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# NATIONAL ASSEMBLY

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FIRST SESSION

THIRTY-SIXTH LEGISLATURE

Bill 134

## **An Act respecting the Communauté métropolitaine de Montréal**

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### **Introduction**

**Introduced by  
Madam Louise Harel  
Minister of Municipal Affairs and Greater Montréal**

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## **EXPLANATORY NOTES**

*The purpose of this bill is to establish a metropolitan community to be known as the “Communauté métropolitaine de Montréal”. The bill defines the territory in which the new Community is authorized to act, and determines its organization, powers and jurisdiction, together with the rules governing its financial administration.*

*The bill provides that the affairs of the Community will be administered by a 31-member council having as permanent members the mayors of Montréal, Laval and Longueuil. The other members are to be designated. In addition to their mayors, the cities of Montréal and Laval will have respectively nine and two designated members. The mayors of the suburban municipalities on the island of Montréal will designate seven representatives to the council of the Community. As regards the off-island municipalities to the north and south of Montréal, the bill contains a formula giving each regional county municipality whose territory includes the territory of a municipality that is also within the Community, or a combination of such regional county municipalities, the responsibility for designating a specified number of representatives. The north shore municipalities will have four representatives whereas the south shore municipalities will have seven, including the mayor of Longueuil.*

*The bill also establishes a nine-member executive committee within the Community composed of the chair of the Community, the mayors who are permanent members of the council of the Community, and other members designated by the council. The executive committee will have the responsibilities and powers delegated to it by the council. Under the bill the council will also have authority to establish council committees to examine any matter determined by the council or, in some cases, by the executive committee.*

*The bill assigns jurisdiction to the Community in several areas, including land use planning, economic development, social housing, equipment, services and activities of metropolitan scope, public transportation and residual materials management.*

*The bill provides that the Community will be required to establish, in accordance with the regulations to be made by the Government, a program that will enable growth in its property tax*

*base to be shared. Using part of the proceeds from the program, the Community is to establish a fund to provide financial support for development projects.*

*Lastly, the bill makes changes to the Act respecting land use planning and development and the Environment Quality Act to reflect the Community's jurisdiction in matters relating to land use planning and the environment.*

**LEGISLATION AMENDED BY THIS BILL :**

- Act respecting land use planning and development (R.S.Q., chapter A-19.1);
- Environment Quality Act (R.S.Q., chapter Q-2).



# **Bill 134**

## **AN ACT RESPECTING THE COMMUNAUTÉ MÉTROPOLITAINE DE MONTRÉAL**

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

### **CHAPTER I**

#### **ESTABLISHMENT AND ORGANIZATION**

##### **DIVISION I**

###### **ESTABLISHMENT**

1. A metropolitan community is hereby established under the name “Communauté métropolitaine de Montréal”.

The Community is a legal person.

2. The territory of the Community comprises the territories of the municipalities listed in Schedule I.

3. The Community has its head office within its territory, at the place it determines.

Notice of the location and of any change of location of the head office must be published in the *Gazette officielle du Québec* and in a newspaper distributed in the territory of the Community.

##### **DIVISION II**

###### **COMPOSITION AND OPERATION**

§1. — *Council*

4. The affairs of the Community are administered by a council of 31 members, composed of the following persons :

(1) the mayor of Ville de Montréal, and nine persons designated by the council of that city from among its other members ;

(2) the mayor of Ville de Laval, and two persons designated by the council of that city from among its other members ;

- (3) the mayor of Ville de Longueuil;
- (4) seven mayors designated by and from among the mayors of the group of municipalities listed in Schedule II;
- (5) four mayors designated from among the mayors of the municipalities whose territory is situated both within the territory of the Community and within the territory of a regional county municipality listed in Schedule III;
- (6) six mayors designated from among the mayors of the municipalities whose territory is situated both within the territory of the Community and within the territory of a regional county municipality listed in Schedule IV.

5. The designation of mayors from among the mayors of the municipalities referred to in paragraph 4 of section 4 shall be effected in accordance with sections 6 to 9.

6. The secretary of the Community shall convene a meeting of a group to elect a member to the council from the group or to elect a substitute, in the same manner as when convening a special meeting of the council of the Community.

The meeting is public and chaired by the secretary.

A majority of the mayors in the group constitutes a quorum.

7. At the beginning of the meeting, the mayors shall decide if the election is to take place by a voice vote or by secret ballot.

The mayors may, at the beginning of the meeting, decide the procedure for breaking a tie-vote.

Any decision made under the first or second paragraph is made by a simple majority vote.

Each mayor has a number of votes equivalent to the population of the mayor's municipality divided by 1,000, rounded down to the nearest whole number if the first decimal is below five, and rounded up to the nearest whole number if the first decimal is five or above.

8. The secretary shall establish the nomination and voting procedure.

The secretary shall organize as many ballots as there are members to be elected and may, before beginning the process, establish rules to ensure that the number of candidates decreases before each ballot.

The secretary shall proclaim the election, after each ballot, of the person who receives the greatest number of votes or, where applicable, who is selected following the application of the procedure for breaking a tie-vote.

9. The secretary shall draw up the minutes of the meeting and table them at the next meeting of the council.

10. The members of the council of the Community referred to in paragraph 5 of section 4 are designated as follows :

(1) the Municipalité régionale de comté de Thérèse-De Blainville designates one member ;

(2) the Municipalité régionale de comté des Moulins designates one member ;

(3) Ville de Mirabel and the Municipalité régionale de comté de Deux-Montagnes, together, designate one member ;

(4) the Municipalité régionale de comté de L'Assomption and the Municipalité régionale de comté de D'Autray, together, designate one member.

11. The members of the council of the Community referred to in paragraph 6 of section 4 are designated as follows :

(1) the Municipalité régionale de comté de Champlain designates two members ;

(2) the Municipalité régionale de comté de Roussillon designates one member ;

(3) the Municipalité régionale de comté de Lajemmerais designates one member ;

(4) the Municipalité régionale de comté de La Vallée-du-Richelieu and the Municipalité régionale de comté de Rouville, together, designate one member ;

(5) the Municipalité régionale de comté de Beauharnois-Salaberry and the Municipalité régionale de comté de Vaudreuil-Soulanges, together, designate one member.

12. Only the mayor of a local municipality whose territory is situated within the territory of the Community may take part in the designation of a member of the council of the Community under section 10 or 11.

13. Where a member of the council of the Community is, in accordance with section 10 or 11, to be designated by more than one regional county municipality, the designation shall be made by a vote of the mayors of each of the local municipalities whose territories are situated within the territory of the Community at a meeting convened by the secretary of the Community.

Sections 6 to 9 apply to the designation.

14. The council shall designate, from among its members, the chair of the Community. No person may be designated to chair the Community without the support of at least two thirds of the votes cast.

A vacancy in the position of chair of the Community must be filled within 30 days of the date on which the vacancy occurs.

The Minister may, if the Minister considers that a delay in designating the chair of the Community or in filling a vacancy in the office of chair is prejudicial to the Community, designate the chair without being required to choose from among the members of the council of the Community. In such a case, the Minister shall establish the rules governing the starting, expiry and premature termination dates of the term of office of the chair.

15. The council shall also designate its vice-chair.

The vice-chair shall replace the chair when the latter is unable to act or where the office of chair is vacant.

16. A member of the council, other than the chair or the vice-chair, may be replaced by a substitute when unable to act in any capacity as a member of the council.

The substitute of a mayor who is by virtue of his or her office a member of the council may be designated by that mayor.

The substitute of a designated member may be designated when that member is appointed.

A substitute may be replaced.

17. No member or substitute who is not required to be designated in accordance with sections 6 to 9 may act as a member of the council until the secretary has received a copy of the instrument of designation.

18. The term of office of a member of the council is indeterminate.

However, the term of office of a member ends on the date on which the member ceases to be a member of the council of a local municipality. The term of office of a member who is not a member by virtue of his or her office also ends on the date of designation of the member's replacement.

For the purposes of the second paragraph, a person ceases to be a member of the council of a municipality even if the person begins a new term immediately.

19. Every designated member of the council, other than the chair of the Community, may be replaced in the same manner and by the group that originally designated the member to be replaced. However, no meeting may



be convened by the secretary of the Community under section 6 unless a written request for a meeting has been signed by at least one half of the mayors in the group.

20. A member of the council, other than a member by virtue of his or her office, may resign from the council by sending a written notice to that effect, signed by the member, to the secretary. The resignation takes effect on the date the secretary receives the notice, or on any later date specified in the notice.

21. The council shall sit where the Community has its head office.

However, the council may fix, in its internal management by-laws, another place as its usual place of meeting.

22. The council shall, before the start of each year, establish the schedule of its regular meetings by fixing the date and time of each meeting.

However, the council may decide that a regular meeting will begin at a date and time other than those indicated in the schedule, or that the council will sit at a place other than the usual place.

23. The secretary shall give public notice, in a newspaper circulated in the territory of the Community, of its schedule and of the place where the council is to sit for each meeting.

The secretary must also give public notice of any regular meeting that is to be held at a place other than the place mentioned in the notice given pursuant to the first paragraph, or at a date or time other than those appearing in the schedule.

24. Every special meeting must be convened.

Every regular meeting that is to be held at a place other than the place mentioned in the schedule, or at a date or time other than those appearing in the schedule, must also be convened.

A meeting that has been adjourned must be reconvened if the meeting is to continue at another place, or where the date and time of the continued meeting were fixed after the meeting was adjourned.

The members of the council may waive the notice of a meeting. A member's mere attendance at the meeting is a waiver, except where the member attends to object to the holding of the meeting on the ground that notice of the meeting was given irregularly.

25. The time limit for giving public notice under the second paragraph of section 23 or a notice convening a meeting may be fixed in the internal management by-laws. However, no time limit for giving public notice may be

less than 3 days and no time limit for convening a meeting may be less than 24 hours, except where required in cases of urgency.

26. The secretary shall prepare the agenda for each ordinary meeting and enter on it each matter submitted by the chair of the council. The internal management by-laws may prescribe the right of any other person or group in the by-laws to request a matter to be placed on the agenda, and set out the related conditions.

27. The special meetings of the council shall be convened by the secretary at the request of the chair of the Community, the executive committee or a committee of the council, or at the request of at least nine members of the council. The notice convening the meeting must state the matters for which the meeting is requested and that are to be discussed at the meeting. The notice shall constitute the agenda for the meeting.

28. The chair of the Community shall preside at meetings of the council.

The chair is responsible for maintaining order and decorum at the meeting and may, for such purpose, expel any disorderly person from the place where the meeting is held.

29. The vice-chair may preside at any meeting of the council at the request of the chair.

30. The meetings of the council are public.

Each meeting includes a period during which the persons present may address questions to the members of the council.

The council may, in its internal management by-laws, prescribe the duration of the question period, the time it is to take place, and the procedure to follow in addressing a question.

31. A majority of members constitutes a quorum at meetings of the council.

32. Every member of the council present at a meeting has one vote.

33. Every decision of the council is made by way of a simple majority vote, unless another form of majority is provided for by law.

