



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-EIGHTH LEGISLATURE

Bill 22

**An Act to amend various legislative
provisions concerning the urban
agglomeration of Montréal**

Introduction

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

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EXPLANATORY NOTES

This bill amends the governance rules of the urban agglomeration of Montréal. To that end, the composition of the urban agglomeration council is changed, the number of members being increased to 80 in order to include the mayor and 64 councillors of Ville de Montréal, as well as the mayors of the reconstituted municipalities and the second representative of Ville de Dollard-Des Ormeaux.

The bill provides that the representatives of the reconstituted municipalities need no longer be given prior instructions from their council as to the stance to take on a matter to be referred to the urban agglomeration council. It further provides that an objection to a by-law adopted by an urban agglomeration council will be examined by the Commission municipale du Québec only if at least two thirds of the reconstituted municipalities avail themselves of the right of objection.

The bill changes the name of the urban agglomeration to “urban agglomeration of the island of Montréal”. A secretariat that is a legal person established in the public interest and separate from Ville de Montréal is established under the name of “Secretariat of the urban agglomeration of the island of Montréal”. The functions of the secretariat are to foster the flow of information, verify any aspect of the administration of the central municipality that interests the urban agglomeration, and submit advisory opinions and make recommendations to the urban agglomeration council.

The bill creates an arbitration board to revise the list of equipment, infrastructures and activities of collective interest as well as the plan of the arterial road system that is within the jurisdiction of the urban agglomeration council. A mechanism is set up to limit the changes that may be made to the list and the plan by the arbitration board.

Additionally, the bill provides that the first responder services in the territory of Ville de Côte-Saint-Luc do not constitute an urban agglomeration power.

Lastly, the bill grants Ville de Montréal a general taxation power in its territory, subject to the exclusions listed in the Act and provided the conditions set out in the Act or that may be determined by the Government are complied with.

LEGISLATION AMENDED BY THIS BILL:

- Charter of Ville de Montréal (R.S.Q., chapter C-11.4);
- Act respecting the exercise of certain municipal powers in certain urban agglomerations (R.S.Q., chapter E-20.001).

Bill 22

AN ACT TO AMEND VARIOUS LEGISLATIVE PROVISIONS CONCERNING THE URBAN AGGLOMERATION OF MONTREAL

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

CHARTER OF VILLE DE MONTRÉAL

1. The Charter of Ville de Montréal (R.S.Q., chapter C-11.4) is amended by inserting the following before Chapter V:

“DIVISION III

“GENERAL TAXATION POWER

“151.3. The city may, by by-law, impose a tax in its territory if it is a direct tax and if the by-law satisfies the criteria set out in the fourth paragraph and the conditions prescribed by regulation of the Government.

The city is not authorized to impose the following taxes:

(1) a tax in respect of a property or a service except

(a) a tax on a meal or a beverage provided as part of the operation of a restaurant establishment;

(b) a tax on an admission to a place of amusement;

(c) a tax on an immovable, excluding a tax on the supply of an accommodation unit referred to in Title IV.2 of the Act respecting the Québec sales tax (chapter T-0.1) or a tax on a residential unit;

(2) a tax on income, revenue, profits or receipts, or in respect of similar amounts;

(3) a tax on paid-up capital, reserves, retained earnings, contributed surplus or indebtedness, or in respect of similar amounts;

(4) a tax in respect of machinery and equipment used in scientific research and experimental development or in manufacturing and processing or in respect of any assets used to enhance productivity, including computer hardware and software;

(5) a tax in respect of remuneration that an employer pays or must pay for services, including non-monetary remuneration that the employer confers or must confer;

(6) a tax on wealth, including an inheritance tax;

(7) a tax on an individual because the individual is present or resides in the territory of the city; or

(8) a tax on the generation, exploitation, extraction, harvesting, processing, renewal or transportation of natural resources.

For the purposes of subparagraph 1 of the second paragraph, “property”, “immovable”, “place of amusement” and “service” have the meanings assigned by the Act respecting the Québec sales tax and “residential unit” has the meaning assigned by section 1 of that Act, excluding paragraphs 1, 3 and 4 of the definition of that expression.

