressed such a desire by a resolution of its council transmitted to the clerk of the city.

The council of such a municipality is empowered to pass the resolution provided for in the first paragraph.

The resolution remains in force for a period of three years; it is thereafter tacitly renewed every three years for a new three-year period unless the municipality has given the clerk of the city a notice to the opposite effect at least six months before the date of expiry of the three-year period then in effect.

The arts council has jurisdiction with regard to the municipality as long as the resolution remains in force.

**“32.12.** The city shall determine the annual contribution that must be paid into the fund by a municipality with regard to which the arts council has jurisdiction under section 32.11; it shall also determine the conditions and the time of payment of the contribution.

A municipality may require the city to determine for the municipality, for a period of three years, the contribution, and the conditions and time of payment referred to in the first paragraph before it transmits its resolution to the clerk of the city in accordance with the first paragraph of section 32.11 or, where applicable, at least one month before the expiry of the time allowed it to give a notice in accordance with the third paragraph of that section.

**“32.13.** A municipality with regard to which the arts council has jurisdiction under section 32.11 is authorized and required to pay into the fund the annual contribution determined for the municipality in accordance with section 32.12.

**“32.14.** For the purposes of sections 32.1 to 32.13, “territory of the city” includes the territory of a municipality with regard to which the arts council has jurisdiction under section 32.11.”

**125.** The Charter is amended by inserting the following section after section 33:

**“33.1.** The council may, by by-law, adopt beautification programs and, with the consent of the owner, make improvements on private property.

The cost of the improvements may be assumed in full by the city or charged to the owner, according to the conditions set for the program by the executive committee.”

#### ACT TO AMEND VARIOUS LEGISLATIVE PROVISIONS CONCERNING MUNICIPAL AFFAIRS

**126.** Section 13 of the Act to amend various legislative provisions concerning municipal affairs (2003, chapter 3), amended by section 242 of chapter 19 of the statutes of 2003 and by section 216 of chapter 20 of the statutes of 2004, is replaced by the following sections:

**“13.** Section 12 does not apply in respect of a pension plan or a document ancillary to a pension plan that is the subject of an agreement, entered into after 6 June 2003 between a municipality or a body and a certified association or an association representing the majority of the executive officers of the municipality or body party to the pension plan that expressly mentions that the agreement applies despite section 12.

**“13.1.** If a bond was remitted to the pension fund of the pension plan for the purposes of section 255 of the Act to amend various legislative provisions concerning municipal affairs (2004, chapter 20), any actuarial gain determined



by an actuarial valuation of the whole plan that was not appropriated for the purposes of section 12 must, subject to the second sentence of the second paragraph of that section, be appropriated for the redemption of the bond, except insofar as it corresponds to surplus assets for which the municipality or the body may not determine the appropriation.

**“13.2.** A municipality or a body may reduce the amount of the bond it could issue under section 255 of the Act to amend various legislative provisions concerning municipal affairs (2004, chapter 20) by appropriating to that purpose the actuarial gain referred to in the second paragraph of section 12 or in section 13.1. Such an appropriation of the actuarial gain is considered the payment of a contribution for the purposes of the first paragraph of section 255 of that Act or the redemption of a bond for the purposes of the second paragraph of section 12 or of section 13.1.”

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

**127.** Section 79 of the Act respecting the consultation of citizens with respect to the territorial reorganization of certain municipalities (2003, chapter 14) is amended

(1) by adding the following sentence at the end of the first paragraph: “However, the expenses relating to the remuneration and expense allowances payable to a person who performs duties in the course of that process under Chapter IV of Title II of the Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2) are reimbursed according to the tariff established in the regulation under section 150.”;

(2) by replacing “to those expenses” in the third line of the second paragraph by “to the amount that would have been reimbursed under the first paragraph.”

**128.** The Act is amended by inserting the following section after section 84:

**“84.1.** On borrowing money, the reconstituted municipality may, among other things, impose a special tax based on taxable value on all the taxable immovables situated in its territory, annually or for several years, for the purpose of financing the reimbursement provided for in sections 81 and 84.