34. The council may adopt internal management by-laws to supplement the rules provided by this Act.

§2. — *Executive committee*

35. The executive committee of the Community is hereby established.

36. The executive committee has nine members.

The membership comprises :

- (1) the chair of the Community ;
- (2) the mayors of Ville de Montréal, Ville de Laval and Ville de Longueuil ;
- (3) a person designated by the council of the Community from among the members of the council designated under paragraph 1 of section 4 ;
- (4) a person designated by the council of the Community from among the members of the council designated under paragraph 4 of section 4 ;
- (5) a person designated by the council of the Community from among the members of the council designated under paragraph 5 of section 4 ;
- (6) a person designated by the council of the Community from among the members of the council designated under paragraph 6 of section 4 ;
- (7) any other person designated by the council of the Community from among its members, to bring up to nine the number of members of the executive committee.

37. Every designation by the council of the Community under paragraphs 3 to 7 of section 36 must be supported by at least two thirds of the votes cast.

38. If the chair of the Community is a member designated to the council of the Community by Ville de Montréal or Ville de Laval, or if the person is a member referred to in one of paragraphs 4 to 6 of section 4, the person is presumed to be the person designated under one of paragraphs 3 to 6 of section 36.

39. The chair of the Community is the chair of the executive committee.

The council of the Community shall designate the vice-chair of the executive committee from among the members of that committee.

40. Any designated member of the executive committee may resign from the executive committee by sending a written notice to that effect, signed by the member, to the secretary. The resignation takes effect on the date the secretary receives the notice, or on any later date specified in the notice.

41. The meetings of the executive committee take place at the place and on the days and dates fixed in the internal management by-laws adopted by the council.

42. The chair of the executive committee shall call and preside at meetings of the executive committee and ensure that they are properly conducted.

43. The vice-chair replaces the chair where the latter is unable to act or where the office of chair is vacant. The vice-chair may also preside at a meeting of the executive committee at the request of the chair.

44. Any member of the executive committee who is not present at the place where a meeting is held may take part in the meeting by means of electronic communications equipment.

However, the communications equipment must enable every person using the equipment or attending the meeting to hear clearly everything that is said by another person in an audible and intelligible voice.

Every member participating in such manner in a meeting is deemed to be present at the meeting. However, the person may not chair the meeting.

45. The meetings of the executive committee are closed to the public.

However, the executive committee sits in public

(1) in the cases provided for in the internal management by-laws of the Community;

(2) for all or part of a meeting if the executive committee so decides.

The fact that a meeting is closed to the public does not prevent a member of the council who is not a member of the executive committee from attending the meeting.

46. A majority of members constitutes a quorum at meetings of the executive committee.

47. Each member of the executive committee who is present at a meeting has one vote.

48. Each decision is made by a simple majority vote.

49. The executive committee acts for the Community in all cases in which a provision, adopted under section 50, of the internal management by-laws assigns the power to perform the act to the executive committee.

The executive committee gives the council its opinion on any matter, where required to do so under a provision in the by-law, at the request of the council or on its own initiative.

The opinion of the executive committee does not bind the council. Failure to submit an opinion required under the internal management by-laws or by the council does not restrict the council's power to consider and vote on the matter.

50. The council may, in the internal management by-laws, determine any act within its jurisdiction and for which it has the power or the duty to perform, that it delegates to the executive committee, and prescribe the terms and conditions of the delegation.

However, the following powers may not be delegated :

(1) the power to adopt a budget, a three-year capital expenditure program or a document under the Act respecting land use planning and development (R.S.Q., chapter A-19.1), Chapter IV of the Cultural Property Act (R.S.Q., chapter B-4), the Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2) or the Act respecting municipal territorial organization (R.S.Q., chapter O-9) ;

(2) the power to designate a person to a position that may only be held by a member of the council.

The council may also, in the internal management by-laws, determine any matter on which the executive committee must give its opinion to the council, and prescribe the terms and conditions of consultation. The internal management by-laws may also prescribe the conditions on which a member of the council may request the executive committee to report to the council on any matter within the jurisdiction of the executive committee.

51. The executive committee may adopt an internal management by-law concerning its meetings and the conduct of its affairs. The by-law may also, if permitted by the internal management by-laws of the Community, enable the executive committee to delegate to any employee of the Community the power to authorize expenditure and enter into contracts on behalf of the Community, on the conditions determined by the executive committee and in accordance with the rules and restrictions applicable to the Community.

52. A decision by the council to delegate a power to or withdraw a power from the executive committee must be supported by an absolute majority of the votes cast.

### §3. — *Committees of the Community*

53. The council may establish committees with the number of members it specifies.

54. The members of a committee are designated by the council and may be replaced at any time. The council designates a chair and vice-chair from among their number.

55. The position of chair or vice-chair of a committee is incompatible with the office of chair of the Community or vice-chair of the council.

56. If a member of a committee resigns, the member's term of office ends on the date the secretary of the Community receives a written notice to that effect, signed by the member, or on any later date specified in the notice.

57. The term of the chair or vice-chair of a committee ends, in particular, on the date on which the person concerned is appointed to a position that is incompatible with the position of chair or vice-chair of a committee.

58. The function of a committee is to examine any matter determined by the council that is within the jurisdiction of the Community. The committee makes the recommendations it considers appropriate to the council.

The executive committee may also request a committee established by the council to examine a matter within its jurisdiction. In such a case the committee makes the recommendations it considers appropriate to the executive committee rather than to the council.

59. The meetings of a committee are public and section 30 applies, with the necessary modifications, to a meeting held by a committee.

The chair of the Community may attend any meeting of a committee without being a member of that committee. The chair may be heard at the meeting, but may not vote.

60. The secretary of the Community causes prior notice of each meeting of a committee to be published in a newspaper circulated in the territory of the Community.

61. The chair of a committee directs its activities and presides at its meetings.

62. The vice-chair replaces the chair if the latter is unable to act.

63. Each member of a committee has one vote. A decision by the committee must be supported by a simple majority of the votes cast.

64. The committee reports on its work and decisions in a report signed by its chair or the majority of its members.

The report is sent to the chair of the Community, who tables it before the council or, if the decision recommended is within the jurisdiction of the executive committee, before the executive committee.

65. No report of a committee has effect unless it is ratified or adopted by the council or by the executive committee.

66. The internal management by-laws of the council may require a committee to forward to the council every year, at the time determined by the council, a report on its operations during the preceding fiscal year.

### **DIVISION III**

#### **SALARIES, ALLOWANCES AND OTHER CONDITIONS**

67. The council shall fix, by by-law, the remuneration and allowance of its members. The remuneration and allowance are paid by the Community.

The remuneration may include, in addition to the base remuneration, an additional remuneration for each position occupied by a member on the executive committee or on a committee.

The by-law may have effect retroactively to 1 January preceding its coming into force.

The by-law provided for in the first paragraph may determine the cases where a substitute member receives that remuneration and allowance; the substitute member's remuneration and allowance fixed in the by-law may be different from those fixed for the members of the council referred to in section 4.

68. The council may, in the by-law adopted under section 67, prescribe the conditions on which the failure of a member of the council to attend a meeting of the council, the executive committee or any other committee on which the member sits as a member of the council entails a reduction in the member's remuneration or allowance, and prescribe the rules for computing the reduction.

69. The expenses actually incurred by any member of the council on behalf of the Community, the executive committee or any other committee on which the member sits must, in each case, be previously authorized by the council. The council shall approve payment upon receipt of a statement and supporting documents.

70. The council may establish a tariff applicable to cases where expenses are incurred by any of its members on behalf of the Community, the executive committee or any other committee on which the member sits as a member of the council.

Payment of an amount provided for in the tariff for an expense referred to in the first paragraph shall be approved by the council, executive committee or council committee upon receipt of a statement and the supporting document required by the council.

71. The council may provide sufficient appropriations in the budget of the Community for the reimbursement of a class of expenses which the members of the executive committee may incur on behalf of the Community, the

executive committee or any other committee on which they sit as a member of the council during the fiscal year, whether such expenses are actually incurred or provided for in the tariff.

The council is not required to give prior authorization for an expense included in such a class, if the expense does not exceed the balance of the appropriations, after subtracting the sums already used or set aside to reimburse previous expenses.

If all the appropriations for a fiscal year have been used, the council may appropriate, for the purposes provided in this section, all or part of the balance of the sums provided for in the budget to cover unforeseen administrative expenses.

72. Sections 69 to 71 apply in respect of acts performed or expenses incurred while the member is representing the Community, the executive committee or any other committee, otherwise than in the course of the work of those bodies, or while the member is participating in any convention, seminar or other event held for the purpose of providing information or training relevant to the performance of a member's duties.

Those sections also apply in respect of acts performed or expenses incurred, for meals, in connection with a meeting of the council, the executive committee or any other committee, or in connection with any meeting held for the purposes of such a meeting, provided that no member was excluded from the meeting for any reason other than the member's disqualification.

## **DIVISION IV**

### **ADMINISTRATIVE DEPARTMENTS AND EMPLOYEES**

73. The council shall appoint a director general, a secretary and a treasurer.

No person may be appointed permanently to fill any position provided for in this section or in section 74 if the person remains in the employ of a municipality whose territory is situated within the territory of the Community.

The council may define the duties of a person holding such a position that are not determined by this Act, or add any other duty to those determined by this Act.

74. The council may create, by by-law, the various departments of the Community and determine the scope of their activities; the by-law shall appoint, by resolution, the heads and assistant heads of the departments and define their duties.

The official title of the head of the department designates the assistant head when the latter acts in the place of the head.



75. The council may dismiss, suspend without pay or reduce the salary of the head of a department it has appointed, with the support of an absolute majority of the votes cast.

The council may dismiss, suspend without pay or reduce the salary of any other employee of the Community who is not an employee within the meaning of the Labour Code (R.S.Q., chapter C-27) and who has been filling a position for at least six months, with the support of an absolute majority of the votes cast.

76. A resolution to dismiss, suspend without pay or reduce the salary of a person under section 75 must be served by handing a copy of the resolution directly to the person. The person who has been dismissed or suspended without pay or whose salary has been reduced may appeal from the decision to the Commission municipale du Québec, which shall make a final decision after making an inquiry.

The appeal must be brought within 15 days after service of the resolution.

77. If the appeal is upheld, the Commission municipale du Québec may order the Community to pay the appellant the sum it determines to indemnify the appellant for the expenses incurred in bringing the appeal. The order shall be homologated upon motion by the appellant to the Court of Québec or the Superior Court depending on their respective jurisdictions. The appellant may thereafter execute the judgment against the Community.

78. Sections 75 to 77 do not apply to a suspension without pay unless

(1) the suspension is for more than twenty working days, or

(2) the suspension, whatever its duration, occurs within twelve months after the expiry of a suspension without pay for more than twenty working days.

79. No employee may, on pain of forfeiture of office, have any direct or indirect interest in an enterprise causing the employee's personal interest to conflict with the duties of the employee's department or function.

If such an interest devolves by succession or gift, the employee must renounce or dispose of it with all possible dispatch.

80. No member of the council of a municipality whose territory is situated within the territory of the Community may hold regular or permanent employment with the Community, under pain of forfeiture of office.

Such a member who holds temporary or casual employment cannot sit on the council.