The by-law referred to in the first paragraph must satisfy the following conditions:

(1) it must state the subject of the tax to be imposed;

(2) it must state the tax rate or the amount of tax payable; and

(3) it must state how the tax is to be collected and the designation of any persons authorized to collect the tax as agents for the city.

The by-law referred to in the first paragraph may provide for

(1) exemptions from the tax;

(2) penalties for failing to comply with the by-law;

(3) collection fees and fees for insufficient funds;

(4) interest and specific interest rates on outstanding taxes, penalties or fees;

(5) assessment, audit, inspection and inquiry powers;

(6) refunds and remittances;

(7) the keeping of registers;

(8) the establishment and use of dispute resolution mechanisms;

(9) the establishment and use of enforcement measures if a portion of the tax, interest, penalties or fees remains unpaid after it is due, including measures such as garnishment, seizure and sale of property; and

(10) considering the debt for outstanding taxes, including interest, penalties and fees, to be a prior claim on the immovables or movables in respect of which it is due, in the same manner and with the same rank as the claims described in paragraph 5 of article 2651 of the Civil Code, and creating and registering a security by a legal hypothec on the immovables or movables.

“151.9. The city is not authorized to impose a tax under section 151.8 in respect of any of the following:

(1) the State, the Crown in right of Canada or one of their mandataries;

(2) a school board, a general and vocational college, a university establishment within the meaning of the University Investments Act (chapter I-17) or the Conservatoire de musique et d’art dramatique du Québec;

(3) a private educational institution operated by a non-profit body in respect of an activity that is exercised in accordance with a permit issued under the Act respecting private education (chapter E-9.1), a private educational institution accredited for purposes of subsidies under that Act or an institution whose instructional program is the subject of an international agreement within the meaning of the Act respecting the Ministère des Relations internationales (chapter M-25.1.1);

(4) a public institution within the meaning of the Act respecting health services and social services (chapter S-4.2) or a health and social services agency governed by that Act;

(5) a private institution referred to in paragraph 3 of section 99 or section 551 of the Act respecting health services and social services in respect of an activity that is exercised in accordance with a permit issued to the institution under that Act and is inherent in the mission of a local community service centre, a residential and long-term care centre or a rehabilitation centre within the meaning of that Act; or

(6) any other person determined by a regulation of the Government.

“151.10. This division does not limit any other taxation power granted to the city by law.

Furthermore, it cannot constitute, for the purposes of section 85 of the Act respecting the exercise of certain municipal powers in certain urban agglomerations (chapter E-20.001), an additional taxation or financing power granted to the urban agglomeration council of the island of Montréal.

“151.11. The use of an enforcement measure established by a by-law adopted under section 151.8 does not prevent the city from using any other remedy provided by law to recover the amounts owing under this division.

“151.12. The city may enter into an agreement with another person, including the State, providing for the collection and recovery of a tax imposed under section 151.8 and the administration and enforcement of a by-law imposing the tax. The agreement may authorize the person to collect the taxes and oversee the administration and enforcement of the by-law on the city’s behalf.

“151.13. The Government may make regulations to impose restrictions on the powers conferred on the city under this division or to provide for circumstances in which the city may not exercise those powers.

“151.14. For the purposes of this division and on the recommendation of the Minister of Finance, the Government may make regulations

(1) determining the conditions that must be satisfied in order to impose a tax by a by-law made under section 151.8;

(2) determining, for the purposes of paragraph 6 of section 151.9, persons who are not subject to taxes imposed under section 151.8;

(3) defining any word or expression used in this division; and

(4) prescribing any other provision the Government considers necessary to carry out the object of this division.”

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

2. Section 22 of the Act respecting the exercise of certain municipal powers in certain urban agglomerations (R.S.Q., chapter E-20.001), amended by section (*insert the section number of Bill 6 that amends section 22 of the Act respecting the exercise of certain municipal powers in certain urban agglomerations*) of chapter (*insert the chapter number of Bill 6*) of the statutes of (*insert the year of assent to Bill 6*), is again amended by inserting “of the island of Montréal and” after “urban agglomeration” in the first and second lines of the fifth paragraph.