For the purpose of financing the expenses referred to in section 82 or the reimbursement provided for in section 83, the city may, among other things, impose such a tax on all the taxable immovables situated in the sector concerned from which, under section 82, the revenues intended for the financing must be derived exclusively.

Such a tax imposed by the city is considered to be the tax provided for in section 487.2 of the Cities and Towns Act (R.S.Q., chapter C-19) or article 979.2 of the Municipal Code of Québec (R.S.Q., chapter C-27.1), as the case may be.”

ACT RESPECTING THE EXERCISE OF CERTAIN MUNICIPAL  
POWERS IN CERTAIN URBAN AGGLOMERATIONS

**129.** Section 4 of the Act respecting the exercise of certain municipal powers in certain urban agglomerations (2004, chapter 29) is amended

- (1) by replacing “Baie-d’Urfé” in the second line by “Baie-D’Urfé”;
- (2) by replacing “Dollard-des-Ormeaux” in the third line by “Dollard-Des Ormeaux”.

**130.** Section 19 of the Act is amended by striking out paragraph 4.

**131.** Section 145 of the Act is amended by replacing the second paragraph by the following paragraph:

“An urban agglomeration order may assign any power or obligation to a related municipality as regards an asset or liability that remains with the central municipality or is transferred to a reconstituted municipality.”

**132.** The Act is amended by inserting the following sections after section 147:

“**147.1.** For the sole purpose of facilitating decision making and the implementation of decisions in anticipation of the reorganization of the city, an urban agglomeration order may

(1) prescribe that paragraphs 1 and 2 of section 61 and section 62 do not apply as regards matters it specifies;

(2) reduce the period prescribed in the second paragraph of section 115 or prescribe any case in which the by-law referred to in the third paragraph of that section may be published before the prescribed period has expired or before the approval required under that paragraph is given;

(3) prescribe the rules for managing the resolutive effects of a refusal if publication of the by-law referred to in the third paragraph of section 115 was permitted before the approval required under that paragraph was granted or refused; and

(4) eliminate or amend any element of the process leading to the adoption or coming into force of a by-law of a related municipality, in particular, the requirement to give a notice of motion.

“**147.2.** To facilitate the transition, an urban agglomeration order may prescribe that, as regards any subject and for the period it specifies, the situation existing immediately before the reorganization of the city is to be maintained after that reorganization, despite the sharing of powers provided for in this Act.

**“147.3.** For the purposes of the fifth paragraph of subsection 3 of section 474 of the Cities and Towns Act (R.S.Q., chapter C-19) or article 954 of the Municipal Code of Québec (R.S.Q., chapter C-27.1), an urban agglomeration order may prescribe a rule under which a document is considered to be either the budget of a reconstituted municipality or one of the parts of the budget of the central municipality referred to in section 117 for the fiscal year preceding the fiscal year that begins when the city is reorganized.”

**133.** Section 167 of the Act is amended

(1) by replacing “La Tuque, Sainte-Agathe-des-Monts” in the first and second lines of subparagraph 1 of the first paragraph by “Longueuil, La Tuque”;

(2) by replacing “and Mont-Laurier” in the first and second lines of subparagraph 2 of the first paragraph by “, Mont-Laurier and Sainte-Agathe-des-Monts”;

(3) by striking out the second paragraph.

**134.** Section 168 of the Act is amended

(1) by replacing “subparagraph 2 or 3 of the first paragraph” in the second line of the first paragraph by “paragraph 2 or 3”;

(2) by replacing “subparagraph 2 of the first paragraph” in the second line of the second paragraph by “paragraph 2”;

(3) by replacing “subparagraph 3 of that paragraph” in the fourth line of the second paragraph by “paragraph 3 of that section”.