81. The director general shall direct the personnel of the Community.

The director general has authority over the employees of the Community. With respect to an employee whose duties are provided for by law, the authority of the director general is exercised only within the framework of the director general's duty to manage the human, material and financial resources of the Community and may in no case hinder the carrying out of duties provided for by law.

The director general may suspend an employee. The director general shall immediately report the suspension to the council. The council shall decide the case of the suspended employee, after making an inquiry.

82. The director general is responsible for the administration of the Community and, for that purpose, plans, organizes, directs and supervises its activities.

83. For the purposes of sections 81 and 82, the director general shall, in particular,

(1) ensure communication between the council, the executive committee and the committees and between the employees of the Community; for that purpose, the director general shall have access to every document of the Community and may require any document or information from any employee;

(2) prepare the budget and the Community's capital expenditure program and the plans, programs and projects needed to ensure the orderly functioning of the Community, with the collaboration of the heads of departments and the other employees of the Community;

(3) examine the complaints and claims against the Community;

(4) examine the draft by-laws of the Community;

(5) submit, to the council, the budgets, capital expenditure programs, plans, programs and projects the director general has prepared, together with observations and recommendations concerning the complaints, claims and draft by-laws examined by the director general;

(6) report, to the council, on any matter the director general believes should be brought to its attention to ensure the sound management of public funds, the progress of the Community and the welfare of its citizens; the director general shall, where expedient, add his or her personal opinions or recommendations to the record of any matter submitted to the council, the executive committee or another committee;

(7) attend the meetings of the council, of the executive committee and of the committees and, with the permission of the chair of the meeting, give advice and present recommendations on the matters debated, without having the right to vote;

(8) ensure that the by-laws and decisions of the Community are implemented and, particularly, ensure that funds are used for the purposes for which they were voted;

(9) exercise any other power relating to the direction of the affairs and activities of the Community and the management of its personnel that is assigned to the director general in the internal management by-laws.

84. The secretary of the Community shall have custody of the seal and records of the Community, and shall direct the secretary's department.

The secretary shall attend every meeting of the executive committee and of the council.

85. The treasurer shall direct the treasury department.

86. The department heads and their assistants may, in performing their duties, administer the same oath as a commissioner for oaths appointed under the Courts of Justice Act (R.S.Q., chapter T-16).

## **DIVISION V**

### **BY-LAWS, RESOLUTIONS, MINUTES AND OTHER DOCUMENTS OF THE COMMUNITY**

87. Several matters may be dealt with in a single by-law.

Where the various matters dealt with in a single by-law require approval before coming into force, approval need not be given separately for each matter, but may be given to the by-law as a whole.

88. Where any provision of this Act or any other Act provides that a by-law must receive approval, the by-law may not be published or come into force until it has received that approval.

In such a case, a certificate signed by the chair of the Community and the secretary, attesting the date of each approval given, must accompany and forms part of the original of such by-law.

89. The approval of a by-law or other proceeding of the council by the Government or the Minister, body or person whose approval is required has no other effect than that of rendering such by-law or proceeding executory, according to law, from its coming into force. Authorization may be given in place of approval.

Approval may be partial or qualified.

90. The original of every by-law in its entirety shall be registered in a special book entitled “Book of the by-laws of the Communauté métropolitaine de Montréal”.

The secretary shall also enter in such book, at the end of every by-law registered therein, a copy of the notice of publication of such by-law, certified by the secretary.

The secretary is the custodian of the by-laws of the Community.

91. To be official, the original of a by-law or resolution must be certified by the chair of the Community and by the secretary.

92. Except where otherwise provided by law, every by-law of the Community shall come into force, if not otherwise provided for in the by-law, on the date of publication.

93. Every by-law shall be published, after being passed or receiving final approval in the case where it has been submitted for one or several approvals, by a public notice, signed by the secretary, posted up at the office of the Community and by insertion in a newspaper circulating in the territory of the Community, mentioning the object of the by-law, the date on which it was passed, and the place where communication thereof may be had.

If the by-law has received one or several approvals, the notice of publication shall mention the date and the fact of each approval.

94. Every by-law passed by the Community is considered to be a public law and it shall not be necessary to allege it specially.

95. A copy of a by-law or resolution is authentic when certified by the secretary or the person responsible for access to the documents of the Community.

96. The minutes of the council and of the executive committee, approved and certified by the chair of the Community, the vice-chair or the secretary, or by another member of the personnel of the Community authorized to do so, are official. The same applies to documents emanating from the Community or forming part of its records, when certified by such a person.

A copy of a minute or other official document is authentic when certified by the secretary or by the person responsible for access to the documents of the Community.

97. The facsimile of the signature of the director general, the secretary or the treasurer of the Community on a document that such a person is authorized to sign has the same effect as the signature itself, if the use of a facsimile is authorized by the council.

The first paragraph does not apply to the certification of a by-law or resolution adopted by the council or by the executive committee.

98. The books, registers and documents forming part of the records of the Community may be consulted, during regular working hours, by any person requesting to do so.

99. The person in charge of access to the documents of the Community must deliver copies or extracts of the books, registers or documents forming part of the records of the Community to any person who so requests.

## **CHAPTER II**

### **POWERS OF THE COMMUNITY**

100. The Community may constitute, in accordance with Part IA of the Companies Act (R.S.Q., chapter C-38), a company whose principal activity is furnishing a third party with any and all services, advice, substances, materials and equipment relating to any matter within its jurisdiction.

101. The Community or a company constituted pursuant to section 100 may, subject to the applicable legislative provisions, make agreements respecting the exercise of its jurisdiction with a person, a government, a government department, an international organization, an agency of a government or international organization, or any other public body. It may then carry out such agreements and exercise the rights and fulfil the obligations arising therefrom, even outside its territory.

However, to make an agreement with a municipality of Québec, the Community shall proceed in accordance with sections 131 to 133.

102. The Community may make an agreement with the Government under which certain responsibilities, defined in the agreement, that are assigned by an Act or regulation to the Government, to a Minister or to a government body, are transferred to the Community on an experimental basis.

The agreement shall set out the conditions governing the exercise of the responsibility to which it applies, including the duration thereof, and, where applicable, provide for the renewal of the agreement and determine the rules relating to the financing required for its implementation.

103. The Community may join any municipality or any other community for the purposes of an agreement with the Government under section 102.

104. An agreement under section 102 shall prevail over any inconsistent provision of a general law or special Act or of any regulation thereunder.

105. The Community may acquire by expropriation any immovable, within or without its territory, which it may require for the attainment of its objects.

106. For the purposes of the Act respecting municipal taxation (R.S.Q., chapter F-2.1), an immovable is deemed to belong to the Community upon the Community's taking possession of it in accordance with the Expropriation Act (R.S.Q., chapter E-24).

107. When the council of the Community adopts a resolution stating its intention to expropriate an immovable or establish a reserve for public purposes on an immovable, the secretary of the Community shall send forthwith to the local municipality concerned a certified copy of the resolution.

After receiving the resolution and for a period of six months following the adoption of the resolution, the municipality shall not, except where urgent repairs are required, issue a permit or certificate for a structure, alteration or repair in respect of the immovable.

108. No indemnity may be granted for buildings erected on or improvements or repairs, other than authorized urgent repairs, made to the immovable, for the duration of the prohibition. However, the Administrative Tribunal of Québec may grant an indemnity in the manner provided in Title III of the Expropriation Act (R.S.Q., chapter E-24).

109. The secretary shall publish every month, in a newspaper circulated in the territory of the Community, a notice describing each property of a value greater than \$10,000 that was alienated by the Community during the preceding month otherwise than by auction or by public tender. The notice shall mention the price of alienation and the identity of the purchaser.

110. Any contract involving an expenditure of more than \$20,000 must be awarded by the Community in accordance with the applicable provisions of sections 111 and 112, in particular,

- (1) insurance contracts ;
- (2) contracts for the performance of work ;
- (3) contracts for the supply of materials or equipment, including contracts for the lease of equipment with an option to purchase ;
- (4) contracts for the providing of services other than professional services, subject to the second paragraph of section 112.

The first paragraph does not apply to a contract

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

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

(3) whose purpose is to obtain energy savings for the Community and whose object is both the providing of professional services and the performance of work or the supply of materials, equipment or non-professional services ;

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

(5) whose object is the supply of software or the performance of service or maintenance work on computer or telecommunication systems, and which is entered into with an undertaking generally operating in the field, for a price usually charged by such an undertaking for such software or such work ;

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

(7) whose object is the maintenance of specialized equipment which must be carried out by the manufacturer or his representative.

A contract which, as a result of an exception provided for in subparagraph 2 or 3 of the third paragraph of section 112, is not a supply contract or a services contract for the purposes of the second paragraph of that section, is not a contract for the supply of equipment or materials or for the supply of services, as the case may be, for the purposes of subparagraphs 3 and 4 of the first paragraph of this section.

111. Any contract involving an expenditure of \$100,000 or less, from among the contracts to which the first paragraph of section 110 applies, may be awarded only after a call for tenders, by way of written invitation, to at least two insurers, contractors or suppliers, as the case may be.

112. Any contract involving an expenditure of \$100,000 or more, from among the contracts to which the first paragraph of section 110 applies, may be awarded only after a call for tenders by way of an advertisement published in a newspaper circulated in the territory of the Community.

In the case of a construction, supply or services contract, the call for public tenders must be published by means of an electronic tendering system accessible

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

For the purposes of the second paragraph,

(1) “construction contract” means a contract regarding the construction, reconstruction, demolition, repair or renovation of a building, structure or other civil engineering work, including site preparation, excavation, drilling, seismic investigation, the supply of products and materials, equipment and machinery if these are included in and incidental to a construction contract, as well as the installation and repair of fixtures of a building, structure or other civil engineering work ;

(2) “supply contract” means a contract for the purchase, lease or rental of movable property that may include the cost of installing, operating and maintaining property, except a contract in respect of property related to cultural or artistic fields as well as computer software for educational purposes, and subscriptions ;

(3) “services contract” means a contract for supplying services that may include the supply of parts or materials required to supply the services, except a contract in respect of services related to cultural or artistic fields that can, under an Act or a regulation, be provided only by a physician, dentist, nurse, pharmacist, veterinary surgeon, engineer, land surveyor, architect, chartered accountant, advocate or notary.

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

A call for public tenders in relation to a contract referred to in the second paragraph may stipulate that only tenders submitted by contractors or suppliers, in addition to contractors or suppliers having an establishment in Québec, who have an establishment in a province or territory covered by an intergovernmental agreement on the opening of public procurement applicable to the Community will be considered. Such a call for tenders may also stipulate that the goods concerned must be produced in a territory comprising Québec and any such province or territory.

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



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

Subject to section 113, the Community may not, without the prior authorization of the Minister, award the contract to any person other than the person who submitted the lowest tender within the prescribed time. However, where it is necessary, to comply with the conditions for a government grant, that the contract be awarded to a person other than the person who submitted the lowest tender within the prescribed time, the Community may, without the authorization of the Minister, award the contract to the person whose tender is the lowest among the tenders submitted within the prescribed time that fulfil the conditions for the grant.

113. The Community may choose to use a system of bid weighting and evaluating whereby each bid obtains a number of points based on the price as well as on the quality or quantity of goods, services or work, the delivery procedure, servicing, the experience and financial capacity required of the insurer, supplier or contractor or on any other criteria directly related to the procurement.