3. The Act is amended by inserting the following after section 28:

“DIVISION IV.1

“PUBLIC SECURITY

“28.1. Despite subparagraph *a* of paragraph 8 of section 19, the component of public security consisting in first responder services on the

territory of Ville de Côte-Saint-Luc is a power other than an urban agglomeration power and is under the responsibility of that city.”

4. Section 39 of the Act, amended by section (*insert the number of the section of Bill 6 that amends section 39 of the Act respecting the exercise of certain municipal powers in certain urban agglomerations*) of chapter (*insert the chapter number of Bill 6*) of the statutes of (*insert the year of assent to Bill 6*), is again amended by inserting “of the island of Montréal” after “urban agglomeration” in the third paragraph.

5. Sections 44.1 to 44.3 of the Act, enacted by section (*insert the number of the section of Bill 6 that enacts sections 44.1 to 44.3 of the Act respecting the exercise of certain municipal powers in certain urban agglomerations*) of chapter (*insert the chapter number of Bill 6*) of the statutes of (*insert the year of assent to Bill 6*), are replaced by the following sections:

“44.1. A board of arbitration is established in the urban agglomeration of the island of Montréal and the urban agglomeration of Québec to identify the thoroughfares forming the arterial road system in the urban agglomeration and to evaluate whether equipment, infrastructures or activities are of collective interest, in accordance with section 44.3.

In the case of the urban agglomeration of Québec, the board is also mandated to identify, in accordance with section 44.3, the mains that are not purely local water mains or sewer mains.

“44.2. The board of arbitration is composed of three members designated as follows:

(1) the mayors of the reconstituted municipalities designate one, in the manner they choose;

(2) the central municipality, acting through its regular council, designates one;

(3) in the case of the urban agglomeration of Québec, the Minister designates one; and

(4) in the case of the urban agglomeration of the island of Montréal, the central municipality, acting through its urban agglomeration council, designates one.

For the purposes of subparagraph 4 of the first paragraph, the decision must be made by a majority of the votes cast, and the majority must include both a majority of the votes cast by the members representing the central municipality and a majority of the votes cast by the members representing the reconstituted municipalities.

“44.3. At the request of a related municipality, the board may evaluate whether thoroughfares it has never examined should be included in the arterial road system of the urban agglomeration or whether equipment, infrastructures or activities it has never examined are of collective interest. In the case of the urban agglomeration of Québec, the request may concern water or sewer mains the board has never examined, in order to determine whether they are not purely local mains.

To examine equipment, infrastructures or activities, the board must take into account the conditions and criteria set out in section 40.

The board must send its decision to the related municipalities of the urban agglomeration and to the Minister within 30 days after receiving the request. If the board determines that thoroughfares, mains, equipment, infrastructures or activities must be added to a document referred to in section 22, 27 or 39, it makes the amendment, which comes into force on the date of its publication in the *Gazette officielle du Québec*.

“44.4. If thoroughfares, mains, equipment, infrastructures or activities have already been examined by the board of arbitration, the council of the urban agglomeration may, by by-law, add them to the document referred to in section 22, 27 or 39, or remove them from it. The amendment must then be sent to the Minister and it comes into force on the date of its publication in the *Gazette officielle du Québec*.

The decision of the urban agglomeration council under the first paragraph must be made by a majority of the votes cast, and the majority must include both a majority of the votes cast by the members representing the central municipality and a majority of the votes cast by the members representing the reconstituted municipalities.”

6. Section 63 of the Act is amended by adding the following paragraph at the end:

“Paragraph 2 of section 61 and section 62 do not apply to the mayors of the reconstituted municipalities of the urban agglomeration of the island of Montréal or to the other representative of Ville de Dollard-Des Ormeaux, respectively.”

7. Section 115 of the Act, amended by section (*insert the section number of Bill 6 that amends section 115 of the Act respecting the exercise of certain municipal powers in certain urban agglomerations*) of chapter (*insert the chapter number of Bill 6*) of the statutes of (*insert the year of assent to Bill 6*), is again amended by adding the following sentence at the end of the second paragraph: “However, in the case of the urban agglomeration of the island of Montréal, the objection is receivable only if a resolution is adopted and sent by at least two thirds of the reconstituted municipalities, not counting Ville de L’Île-Dorval.”