**135.** Section 171 of the Act is amended

(1) by replacing “subparagraph 1 of the first paragraph of section 167 or in the second paragraph of that section” in the first and second lines of subparagraph 1 of the second paragraph by “paragraph 1 of section 167”;

(2) by replacing “subparagraph 2 or 3 of the first paragraph” in the first and second lines of subparagraph 2 of the second paragraph by “paragraph 2 or 3”;

(3) by replacing “subparagraph 1 of the first paragraph of section 167 or in the second paragraph of that section” in the first and second lines of subparagraph *a* of subparagraph 1 of the third paragraph by “paragraph 1 of section 167”;

(4) by replacing “subparagraph 2 or 3 of the first paragraph” in the first and second lines of subparagraph *b* of subparagraph 1 of the third paragraph by “paragraph 2 or 3”;

(5) by replacing “subparagraph 1 of the first paragraph of section 167 or in the second paragraph of that section” in the first and second lines of subparagraph *a* of subparagraph 1 of the fourth paragraph by “paragraph 1 of section 167”;

(6) by replacing “subparagraph 2 or 3 of the first paragraph” in the first and second lines of subparagraph *b* of subparagraph 1 of the fourth paragraph by “paragraph 2 or 3”.

**136.** Section 172 of the Act is amended by replacing “subparagraph 1 of the first paragraph” in the second line by “paragraph 1”.

**137.** Section 173 of the Act is amended by replacing “subparagraph 1 of the first paragraph” in the first and second lines by “paragraph 1”.

**138.** Section 174 of the Act is amended by replacing “subparagraph 1 of the first paragraph” in the first and second lines by “paragraph 1”.

#### OTHER AMENDING PROVISIONS

**139.** Section 28 of Order in Council 736-2001 dated 20 June 2001, concerning Ville de Terrebonne, is amended by striking out “and until the second general election” in the first and second lines of the first paragraph.

**140.** Section 9 of Order in Council 841-2001 dated 27 June 2001, concerning Ville de Saguenay, is repealed.

**141.** Section 10 of the Order in Council is amended by striking out the first sentence.

**142.** Section 30 of the Order in Council is repealed.

**143.** Section 31 of the Order in Council is replaced by the following section:

“31. The division of the territory of the city into electoral districts must be done in such a way that the resulting number of councillors per borough corresponds to that provided for in Schedule C.”

**144.** Sections 32, 33 and 34 of the Order in Council are repealed.

**145.** Section 68 of the Order in Council, amended by section 276 of chapter 37 of the statutes of 2002, is again amended

(1) by adding the following sentence at the end of the second paragraph: “To that end, if a power is attributed to or an obligation imposed on the council of a municipality with a certain population, the population of the city is taken into consideration rather than the population of the borough.”;

(2) by replacing “five” in the last line of the third paragraph by “25”.

**146.** Section 10 of Order in Council 850-2001 dated 4 July 2001, concerning Ville de Sherbrooke, is repealed.

**147.** Section 11 of the Order in Council is amended by striking out the first sentence.

**148.** Section 14 of the Order in Council is replaced by the following section:

“14. For each of boroughs 1 and 3, two borough councillors must be elected to sit exclusively on the borough council.”

**149.** Section 34 of the Order in Council is repealed.

**150.** Section 35 of the Order in Council is replaced by the following section:

“35. The division of the territory of the city into electoral districts must be done in such a way that the resulting number of councillors per borough corresponds to that provided for in section 13, except for boroughs 1 and 3 where only the two borough councillor positions provided for in section 14 must be counted.

In each of those boroughs, the two districts serve for the purposes of the election of the two borough councillors, in accordance with the Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2), which applies as if they were city councillors; the districts are deemed to constitute only one district for the purposes of the election of the city councillor.”

**151.** Sections 36, 37 and 38 of the Order in Council are repealed.

**152.** Section 63 of the Order in Council, amended by section 278 of chapter 37 of the statutes of 2002, is again amended

(1) by adding the following sentence at the end of the second paragraph: “To that end, if a power is attributed to or an obligation imposed on the council of a municipality with a certain population, the population of the city is taken into consideration rather than the population of the borough.”;

(2) by replacing “five” in the last line of the third paragraph by “25”.

**153.** Sections 14 and 16 of Order in Council 1043-2001 dated 12 September 2001, concerning Municipalité des Îles-de-la-Madeleine, are repealed.