Where the Community chooses to use such a system, the call for tenders or any document to which it refers shall mention all the requirements and all criteria that will be used for evaluating the bids, as well as the weighting and evaluation methods based on those criteria.

In such a case, the Community shall not award the contract to a person other than the person whose bid was received within the time fixed and obtained the highest score.

For the purposes of the last sentence of the eighth paragraph of section 112, the bid having obtained the highest score shall be considered to be the lowest tender.

114. The Community may establish a qualification process which shall not discriminate on the basis of the province or country of origin of the goods, services, insurers, suppliers or contractors.

However, where the Community establishes a qualification process solely for the purpose of awarding a contract referred to in the second paragraph of section 112, the process may discriminate as permitted in the case of a call for public tenders in relation to such a contract under the fifth paragraph of section 112.

The Community shall invite the interested parties to obtain their qualification or the qualification of their goods or services, by causing the secretary to

publish a notice to that effect in accordance with the rules set out in the second paragraph of section 112.

115. A call for tenders may stipulate that the goods, services, insurers, suppliers or contractors concerned by or able to satisfy the call for tenders must first be certified, qualified or registered by an organization accredited by the Standards Council of Canada or first be certified or qualified under the process provided for in section 114.

The first paragraph does not apply where, under the process provided for in section 114, only one insurer, supplier or contractor has become qualified.

116. Subject to the fifth and eighth paragraphs of section 112, no call for public tenders or document to which it refers shall discriminate on the basis of the province or country of origin of the goods, services, insurers, suppliers or contractors.

117. The Minister may, on the conditions determined by the Minister, allow the Community to award a contract without calling for tenders, or allow the Community to award a contract after a call for tenders made by written invitation rather than by advertisement in a newspaper.

The first paragraph does not apply where, pursuant to the terms of an intergovernmental agreement on the opening of public procurement applicable to the Community, the tenders must be public tenders.

118. The Community may obtain any movable property from or through the General Purchasing Director designated under section 3 of the Act respecting the Service des achats du gouvernement (R.S.Q., chapter S-4). The Community may also obtain any service through the General Purchasing Director acting within a mandate entrusted to the General Purchasing Director by the Government under section 4.1 of that Act.

To the extent that the terms of any agreement on the opening of public procurement applicable to the Community are observed, section 110 does not apply to contracts entered into by the Community with or through the General Purchasing Director in accordance with the regulations under the Financial Administration Act (R.S.Q., chapter A-6).

119. Notwithstanding section 110, the chair of the council or, if the chair is absent or unable to act, the director general may, in a case of irresistible force which might endanger the life or health of the population or seriously damage or seriously interfere with the operation of the equipment of the Community, order such expenditure as the chair or the director general considers necessary and award any contract necessary to remedy the situation.

The chair, the director general or, if applicable, the head of the department shall table a report giving the reasons for the expenditure or contract at the next meeting of the council.

120. Notwithstanding section 110, the council may, without being required to call tenders, renew any insurance contract awarded following a call for tenders, provided that the total of the period covered by the original contract and the period covered by the renewal and, where applicable, by any previous renewal, does not exceed five years.

The premiums stipulated in the original contract may be modified for the period covered by any renewal referred to in the first paragraph.

121. The Community may enter into a leasing contract in respect of movable property that must be acquired by tender in accordance with section 110, provided it discloses in the call for tenders that it has the option to enter into a leasing contract in respect of the property.

Where the Community opts to enter into a leasing contract, it must give notice thereof in writing to the successful tenderer. Upon receipt of the notice, the tenderer must enter into a contract for the movable property with the lessor, which the Community shall designate in the notice, on the conditions under which the tender was accepted.

122. The Community may enter into an agreement with the Minister under which the Community is authorized by the Minister to negotiate, including with the Société québécoise d'assainissement des eaux, a contract known as a "turn-key contract", in the Community's exercising of its jurisdiction in matters of waste water purification.

The Community and the Minister may agree on conditions in respect of the contract, the contracting partner or the manner of selecting the contracting partner.

123. The turn-key contract must state the objectives pursued by the Community and, as the case may be, the cost limits and other general conditions with which the purification facilities must conform.

The contract confers on the contracting partner the responsibility of designing purification facilities that meet the objectives and conform with the limits and conditions, of building the facilities and operating them for a period fixed in the contract, which may in no case be less than five years.

The contract may also confer on the contracting partner the responsibility of ensuring long-term financing of the facilities.

124. Following an agreement entered into with the Minister, the Community may negotiate a turn-key contract without being required to make a call for tenders, notwithstanding section 110.

125. The Community shall submit to the Minister the draft turn-key contract it has negotiated following the agreement.

If the Minister gives approval, the Community may make the contract, which requires no other approval.

126. The Community may enter into a contract with a person other than the Société québécoise d'assainissement des eaux under which it entrusts the operation of a waste water purification works to that person.

127. Notwithstanding any inconsistent provision of a general law or special Act, the Community and any municipality or other supra-municipal body whose territory is situated within the territory of the Community may make a joint call for public tenders for the purpose of awarding an insurance contract or a contract for the supply of equipment or materials or the providing of services other than professional services.

For the purposes of the first paragraph, a contract for the supply of equipment includes a contract for the lease of equipment with an option to purchase.

The call for public tenders is made by the Community.

Section 124 applies to the call for public tenders, except that it is not necessary that the contract involve an expenditure of \$100,000 or more.

Where a municipality or a body is a party to the call for public tenders, it may not make a call for tenders or award a contract in respect of the object of the call unless the Community decides not to give effect to the call.

Acceptance of a tender by the Community also binds, as regards the successful tenderer, each municipality or body that is a party to the call for tenders.

### **CHAPTER III**

#### **JURISDICTION OF THE METROPOLITAN COMMUNITY**

##### **DIVISION I**

###### **GENERAL**

128. The Community has jurisdiction, as provided in this Act, over the following matters :

- (1) land use planning ;
- (2) economic development ;
- (3) social housing ;
- (4) equipment, services and activities of metropolitan scope ;

- (5) public transportation;
- (6) residual materials management.

In addition, the Community shall define guidelines and give its opinion on proposed municipal waste water treatment facilities throughout its territory, in order to ensure the coherence of municipal actions connected with the supply of drinking water and waste water treatment.

129. Subject to the provisions of this Act, the municipalities in the territory of the Community shall retain jurisdiction over the matters listed in section 128 until such time as the Community exercises its jurisdiction over those matters, and to the extent that the Community has refrained from doing so.

Every provision of a by-law or resolution of the Community concerning a matter referred to in the first paragraph shall have precedence over any inconsistent provision of a municipal by-law.

The Community may, by by-law, repeal any provision of a by-law of a municipality in its territory dealing with the matters listed in section 128 if the Community considers the by-law to be incompatible with the provisions of a by-law it has made. A copy of the by-law must be forwarded by the secretary of the Community to the clerk of the municipality as soon as the by-law of the Community comes into force, and the clerk of the municipality must, on receiving the by-law, report to the council of the municipality at its next meeting and enter a true copy of the by-law of the Community in the book of by-laws of the municipality.

130. The Government or a minister or body of the Government may delegate any non-discretionary power to the Community.

The Community may accept the delegation and exercise the power.

131. Where municipalities whose territory is situated within the territory of the Community enter into an agreement, the municipalities may, with the consent of the Community, provide in the agreement for the Community to act as an intermunicipal committee or intermunicipal board, as the case may be.

A true copy of the resolution under which the Community agrees to act as an intermunicipal board shall be appended to the copies of the resolutions under which the municipalities authorize the making of the agreement, when such copies are transmitted to the Minister for approval, together with the agreement.

If the agreement comes into force, the Community has the powers and obligations of an intermunicipal committee or intermunicipal board, as the case may be.

132. The Community and a municipality whose territory is situated within the territory of the Community may enter into an agreement, in accordance with the Act governing the latter, in which the Community undertakes to supply the municipality with a service or receives from the latter a delegation of jurisdiction.

In such a case, the Community is deemed to be a municipality for the purposes of the provisions of the said Act concerning intermunicipal agreements on the supply of services or the delegation of jurisdiction.

133. Except for the passing of a resolution under which the Community agrees to act as an intermunicipal committee or intermunicipal board, as the case may be, or of a resolution authorizing the making of an agreement under section 132, only the representatives of the municipalities that are parties to the agreement are entitled to vote on the council on any matter relating to the carrying out of the agreement.

The rules regarding the division of the votes among such representatives and the other rules on the decision to be taken by the council shall be provided in the agreement.

134. The Community may make by-laws to take a census of the inhabitants of its territory in order to ascertain their number and to obtain statistics respecting their age and their social and economic condition.

## **DIVISION II**

### **LAND USE PLANNING**

135. The Community has jurisdiction over land use planning, according to the provisions of the Act respecting land use planning and development (R.S.Q., chapter A-19.1).

## **DIVISION III**

### **ECONOMIC DEVELOPMENT**

136. The Community is responsible for the general planning of economic development in its territory.

137. The Community has exclusive jurisdiction to undertake, outside its territory, any promotion of its territory to stimulate and attract economic growth and diversification.

The Community may, for that purpose,

(1) support the establishment of businesses in and the inflow of capital to its territory and promote the implementation of projects having significant economic impact;

(2) promote the goods and services produced within its territory on markets outside its territory ;

(3) establish links with organizations whose mission is to promote its territory, and support them financially ;

(4) establish sectoral joint action groups to define priorities for intervention.

The Community may set up a promotion agency and delegate to it, on the conditions it determines, the exercise of all or part of the jurisdiction assigned to it by this section. The Community shall, on the condition it determines, grant the agency the sums required to exercise that jurisdiction.

## **DIVISION IV**

### **SOCIAL HOUSING**

138. The Community may establish a social housing fund to support, in collaboration with the local municipalities in its territory, the implementation of any social housing development project.

139. Every amount of money that, pursuant to the Act respecting the Société d'habitation du Québec (R.S.Q., chapter S-8), is to be paid by a municipality to its municipal housing bureau in connection with the low-rental housing described in article 1984 of the Civil Code, for administration by that bureau, shall, within the territory of the Community, be paid by the Community to the account of the municipality.

The amount so paid shall correspond to the percentage of the operating deficit and rent supplement that the municipality is bound to pay to a municipal housing bureau pursuant to a contract entered into between the Société d'habitation du Québec and the bureau concerned.

140. As soon as possible after the Société d'habitation du Québec has approved the budget and financial statements of a municipal housing bureau, it shall forward a copy of the budget and statements to the Community and inform it of the amount to be paid to the bureau pursuant to section 139.

141. The Community shall determine selection areas, in a by-law approved by the Société d'habitation du Québec, for each municipal housing program in force in its territory in order to make housing available to low-income individuals or families in such manner as to ensure that all of its territory is covered by such a program.

## **DIVISION V**

### **EQUIPMENT, ACTIVITIES AND SERVICES OF METROPOLITAN SCOPE**

142. The Community has jurisdiction with regard to the equipment, activities and services of metropolitan scope it designates or that are designated by the Government.

The Community shall determine the rules governing the management and financing of the equipment, activities and services.