OTHER AMENDING PROVISIONS

8. Sections 4 and 5 of Order in Council 1229-2005 dated 8 December 2005, concerning the urban agglomeration of Montréal, are replaced by the following sections:

“4. The urban agglomeration council is the council of the central municipality.

However, its composition is to be broadened as set out in section 5.

“5. For the purpose of establishing the urban agglomeration council, the council of the central municipality is composed of the members elected to it, the mayors of the reconstituted municipalities and a councillor of Ville de Dollard-Des Ormeaux designated by the mayor of that town.

A designation under the first paragraph is to be made in writing and, unless revoked, is valid until the term of office of the designated person as councillor terminates. The person may not sit on the urban agglomeration council until an authenticated copy of the writing designating the person has been received by the central municipality.”

9. Section 6 of the Order in Council is amended

(1) by replacing “related” in the first line of the first paragraph by “reconstituted”;

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

“The person may not sit on the urban agglomeration council until an authenticated copy of the resolution or the writing designating the person has been received by the central municipality.”

10. The Order in Council is amended by inserting the following Title after section 18:

“TITLE II.1

“SECRETARIAT OF THE URBAN AGGLOMERATION OF THE ISLAND OF MONTRÉAL

“18.1. A secretariat is established under the name “Secretariat of the urban agglomeration of the island of Montréal”.

The secretariat is a legal person established in the public interest.

“18.2. The functions of the secretariat are

(1) to foster the flow of information between the central municipality and the reconstituted municipalities;

(2) if it considers it expedient, to verify any aspect of the administration of the central municipality that interests the urban agglomeration; and

(3) to submit advisory opinions and make recommendations to the urban agglomeration council on any matter that is related to the exercise of an urban agglomeration power.

“18.3. In performing its duties, the secretariat may

(1) require, from an employee of the central municipality, all the information, reports and explanations that it considers necessary; and

(2) consult any document related to the exercise of an urban agglomeration power.”

11. Section 22 of the Order in Council is amended

(1) by replacing “a councillor of the central municipality who is a member of the urban agglomeration council” in the first and second lines of subparagraph 2 of the first paragraph by “councillors of the central municipality”;

(2) by replacing “a councillor of the central municipality who is a member of the urban agglomeration council” in the fifth and sixth lines of subparagraph 3 of the first paragraph by “councillors of the central municipality”;

(3) by replacing “related” in the first line of subparagraph 5 of the first paragraph by “reconstituted”.

12. Section 69 of the Order in Council is repealed.

MISCELLANEOUS, TRANSITIONAL AND FINAL PROVISIONS

13. Unless the context indicates otherwise, a reference to the urban agglomeration of Montréal in any Act or document is a reference to the urban agglomeration of the island of Montréal.

14. For the urban agglomeration of Montréal, the members referred to in section 44.2 of the Act respecting the exercise of certain municipal powers in certain urban agglomerations (R.S.Q., chapter E-20.001), as replaced by section 5, must be designated before (*insert the date that is 30 days after the date of assent to this Act*). If any of the members is not designated by that date, the Minister of Municipal Affairs and Regions makes the designation.

15. The first mandate of the board of arbitration established for the urban agglomeration of the island of Montréal under section 44.1 of the Act respecting

the exercise of certain municipal powers in certain urban agglomerations, as replaced by section 5, is to revise the document identifying the thoroughfares forming the arterial road system in the urban agglomeration referred to in section 22 of that Act and, taking into account the conditions and criteria set out in section 40 of that Act, to revise the list of equipment, infrastructures and activities of collective interest referred to in section 39 of that Act.

The revised document and list must be sent to the related municipalities and to the Minister of Municipal Affairs and Regions before 29 February 2008; they come into force on the date of their publication in the *Gazette officielle du Québec*. If a revised document is a map, plan or other illustration, it comes into force on the date of the publication in the *Gazette officielle du Québec* of the board's decision on the document.

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