**154.** Section 11 of Order in Council 858-2002 dated 10 July 2002, concerning Ville de Cookshire-Eaton, is repealed.

**155.** In any Act, “Minister of Education”, “Deputy Minister of Education” and “Ministère de l’Éducation”, wherever they appear, are replaced by “Minister of Education, Recreation and Sports”, “Deputy Minister of Education, Recreation and Sports”, and “Ministère de l’Éducation, du Loisir et du Sport” respectively, with the necessary modifications.

In any other document, unless the context indicates otherwise,

(1) a reference to the Minister or Deputy Minister of Education or the Ministère de l’Éducation is a reference to the Minister or Deputy Minister of Education, Recreation and Sports or the Ministère de l’Éducation, du Loisir et du Sport;

(2) a reference to the Act respecting the Ministère de l’Éducation or one of its provisions is a reference to the Act respecting the Ministère de l’Éducation, du Loisir et du Sport or the corresponding provision of that Act.

**156.** Subject to the second paragraph, in any Act, “, Sports and Recreation”, and “du Sport et du Loisir”, wherever they appear, are replaced by “and Regions” and “et des Régions” respectively, with the necessary modifications.

In section 422 of the Highway Safety Code (R.S.Q., chapter C-24.2), sections 20 and 73 of the Act respecting safety in sports (R.S.Q., chapter S-3.1) and section 1 of the Act respecting off-highway vehicles (R.S.Q., chapter V-1.2), “of Municipal Affairs, Sports and Recreation”, wherever they appear, are replaced by “of Municipal Affairs and Regions”, with the necessary modifications.

In any other document, unless the context indicates otherwise,

(1) a reference to the Minister or Deputy Minister of Municipal Affairs, Sports and Recreation or the Ministère des Affaires municipales, du Sport et du Loisir is, depending on the subject matter, a reference to the Minister or Deputy Minister of Municipal Affairs and Regions or the Ministère des Affaires municipales et des Régions or to the Minister or Deputy Minister of Education, Recreation and Sports or the Ministère de l’Éducation, du Loisir et du Sport; and

(2) a reference to the Act respecting the Ministère des Affaires municipales, du Sport et du Loisir or to any of its provisions is, depending on the subject matter, a reference to the Act respecting the Ministère des Affaires municipales et des Régions, the Act respecting the Ministère de l’Éducation, du Loisir et du Sport or the corresponding provisions of either Act.

## MISCELLANEOUS, TRANSITIONAL AND FINAL PROVISIONS

**157.** The property assessment roll and the roll of rental values of Ville de Disraeli, in force since the beginning of the fiscal year 2004, remain in force until the end of the fiscal year 2005, which is considered as the third year of application of those rolls.

For the purpose of determining the fiscal years for which subsequent rolls must be drawn up in accordance with sections 14 and 14.1 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1), the rolls referred to in the first paragraph are deemed to have been drawn up for the fiscal years 2003, 2004 and 2005.

**158.** For the purposes of the general election to be held in 2005, the date of 1 May mentioned in the second paragraph of section 210.29.1 of the Act respecting municipal territorial organization (R.S.Q., chapter O-9) is replaced by 1 August.

**159.** Despite sections 210.39 and 214.2 of the Act respecting municipal territorial organization (R.S.Q., chapter O-9), the Government may amend the constituting order of a regional county municipality in relation to any of the objects mentioned in that section 210.39, even if the municipality has not made a request to that effect, in order to take into account the reconstitution of certain local municipalities under the Act respecting the exercise of certain municipal powers in certain urban agglomerations (2004, chapter 29).

**160.** Sections 1 and 3 to 5, which shorten the periods prescribed in sections 59.7, 103, 110.7 and 137.11 of the Act respecting land use planning and development (R.S.Q., chapter A-19.1), do not apply to a period in progress on (*insert the date of assent to this Act*).

**161.** Sections 30, 47, 54, 96 to 99 and 101 have effect for the purposes of every fiscal year from the fiscal year 2006.