## **DIVISION VI**

### **PUBLIC TRANSPORTATION**

143. The Community has jurisdiction to plan and coordinate public transportation, and to finance the aspects of public transportation having metropolitan scope, taking into account government policies on transportation.

The Community shall approve the public transportation development plan and the fare-setting policy applicable within its territory.

## **DIVISION VII**

### **RESIDUAL MATERIALS MANAGEMENT**

144. The Community has jurisdiction over the management of residual materials in accordance with the provisions of the Environment Quality Act (R.S.Q., chapter Q-2).

## **CHAPTER IV**

### **FINANCIAL PROVISIONS**

145. The fiscal year of the Community ends on 31 December.

146. The Community must prepare and adopt a budget each year.

147. Not later than the day the budget of the Community is submitted to the council, the chair shall report on the financial situation of the Community at a meeting of the council.

The chair shall deal with the latest financial statements, the latest report of the auditor and the latest three-year fixed assets program, with preliminary indications regarding the financial statements for the fiscal year preceding the year for which the next budget is made, and outline the new budget orientations and the next three-year fixed assets program.



The report by the chair shall be published in a newspaper circulated in the territory of the Community.

148. The secretary shall give public notice of the meeting at which the budget or the three-year fixed assets program must be submitted to the council, not later than eight days before it takes place.

At the meeting, the deliberations of the council and the question period shall deal exclusively with the budget or the three-year program.

149. The adopted budget and three-year program, or an explanatory document, shall be published in a newspaper circulated in the territory of the Community.

150. Not later than 30 September each year, the treasurer shall determine in a certificate the appropriations the treasurer considers necessary for the next fiscal year for payment of the interest on securities issued or to be issued by the Community, for repayment or redemption of such securities and for the requirements of their sinking funds and any other charge related to the debt of the Community, except however, the amounts required in principal, interest and accessories in relation to the issue of treasury bills, loans contracted in anticipation of revenue and renewable loans falling due during the fiscal year covered by the budget. The treasurer shall also determine in the certificate the appropriations necessary to meet, during the next fiscal year, the obligations undertaken by the Community during previous fiscal years. The treasurer may amend the certificate until 31 December preceding the fiscal year to which it applies if the appropriations mentioned therein have not been adopted by the council. The treasurer shall file the certificate and any amendment in the office of the secretary. The secretary shall notify the council of the filing at the first sitting held after the filing.

The treasurer shall also include in the certificate referred to in the first paragraph the appropriations necessary during the next fiscal year to pay the obligations of the Community under collective agreements or its by-laws or under legislative or regulatory provisions adopted by the Government of Québec or the Government of Canada or any of its ministers or bodies.

The amounts shown in the certificate shall be included in the budget of the Community for the fiscal year covered by the budget.

The budget shall also appropriate an amount of at least 1% of the expenses of the Community to cover expenditures not provided for in its budget, the settlement of claims and the payment entailed by court sentences.

151. The budget of the Community must be filed in the office of the secretary of the Community. The secretary shall forward a copy of the budget to each municipality whose territory is situated within the territory of the Community and to every member of the council not later than 1 November.

152. The budget of the Community shall be submitted to the council not later than 15 November, at a special meeting convened for that purpose.

The meeting shall be adjourned as often as necessary and shall not be closed until the budget has been adopted. If there is no quorum, the meeting shall be automatically adjourned to 8:00 p.m. on the following juridical day.

The council is not bound to adopt simultaneously all the appropriations of the budget and thus may adopt an appropriation separately.

The council may also, before 1 January, adopt temporarily, for a period of three months, one quarter of an appropriation provided for in the budget. The same applies before each period beginning on 1 April, 1 July and 1 October. The council may thus adopt at the same time

- (1) three quarters of an appropriation if it does so before 1 April; and
- (2) two quarters of an appropriation, if it does so before 1 July.

If, on 1 January, the budget of the Community has not been adopted, one quarter of the appropriations provided for in the budget of the preceding fiscal year with the exception of the appropriations mentioned in the seventh paragraph, is deemed adopted and shall come into force. The same applies on 1 April, 1 July and 1 October if on each of those dates the budget has not been adopted.

The presumption of adoption and the coming into force provided for in the fifth paragraph do not apply to the appropriations provided for in the budget for the preceding fiscal year, which correspond

- (1) to those mentioned in the certificate of the treasurer referred to in section 150;
- (2) to those then adopted separately under the third paragraph; and
- (3) to those one quarter of which have then been adopted under the fourth paragraph for the same period of three months.

In the hypothesis mentioned in the fifth paragraph, the appropriations mentioned in the certificate of the treasurer referred to in section 150 and included in the budget under study are deemed to be adopted on 1 January and shall then come into force.

The adoption, after 1 January, of the budget or one of its appropriations in accordance with the third paragraph is retroactive to that date. The same rule applies to the by-laws and resolutions arising therefrom.

A certified copy of the budget of the Community shall be transmitted to the Minister within 30 days of its adoption.

153. The head of each department shall be responsible for the management of the budget of that department, according to the provisions of this Act, under the supervision of the council.

154. During a fiscal year, the Community may adopt a supplementary budget.

The supplementary budget shall be prepared, filed and forwarded according to the rules, modified as necessary, applicable to the annual budget. A copy of the budget must be sent to the municipalities and the members of the council not less than 15 days before it is submitted to the council.

The supplementary budget shall be submitted to the council at a special meeting convened for that purpose. The meeting may close without the budget being adopted.

If the supplementary budget is not adopted within 15 days from the day it is submitted, the appropriations mentioned in the certificate of the treasurer referred to in section 150 and included in the budget are nevertheless deemed to be adopted and shall come into force on the expiry of that period.

155. The expenses provided for in the supplementary budget shall be apportioned in accordance with section 162, with the necessary modifications. However, for the purposes of the apportionment, the data that was used to determine the basis of the apportionment of the expenditures provided for in the annual budget for the same fiscal year shall be used for each municipality.

156. Every transfer of an appropriation within the budget requires the approval of the council. The council may only give approval after obtaining the written opinion of the head of the department concerned.

157. No by-law or resolution of the council authorizing or recommending the expenditure of moneys shall have effect before the filing of a certificate of the treasurer attesting that appropriations are available or will be available at the proper time for the purposes for which such expenditure is proposed.

158. The balance of an appropriation voted by a budget and not entirely spent at the end of a fiscal year lapses except where, on or before the following 1 March, the Community reserves it by allocating it to the available surplus.

159. During a fiscal year, the Community on report of the treasurer may appropriate to expenses for such fiscal year or for a subsequent fiscal year it determines any estimated budget surplus for the current fiscal year and any surplus from the preceding fiscal year.

The appropriation of a surplus to expenditures for a fiscal year amends the budget for that fiscal year accordingly.

Any other surplus or any deficit for a fiscal year shall be entered in the revenues or expenditures for the fiscal year following that in which the auditor transmitted a report for the first mentioned fiscal year.

160. The treasurer shall be personally responsible for all moneys paid out by the treasurer and which, to the treasurer's knowledge, exceed the amount appropriated for such purpose.

The treasurer or any other officer designated for such purpose by the council shall sign the cheques issued by the Community. The facsimile of the treasurer's or officer's signature shall have the same effect as if the signature itself had been affixed thereto.

161. The payment of the expenses of the Community, including the payment of interest on and amortization of its loans, is guaranteed by its general fund.

162. The expenses of the Community, including those resulting from payment of interest on and accessories and amortization of its loans, shall be charged to the municipalities whose territories are situated within the territory of the Community.

Except the expenses relating to a service governed by a special tariff or of those otherwise governed by this Act or by other Acts, those expenses shall be apportioned among the municipalities in proportion to their respective fiscal potentials, within the meaning of section 261.5 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1).

However, the Community may, by by-law, provide that all or part of its expenditures are to be apportioned on the basis of a criterion other than that of non-adjusted fiscal potential.

163. The Community shall prescribe, by by-law, the terms and conditions for determining the aliquot shares of the expenses of the Community and payment thereof by the municipalities.

The by-law may, in particular, prescribe, for each situation set out in section 152 or 154,

(1) the date on which the data used to provisionally or finally establish the basis of apportionment of the expenses of the Community are to be considered;

(2) the time limit for determining each aliquot share and for informing each municipality of it;

(3) the obligation of a municipality to pay its aliquot share in a single payment or its right to pay it in a certain number of instalments;

(4) the time limit within which each instalment must be paid ;

(5) the rate of interest payable on an outstanding instalment ;

(6) the adjustments that may result from the deferred coming into force of all or part of the budget of the Community or from the successive use of provisional and final data in determining the basis of apportionment of the expenses of the Community.

Instead of fixing the rate of interest payable on an outstanding instalment, the by-law may provide that such rate shall be fixed by resolution when the budget of the Community is adopted.

164. The Community may, in the by-law provided for in section 163, prescribe that the rate of interest it fixes in the by-law or in the resolution provided for in the third paragraph of the said section applies to every amount payable to the Community that is or becomes payable, or fix, by by-law, a specific rate of interest applicable to such an amount.

165. The Community shall, by by-law, establish a program to share the growth in its tax base in accordance with the rules determined by a regulation of the Government.

The program must, in particular, include rules to determine the amount that the Community must pay into the fund established under section 166.

166. The Community shall, by by-law, establish a fund to provide financial support for the development projects it determines, in particular among the projects submitted by municipalities whose territories are situated within its territory.

The by-law must indicate the nature of the development projects that are to be financed by the fund and the costs that may be charged to the fund.

The fund is comprised of the amount determined in accordance with the second paragraph of section 165 and the interest it generates.

167. Contestation by a municipality of a sum claimed by the Community does not exempt the municipality from paying the amount while the contestation is pending.

If there is no payment within 90 days after the receipt of a formal notice, the Commission municipale du Québec may, at the request of the Community, file a petition to have the said municipality declared in default in accordance with Division VI of the Act respecting the Commission municipale (R.S.Q., chapter C-35).

168. For the purpose of paying its share of the expenses of the Community or its contribution to the program established under section 165, each

municipality may impose a general or special tax based on the assessment of the taxable immovables in its territory, by following the procedure provided for that purpose in the Act governing it.

169. Subject to the regulation of the Government made under paragraph 8.2 of section 262 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1), the Community may, by by-law, provide that all or part of the property, services or activities of the Community shall be financed by means of a tariff involving a fixed amount, exigible on an *ad hoc* basis, in the form of a subscription or under terms similar to those of a subscription for the use of a property or service or in respect of a benefit derived from an activity.

Sections 244.3 to 244.6 and the first and third paragraphs of section 244.8 of the Act respecting municipal taxation apply, with the necessary modifications, to the tariff referred to in the first paragraph.

170. The Community shall adopt, for the next three fiscal years, a program of capital expenditures.

The program shall be divided into annual phases. It shall describe, in respect of the period coincident therewith, the object, the amount and the mode of financing of the capital expenditures that the Community plans to make or to incur and for which the financing period exceeds 12 months. The program shall also mention the capital expenditures that the Community plans to make beyond the period covered by the program, if those expenditures result from commitments made during that period.

To the extent that they are consistent with this section, the provisions applicable to the procedure prior to the adoption of the budget of the Community also apply, with the necessary modifications, to the procedure prior to the adoption of the program of capital expenditures.

171. The Community may amend its program of capital expenditures. Section 170, with the necessary modifications, applies to such an amendment.

172. The Community may, by a by-law approved by the Minister, order a loan for a purpose within its jurisdiction. In no case may the term of such a loan exceed 50 years. The loan shall be made in accordance with section 182.

The by-law need only mention the total amount of the principal of the loan it orders, the purposes for which the proceeds of the loan are to be used and the maximum term for which it may be contracted.

173. Part of the loan, not exceeding 5% of the amount of the expenditure authorized by the loan by-law in force, may be reserved for repayment to the general fund of the Community of all or part of the sums expended, before the passage of the loan by-law, in connection with the object of the by-law.

That part of the loan must be specified in the by-law.

174. The Community may, by by-law, constitute a working fund the purpose, constitution and administration of which must be consistent with the following rules :

(1) To constitute the working fund, the Community may authorize the treasurer of the Community to borrow through the issue and sale of treasury bills, notes or other securities, the amounts which the treasurer deems necessary, provided the current nominal value of such treasury bills, notes or other securities does not at any time exceed \$125,000,000.

(2) Such treasury bills, notes or other securities may bear no nominal interest rate, shall be payable to bearer or to the holder registered according to their conditions, and shall mature no more than 365 days after the date of their issue. They may bear the mention that they are redeemable in advance, without any other formalities and conditions than those mentioned in them, and must indicate that they are issued for the purposes of the working fund of the Community.

(3) The sale of the treasury bills, notes or other securities shall be carried out by agreement or by tender. Sale by agreement shall be made on behalf of the Community by the treasurer with the approval of the Community.

In the case of sale by tender, the tenders shall not be subject to section 110, but they shall be addressed to and opened by the treasurer. The treasurer, on behalf of the Community, shall make the sale to the tenderer who submitted the tender which the treasurer deems to be the most advantageous to the Community. The treasurer is not bound to accept any tender.

(4) A loan may be granted from such working fund

(a) for a purpose for which the Community is authorized to borrow temporarily ;

(b) for the purposes of capital expenditures ;

(c) in anticipation of the collection of revenue of the Community or of a sum owing to it ; or

(d) for the purchase of pending securities of the Community that may meet the requirements of a sinking-fund, at a price not exceeding their par value.

The term of the loan may not exceed five years.

However, in the case of loans granted pending the payment of advances on loans to be granted by the Canada Mortgage and Housing Corporation, the loans granted out of such fund may be for a term of more than five years and apply until any such loan is made to the Community by the Canada Mortgage and Housing Corporation.

(5) Moneys out of the working fund may be invested in treasury bills or in other short-term bonds or securities provided for in paragraphs 2, 3 and 4 of article 1339 of the Civil Code. Such moneys may also be invested on a short-term basis in a chartered bank or other financial institution authorized to receive deposits.

(6) The Community may authorize the treasurer of the Community to invest in the fund, for periods not to exceed 90 days, the available balance of the administrative budget fund or the temporarily unused balance of the proceeds from long term loans.

(7) At the end of a fiscal year of the Community, any operating surplus of the working fund shall be transferred to the general fund of the Community, and any deficit shall be made good out of such fund if need be.

175. The Community may, by by-law, establish a financial reserve for any purpose within its jurisdiction to finance expenditures other than capital expenditures.

The by-law must set out

(1) the purpose for which the reserve is established ;

(2) the projected amount of the reserve ;

(3) the mode of financing of the reserve ;

(4) in the case of a reserve of specified duration, the duration of existence of the reserve ;

(5) the allocation of the amount, if any, by which income exceeds expenditures at the end of the existence of the reserve.

The duration of existence of a reserve must be determined, unless such determination is inconsistent with the purpose for which the reserve is established.

176. A financial reserve shall be made up of the sums allocated to it each year and interest earned on the sums.

The sums allocated to the reserve may derive only from the amounts taken out of the part of the general fund of the Community allocated to that purpose by the council or from the excess amount referred to in section 244.4 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1), derived from a tariff established by the Community under section 169.

177. A by-law establishing a financial reserve must be approved by the Minister.



178. All expenditures necessary for the carrying out of the purpose for which the reserve was established must have been made on or before the date on which the reserve ceases to exist.

The treasurer must file, not later than at the last meeting of the council before that time, a statement of the income and expenditures of the reserve.

The council shall allocate the amount, if any, by which the reserve's income exceeds its expenditures in accordance with the provisions of the by-law under which the reserve was established. If there is no such provision, any amount in excess shall be paid into the general fund.

179. A by-law establishing a financial reserve may not provide for a projected amount that, if added to the projected amounts of reserves already established by by-law and still in existence, results in an amount exceeding 15% of the other appropriations provided for in the budget of the fiscal year during which the by-law establishing the reserve is adopted.

180. The sums allocated to a financial reserve established under section 175 must be invested in accordance with section 190.

181. The Community may, by resolution, order temporary loans for the payment of current administration expenses and contract them on the conditions and for the term it determines.

The Community may also contract loans under the first paragraph for the payment of the expenses made under a loan by-law.

182. Where a loan has been ordered by by-law, the Community may effect it by issuing securities or by contract, up to the total amount of principal mentioned in the by-law.

The Community shall then determine

- (1) the interest rate on the loan or securities, or the manner of fixing such rate;
- (2) the time the loan is effected;
- (3) the contents of the securities or of the contracts; and
- (4) the conditions of issue of the securities.

The Community may then effect the loan for a term shorter than that authorized by by-law and determine the part of the loan which shall be renewable at maturity and the maximum term of such renewal.

Any loan for the purpose of such renewal may be effected within the 12 months preceding the date of maturity of the loan to be renewed, provided

that the term prescribed by the Community for the renewal does not exceed the maximum term determined pursuant to this section.

The Community may designate a place outside Québec where a register shall be kept for the registration of securities and a person authorized to keep the register.

The Community may repay in advance a loan that may be so repaid.

183. Sections 7 and 8 and Divisions V, VI, VIII to X and XII of the Act respecting municipal debts and loans (R.S.Q., chapter D-7) apply to the Community. The treasurer or any other officer designated for that purpose by the council shall fulfil the obligation mentioned in section 24 of that Act.

The Minister may cause the certificate referred to in section 12 of that Act to be affixed to a security issued by the Community under a by-law in force. The validity of a security bearing such certificate is not contestable.

Division IX of that Act does not apply to a security that is not subject to registration pursuant to the conditions of its issue.

A loan obtained by the Community or a security issued by it may be repaid or redeemed in advance, of its own accord, according to the terms of the contract or security. The date of advance repayment or redemption may be other than a date of payment of interest if the prior notice stipulated in the contract or security is given.

184. When a by-law authorizes the Community to borrow a certain amount either in the legal tender of Canada or in the currency of one or more foreign countries, the total amount of the loan thus authorized shall be that expressed in the legal tender of Canada.

The amount in Canadian dollars of a loan effected in another currency is obtained by multiplying the amount of the principal of the loan by the value of the unit of the other currency in relation to the Canadian dollar.

For the purposes of the computation under the second paragraph, the value of the unit of the other currency in relation to the Canadian dollar is as it stands

(1) at the time of the conversion into Canadian dollars of all or part of the proceeds of the loan paid to the Community ; or,

(2) at noon on the day on which all or part of the proceeds of the loan are paid to the Community, if they are not converted into Canadian dollars.

Where all or part of the proceeds of a loan are used to renew a loan already effected by the Community, for all or part of its unexpired term, the amount used for such renewal is not deducted from the balance of the amount of the

loan authorized by by-law, whatever the value of the currency in which the loan is effected.

185. The securities issued by the Community are investments presumed sound as if they were mentioned in paragraph 2 of article 1339 of the Civil Code.

The commitments included in the securities issued by the Community and the contracts entered into by it constitute direct and general obligations of the Community and of the municipalities whose territories are situated within the territory of the Community and rank concurrently and *pari passu* with all other general obligations of the Community and of the municipalities.

186. The Community and the municipalities whose territories are situated within the territory of the Community are jointly and solidarily liable for any obligations contracted by the Community towards the holders of the securities issued by it or towards persons with whom it has debts arising from contracts.

187. Notwithstanding any inconsistent legislative provision, the second paragraph of section 183 does not apply to a security issued under section 174 or issued to effect a temporary loan.

188. Notwithstanding any inconsistent legislative provision, the securities of the Community may be issued in the following forms or as a combination thereof:

- (1) fully registered securities;
- (2) securities that may be registered only for the principal; or
- (3) securities payable to the bearer.

The Community may prescribe the mode of transfer or negotiation of its securities and the formalities to be fulfilled for that purpose. However, a bearer security is negotiable by mere delivery and is not subject to registration unless otherwise stipulated.

189. Where the Community effects a loan in a foreign country, it may elect domicile in that country or elsewhere, for the purpose of receiving a notice or proceeding respecting the loan.

In the same circumstances, the Community may order that the securities issued by it or the contracts entered into by it in a foreign country for the purposes of the loan be governed by the law of that country, provided that sections 172 to 174 and 181 to 191 are complied with.

190. The Community may invest the monies belonging to it by purchasing shares in a mutual fund referred to in the third paragraph of section 99 of the Cities and Towns Act (R.S.Q., chapter C-19).

The Minister may, by regulation, determine other securities in which the Community may invest the monies belonging to it through a mutual fund referred to in the first paragraph.

191. The bonds, notes and other securities of the Community shall be signed by the chair or vice-chair and by the treasurer or, if the treasurer is absent or unable to act, by the person designated for such purpose by the council.

The facsimile of the signature of the chair and the treasurer on the bonds may be engraved, lithographed or printed and shall have the same effect as if the signature itself had been affixed thereto.

The certificate of the Minister or of the authorized person, mentioned in section 12 of the Act respecting municipal debts and loans (R.S.Q., chapter D-7), may be affixed to the bonds issued by the Community under the facsimile of the signature of the Minister or of the authorized person. However, the presumption of validity provided for in that section applies only if the bonds also bear the handwritten signature of the chair, the treasurer or a financial officer who is a mandatary of the Community.

Although a person whose signature or a facsimile thereof has been affixed to a bond, a note, another security of the Community or a coupon in that person's capacity as chair, vice-chair or treasurer of the Community or person designated for such purpose by the council, has ceased to act in such capacity before the bond, note, security or coupon is issued and delivered, the signature shall nevertheless be valid and shall bind the Community in the same manner as if such person had continued to act in such capacity on the date of the issue and delivery and the signature or facsimile of the signature of the persons acting in such capacity on the date on which the signature or facsimile was affixed to a bond, note, coupon or other security of the Community shall bind the Community even though the person was not acting in such capacity on the date of such bond, coupon, note or security.

192. At the end of the fiscal year, the treasurer shall draw up the financial report for the past fiscal year, and certify that it is accurate.

The financial report shall be drawn up on the forms furnished by the Minister, if such is the case. It shall include the financial statements and any other information required by the Minister.

193. The treasurer shall, at a meeting of the council, file the financial report and the auditor's report transmitted under section 200.

194. After the filing referred to in section 193 and not later than 1 May, the secretary shall transmit the financial report and the auditor's report to the Minister.