If Ville de Montréal creates a reserve under section 569.7 of the Cities and Towns Act (R.S.Q., chapter C-19), enacted by section 47, the revenues available from the tax it imposed under section 102.1 of Schedule C to the Charter of Ville de Montréal (R.S.Q., chapter C-11.4) before that section was repealed by section 30 are allocated to the reserve as if they were tax revenues under section 569.11 of the Cities and Towns Act, enacted by section 47.

**162.** The extension of a term of office under section 56 or 57 does not apply to the term of a person who is a member of the council of Municipalité de Baie-James on (*insert the date of assent to this Act*).

**163.** Section 100 has effect for the purposes of every fiscal year from the fiscal year 2005 .

**164.** Sections 24.2 to 24.4 of the Act respecting the remuneration of elected municipal officers (R.S.Q., chapter T-11.001) apply for the purpose of establishing the amounts under sections 12, 13, 16, 21.1 and 22 of that Act for every fiscal year from the fiscal year 2006.

Those provisions are the ones that exist after being amended by sections 116 to 118 and 121 or enacted by sections 120 and 122.

**165.** For the fiscal year 2005, the amounts under section 12 of the Act respecting the remuneration of elected municipal officers (R.S.Q., chapter T-11.001), amended by section 116, are the following for each inhabitant of a municipality in the population bracket concerned:

- (1) 1 to 5,000 inhabitants: \$1.013;
- (2) 5,001 to 15,000 inhabitants: \$0.909;
- (3) 15,001 to 50,000 inhabitants: \$0.562;
- (4) 50,001 to 100,000 inhabitants: \$0.243;
- (5) 100,001 to 300,000 inhabitants: \$0.097;
- (6) 300,001 inhabitants or more: \$0.005.

**166.** For the fiscal year 2005, the excess amount referred to in the third paragraph of section 13 of the Act respecting the remuneration of elected municipal officers (R.S.Q., chapter T-11.001), amended by section 117, may not exceed \$2,173.

**167.** For the fiscal year 2005, the minimum amounts under the first paragraph of section 16 of the Act respecting the remuneration of elected municipal officers (R.S.Q., chapter T-11.001), amended by section 118, are \$2,840 for the annual remuneration of a mayor and \$946 for that of a councillor.

**168.** For the fiscal year 2005, the minimum amount under the second paragraph of section 16 of the Act respecting the remuneration of elected municipal officers (R.S.Q., chapter T-11.001), amended by section 118, is \$31,320 for the annual remuneration of a warden.

**169.** For the fiscal year 2005, the maximum amounts for the remuneration of a member of the council of a municipality in a position referred to in the second paragraph of section 21.1 of the Act respecting the remuneration of elected municipal officers (R.S.Q., chapter T-11.001), enacted by section 120, are the following:

- (1) mayor of Ville de Montréal: \$137,000;



(2) mayor of a municipality with a population of 500,000 inhabitants or more: \$130,000;

(3) mayor of a municipality with a population of 300,000 to 499,999: \$125,500;

(4) mayor of a municipality with a population of 100,000 to 299,999: \$118,000;

(5) mayor of a municipality with a population of 50,000 to 99,999: \$97,000;

(6) member of the executive committee of a metropolitan community or chair or vice-chair of a standing committee of a metropolitan community: \$103,135;

(7) warden of a regional county municipality elected in accordance with section 210.29.2 of the Act respecting municipal territorial organization (R.S.Q., chapter O-9): \$65,000;

(8) member of the council of a municipality, other than a member referred to in paragraphs 1 to 7 and section 21.2 of the Act respecting the remuneration of elected municipal officers, enacted by section 120: \$85,585.

**170.** For the fiscal year 2005, the maximum amount under the first paragraph of section 22 of the Act respecting the remuneration of elected municipal officers (R.S.Q., chapter T-11.001), amended by section 121, for the total expense allowances of a member of the council of a municipality is \$13,434.

**171.** Section 126 has effect from 16 July 2003.

**172.** Section 127 has effect from 18 December 2003.

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