195. The secretary shall transmit to the Minister and to each municipality whose territory is situated within the territory of the Community, before 1 May, a summary report of the activities of the Community during the preceding fiscal year.

The secretary shall also transmit a copy of the financial statements of the Community and of the auditor's report for the preceding fiscal year to each municipality whose territory is situated within the territory of the Community.

196. The Community may request the treasurer, at any time during the year, to produce a detailed account of the revenues and expenditures of the Community.

197. During the period extending from 1 December to 1 May, the Community shall appoint an auditor for the fiscal year beginning during that period. The Community may provide that the appointment is also valid for the following fiscal year or for the two following fiscal years.

If the auditor appointed for a fiscal year is not the auditor in office for the preceding fiscal year, the secretary of the Community shall inform the Minister of the name of the new auditor as soon as possible after the appointment.

198. If the office of auditor becomes vacant before the expiry of the auditor's term, the Community shall fill the vacancy at the first meeting of the council held after the vacancy occurred.

199. The auditor shall, for the fiscal year for which the auditor was appointed, audit the financial statements and any other document the Minister determines by regulation.

The auditor shall prepare an audit report in which the auditor shall state, in particular, whether the financial statements faithfully represent the financial position of the Community on 31 December and the results of its operations for the fiscal year ending on that date.

200. The auditor shall transmit the audit report to the treasurer not later than 31 March following the expiry of the fiscal year for which the auditor was appointed.

201. The Community may require any other audit it considers necessary and require a report.

202. In no case may the following persons act as auditor of the Community :

- (1) a member of the council ;
- (2) an officer or an employee of the Community ;
- (3) the associate of a person mentioned in paragraph 1 or 2 ;

(4) a person who, during the fiscal year for which the audit is carried out, has, directly or indirectly, personally or through an associate, any participation, interest or commission in or under a contract with the Community or in relation to such a contract, or who derives any benefit from the contract, unless the person's connection with the contract arises from the practice of the person's profession.

203. The Minister may, if necessary, order the appointment of an auditor other than the auditor appointed under section 197 and require the auditor to make a report.

## **CHAPTER V**

### **REGULATORY POWER**

204. The Government shall determine, by regulation, the rules that the Community must observe in establishing a program under section 165.

## **CHAPTER VI**

### **PENAL PROVISIONS**

205. Every person who contravenes section 220 is guilty of an offence and is liable, for each offence, to a fine not exceeding \$1,000.

206. The Community may institute penal proceedings for an offence under a provision of this Act.

207. Every municipal court in the territory of the Community has jurisdiction in respect of an offence under a provision of this Act.

208. The fine belongs to the Community if it instituted the penal proceedings.

The costs relating to proceedings instituted before a municipal court belong to the municipality under the jurisdiction of that court, except the part of the costs remitted to another prosecuting party by the collector under article 366 of the Code of Penal Procedure (R.S.Q., chapter C-25.1), and the costs remitted to the defendant or imposed on that municipality under article 223 of that Code.

## **CHAPTER VII**

### **MISCELLANEOUS PROVISIONS**

209. The provisions of Division XIII.1 of the Cities and Towns Act (R.S.Q., chapter C-19) apply, with the necessary modifications, to the Community.

210. The Minister may, on the conditions determined by the Minister, extend a time period prescribed for the Community in this Act or set a new time period.

211. If the Community fails to pass a by-law or a resolution within the time prescribed by this Act, the resolution or by-law may be adopted by the Government and shall be binding upon the Community.

A resolution or by-law so adopted by the Government may be repealed or amended only with the approval of the Minister.

212. Nothing in this Act shall be construed as preventing the Community from passing a resolution or by-law after the time prescribed by this Act, but before such resolution or by-law is adopted by the Government.

213. The Community shall, as soon as possible after a by-law has been passed under this Act transferring to it the ownership of any immovable in a municipality, register in the office of the registration division concerned a declaration signed by the director general and secretary stating that the Community is now the owner of the immovable described therein following the passing of a by-law of which the number, date of coming into force and reference to the provisions of this Act authorizing the passing thereof must be mentioned in the declaration.

214. No objection made to the form or based upon the omission of any formality, even peremptory, shall be admitted in any action, suit or procedure respecting a matter to which this Act applies, unless a real injustice results from the dismissal of such objection or the omission of the formality entails nullity under an express provision of this Act.

No person who has complied with a notice or has become sufficiently acquainted in any way regarding the content or object of the notice shall subsequently invoke insufficiency or defect in the form of the notice, or the failure to publish, to send or to serve the notice.

215. The clerk or secretary-treasurer of any municipality whose territory is situated within the territory of the Community must forward to the Community, upon a request by the Community, any document forming part of the records of the municipality or, at its option, a true copy of any such document relating directly or indirectly to the exercise by the Community of any jurisdiction assigned to it by this Act.

216. No by-law of a municipality whose territory is situated within or without the territory of the Community may be considered to operate to prevent the Community from occupying any immovable in the territory of the municipality which it is entitled to occupy in the exercise of the jurisdiction assigned to it by this Act, subject, however, to the right of the municipality to apply to the Commission municipale du Québec to obtain an order from the Commission enjoining the Community not to commence the occupation, or to cease it.

Such an application to the Commission municipale du Québec shall be made by a motion served upon the Community, and the Commission municipale du Québec, after hearing or calling the parties, may make any order it considers appropriate.

217. The Community is a municipality within the meaning of the Act respecting the Ministère des Affaires municipales et de la Métropole (R.S.Q., chapter M-22.1), the Act respecting the Commission municipale (R.S.Q., chapter C-35), the Municipal Aid Prohibition Act (R.S.Q., chapter I-15), the Public Health Protection Act (R.S.Q., chapter P-35) and the Labour Code (R.S.Q., chapter C-27).

The Acts mentioned in the first paragraph apply, with the necessary modifications, to the Community.

218. The Community is dispensed from the obligation of contracting the insurance under section 84 of the Automobile Insurance Act (R.S.Q., chapter A-25) and section 103 of that Act applies to the Community.

219. If any appointment or designation under this Act has not been made within the time prescribed, or within a time that the Minister considers reasonable, it may be made by the Minister without the Minister being required to select the person appointed or designated from among the persons eligible; however, with the permission of the Minister, the appointment or designation may be made even after the expiry of the time, by the persons to whom this Act assigns such duty.

220. No person may, except with the authorization of the Community, use in any manner whatever the name “Communauté métropolitaine de Montréal”, the name of any of its departments, its emblem or its graphic symbol.

221. For the purposes of this Act, the population of the territory of the Community is the sum of the populations of all the municipalities whose territory is situated within the territory of the Community.

222. The Minister of Municipal Affairs and Greater Montréal is responsible for the administration of this Act.

## **AMENDING AND REPEALING PROVISIONS**

### **ACT RESPECTING LAND USE PLANNING AND DEVELOPMENT**

223. Sections 264 and 264.0.1 of the Act respecting land use planning and development (R.S.Q., chapter A-19.1) are repealed.

224. Section 264.1 of the said Act is amended

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



“264.1. The powers and role assigned by this Act to a regional county municipality are, in the part of the territory of the Communauté métropolitaine de Montréal corresponding to the territory of Ville de Montréal and of the municipalities listed in Schedule II to the Act respecting the Communauté métropolitaine de Montréal (*insert here the year and chapter number of this Act*), and to the territory of Ville de Mirabel, Ville de Laval and any regional county municipality whose territory is situated entirely within the territory of the Community, exercised by the Community.”;

(2) by striking out subparagraph 2 of the second paragraph;

(3) by inserting the following subparagraph after subparagraph 6 of the second paragraph:

“(6.1) the 60-day period provided for in section 53.7 is replaced by a 90-day period and the Minister must, before giving an opinion under that section with respect to a draft by-law of a regional county municipality whose territory is situated partly within the territory of the Community, obtain the opinion of the Community;”;

(4) by adding “and the Minister must, before giving an opinion under section 56.14 with respect to a by-law of a regional county municipality whose territory is situated partly within the territory of the Community, obtain the opinion of the Community” at the end of subparagraph 7 of the second paragraph;

(5) by inserting “, of a by-law” after “program” in the eighth line of the third paragraph.

## ENVIRONMENT QUALITY ACT

225. Section 53.5 of the Environment Quality Act (R.S.Q., chapter Q-2), enacted by section 13 of chapter 75 of the statutes of 1999, is amended

(1) by replacing “Urban communities, regional county municipalities” in the first line by “Regional municipalities”;

(2) by adding the following paragraph:

“For the purposes of this division, the Communauté métropolitaine de Montréal, the Communauté urbaine de Québec, the Communauté urbaine de l’Outaouais and all regional county municipalities except those whose territory is situated entirely within the territory of the Communauté métropolitaine de Montréal are regional municipalities.”

226. Section 53.7 of the said Act, enacted by section 13 of chapter 75 of the statutes of 1999, is amended

(1) by replacing “urban community or regional county municipality” in the first line of the first paragraph by “regional municipality”;

(2) by replacing “regional county municipalities or urban communities” in the first line of the second paragraph by “regional municipalities” and by replacing “regional county municipality or urban community” in the fourth and fifth lines of that paragraph by “regional municipality”;

(3) by replacing “urban community or regional county municipality” in the first and second lines of the third paragraph by “regional municipality”;

(4) by replacing “urban community or regional county municipality” in the third line of the third paragraph by “regional municipality”.

227. Section 53.8 of the said Act, enacted by section 13 of chapter 75 of the statutes of 1999, is amended

(1) by striking out the first paragraph;

(2) by replacing “Similarly, a regional county municipality” in the first line of the second paragraph by “A regional municipality”.

228. Section 53.9 of the said Act, enacted by section 13 of chapter 75 of the statutes of 1999, is amended

(1) by replacing “urban community, regional county municipality” in the fourth line of subparagraph 9 of the first paragraph by “regional municipality”;

(2) by replacing “an urban community or regional county municipality” in the first line of the second paragraph by “a regional municipality”;

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

“In the case of a regional county municipality whose territory is situated partly within the territory of the Communauté métropolitaine de Montréal, only the management plan of the Community may apply in the part of the territory of the regional county municipality within the territory of the Community.”

229. Section 53.10 of the said Act, enacted by section 13 of chapter 75 of the statutes of 1999, is amended

(1) by replacing “an urban community or regional county municipality” in the first and second lines by “a regional municipality”;

(2) by replacing “urban community or regional county municipality, or urban community or regional county municipality” in the third and fourth lines by “regional municipality or of any regional municipality”.

230. Section 53.11 of the said Act, enacted by section 13 of chapter 75 of the statutes of 1999, is amended

(1) by replacing “urban community or regional county municipality” in the second and third lines of the first paragraph by “regional municipality”;

(2) by replacing “the territory of the urban community or regional county municipality” in the fourth and fifth lines of the first paragraph by “its territory”.

231. Section 53.12 of the said Act, enacted by section 13 of chapter 75 of the statutes of 1999, is amended by replacing “urban community or regional county municipality” in the second line of the first paragraph by “regional municipality”.

232. Section 53.13 of the said Act, enacted by section 13 of chapter 75 of the statutes of 1999, is amended by replacing “urban community or regional county municipality” in the second and third lines of the first paragraph and in the second and third lines of the second paragraph by “regional municipality”.

233. Section 53.14 of the said Act, enacted by section 13 of chapter 75 of the statutes of 1999, is amended by replacing “urban community or regional county municipality” in the third line by “regional municipality”.

234. Section 53.15 of the said Act, enacted by section 13 of chapter 75 of the statutes of 1999, is amended by replacing “urban community or regional county municipality” in the third and fourth lines of the second paragraph by “regional municipality”.

235. Section 53.16 of the said Act, enacted by section 13 of chapter 75 of the statutes of 1999, is amended by replacing “urban community or regional county municipality, or urban community or regional county municipality” in the third and fourth lines by “regional municipality or to each regional municipality”.

236. Section 53.17 of the said Act, enacted by section 13 of chapter 75 of the statutes of 1999, is amended

(1) by replacing “urban community or regional county municipality” in the second line of the first paragraph by “regional municipality”;

(2) by replacing “urban community or regional county municipality” in the first and second lines of the second paragraph by “regional municipality”;

(3) by replacing “urban community or regional county municipality” in the seventh and eighth and in the eighth and ninth lines of the second paragraph by “regional municipality”;

(4) by replacing “urban community or regional county municipality, or urban community or regional county municipality” in the first, second and third lines of the third paragraph by “regional municipality or to each regional municipality”.

237. Section 53.18 of the said Act, enacted by section 13 of chapter 75 of the statutes of 1999, is amended

(1) by replacing “urban community or regional county municipality shall, in accordance with the provisions of sections 201 to 203 of the Act respecting land use planning and development (chapter A-19.1),” in the second, third and fourth lines of the first paragraph by “regional municipality shall”;

(2) by replacing “urban community or regional county municipality, or urban community or regional county municipality” in the second and third lines of the second paragraph by “regional municipality or to any regional municipality”;

(3) by replacing “urban community or regional county municipality” in the second and third lines of the third paragraph by “regional municipality”.

238. Section 53.20 of the said Act, enacted by section 13 of chapter 75 of the statutes of 1999, is amended

(1) by replacing “urban community or regional county municipality” in the third and fourth lines of the first paragraph by “regional municipality”;

(2) by replacing “urban community or regional county municipality” in the sixth and seventh lines of the first paragraph by “regional municipality”;

(3) by replacing “urban community or regional county municipality, or urban community or regional county municipality” in the eight and ninth lines of the first paragraph by “regional municipality or to each regional municipality”.

239. Section 53.21 of the said Act, enacted by section 13 of chapter 75 of the statutes of 1999, is amended

(1) by replacing “urban community or regional county municipality” in the first line of the first paragraph by “regional municipality”;

(2) by replacing “urban community or regional county municipality” in the sixth line of the first paragraph by “regional municipality”;

(3) by replacing “urban community or regional county municipality” in the second and third and in the fourth and fifth lines of the third paragraph by “regional municipality”;

(4) by replacing “urban community or regional county municipality, or urban community or regional county municipality” in the fifth and sixth lines of the third paragraph by “regional municipality or to any regional municipality”.

240. Section 53.22 of the said Act, enacted by section 13 of chapter 75 of the statutes of 1999, is amended

(1) by replacing “urban community or regional county municipality” in the third line of subparagraph 1 of the first paragraph by “regional municipality”;

(2) by replacing “urban community or regional county municipality” in the third line of the second paragraph by “regional municipality”.

241. Section 53.23 of the said Act, enacted by section 13 of chapter 75 of the statutes of 1999, is amended by replacing “urban community or regional county municipality” in the second line of the first paragraph by “regional municipality”.

242. Section 53.24 of the said Act, enacted by section 13 of chapter 75 of the statutes of 1999, is amended by replacing “an urban community or regional county municipality” in the first and second lines of the first paragraph by “a regional municipality”.

243. Section 53.25 of the said Act, enacted by section 13 of chapter 75 of the statutes of 1999, is amended by replacing “urban community or regional county municipality concerned may, in accordance with the provisions of sections 201 to 203 of the Act respecting land use planning and development, pass” in the third, fourth, fifth and sixth lines of the first paragraph by “regional municipality may pass”.

244. Section 53.26 of the said Act, enacted by section 13 of chapter 75 of the statutes of 1999, is amended by replacing “urban community or regional county municipality” in the first line by “regional municipality”.

245. Section 53.27 of the said Act, enacted by section 13 of chapter 75 of the statutes of 1999, is amended by replacing “urban community or regional county municipality” in the fifth and sixth lines by “regional municipality”.

246. Section 64.3 of the said Act, amended by section 20 of chapter 75 of the statutes of 1999, is again amended by replacing “regional county municipality or urban community” in the third line of the third paragraph by “regional municipality”.

247. Section 37 of the Act to amend the Environment Quality Act and other legislation as regards the management of residual materials (1999, chapter 75) is repealed.

248. Section 39 of the said Act is repealed.

#### TRANSITIONAL AND FINAL PROVISIONS

249. The Communauté urbaine de Montréal and any regional county municipality all or part of the territory of which is situated within the territory of the Communauté métropolitaine de Montréal shall, not later than (*insert here the date of the 60<sup>th</sup> day following the date of assent to this Act*), transmit to the Communauté métropolitaine de Montréal a plan describing the organization of their respective services and specifying the number of staff members employed to manage the services.

The information in the plan must describe the situation that prevailed on (*insert here the date of introduction of this bill*).

250. The budget of the Community shall, for the fiscal year ending on 31 December 2001, be submitted to the council, in accordance with section 152, not later than 1 April 2001.

Sections 146 to 152 apply, with the necessary modifications, to the budget; in particular, the dates of 30 September and 1 November referred to in sections 150 and 151 are replaced by the dates of 15 February and 15 March.

251. The functions of the secretary of the Community shall, until the Community appoints its secretary, be exercised by such person as the Minister may appoint.

The person appointed under the first paragraph shall convoke the members to the first meeting of the council of the Community, at the time and place specified in the notice of meeting sent to each member at least seven days before the meeting is to be held, and shall give public notice of the holding of the meeting within the same time in a newspaper circulating in the territory of the Community. At that first meeting, the council shall establish the schedule of its meetings for the year 2001.

252. This Act comes into force on 1 January 2001, except sections 1 to 99, 219, 222 and 249 to 251 and Schedules I to IV which come into force on (*insert here the date of assent to this Act*) and sections 223 to 248 which come into force on the date or dates to be fixed by the Government.

SCHEDULE I  
(Section 2)

MUNICIPALITIES WHOSE TERRITORIES ARE WITHIN THE  
TERRITORY OF THE COMMUNITY

Ville d'Anjou, Ville de Baie-d'Urfé, Ville de Beaconsfield, Ville de Beauharnois, Ville de Beloeil, Ville de Blainville, Ville de Boisbriand, Ville de Bois-des-Filion, Ville de Boucherville, Ville de Brossard, Paroisse de Calixa-Lavallée, Ville de Candiac, Ville de Carignan, Ville de Chambly, Ville de Charlemagne, Ville de Châteauguay, Ville de Contrecoeur, Cité de Côte-Saint-Luc, Ville de Delson, Ville de Deux-Montagnes, Ville de Dollard-des-Ormeaux, Cité de Dorval, Ville de Greenfield Park, Ville de Hampstead, Ville de Hudson, Ville de Kirkland, Ville de L'Assomption, Ville de L'Île-Bizard, Ville de L'Île-Cadieux, Ville de L'Île-Dorval, Ville de L'Île-Perrot, Ville de La Plaine, Ville de La Prairie, Ville de Lachenaie, Ville de Lachine, Ville de LaSalle, Ville de Laval, Village de Lavaltrie, Ville de Le Gardeur, Ville de LeMoynes, Ville de Léry, Municipalité des Cèdres, Ville de Longueuil, Ville de Lorraine, Ville de Maple Grove, Ville de Mascouche, Municipalité de McMasterville, Village de Melocheville, Ville de Mercier, Ville de Mirabel, Ville de Montréal, Ville de Montréal-Est, Ville de Montréal-Nord, Ville de Montréal-Ouest, Ville de Mont-Royal, Ville de Mont-Saint-Hilaire, Municipalité de Notre-Dame-de-l'Île-Perrot, Municipalité d'Oka, Ville d'Otterburn Park, Ville d'Outremont, Ville de Pierrefonds, Ville de Pincourt, Municipalité de Pointe-Calumet, Ville de Pointe-Claire, Village de Pointe-des-Cascades, Ville de Repentigny, Ville de Richelieu, Ville de Rosemère, Ville de Roxboro, Municipalité de Saint-Amable, Paroisse de Saint-Antoine-de-Lavaltrie, Ville de Saint-Basile-le-Grand, Ville de Saint-Bruno-de-Montarville, Ville de Saint-Constant, Ville de Sainte-Anne-de-Bellevue, Paroisse de Sainte-Anne-des-Plaines, Ville de Sainte-Catherine, Ville de Sainte-Geneviève, Ville de Sainte-Julie, Ville de Sainte-Marthe-sur-le-Lac, Ville de Sainte-Thérèse, Ville de Saint-Eustache, Paroisse de Saint-Gérard-Majella, Ville de Saint-Hubert, Paroisse de Saint-Isidore, Municipalité de Saint-Joseph-du-Lac, Ville de Saint-Lambert, Ville de Saint-Laurent, Paroisse de Saint-Lazare, Ville de Saint-Léonard, Municipalité de Saint-Mathias-sur-Richelieu, Municipalité de Saint-Mathieu, Municipalité de Saint-Mathieu-de-Beloeil, Municipalité de Saint-Philippe, Municipalité de Saint-Placide, Paroisse de Saint-Sulpice, Village de Senneville, Municipalité de Terrasse-Vaudreuil, Ville de Terrebonne, Ville de Varenne, Ville de Vaudreuil-Dorion, Village de Vaudreuil-sur-le-Lac, Ville de Verchères, Ville de Verdun, Ville de Westmount.

## SCHEDULE II

*(Section 4, paragraph 4)*

### SUBURBAN MUNICIPALITIES ON THE ISLAND OF MONTRÉAL

Ville d'Anjou, Ville de Baie-d'Urfé, Ville de Beaconsfield, Cité de Côte-Saint-Luc, Ville de Dollard-des-Ormeaux, Cité de Dorval, Ville de Hampstead, Ville de Kirkland, Ville de Lachine, Ville de LaSalle, Ville de L'Île-Bizard, Ville de L'Île-Dorval, Ville de Montréal-Est, Ville de Montréal-Nord, Ville de Montréal-Ouest, Ville de Mont-Royal, Ville d'Outremont, Ville de Pierrefonds, Ville de Pointe-Claire, Ville de Roxboro, Ville de Sainte-Anne-de-Bellevue, Ville de Sainte-Geneviève, Ville de Saint-Laurent, Ville de Saint-Léonard, Village de Senneville, Ville de Verdun, Ville de Westmount.

## SCHEDULE III

*(Section 4, paragraph 5)*

### REGIONAL COUNTY MUNICIPALITIES ON THE NORTH SHORE AND TO THE NORTH OF MONTRÉAL

Ville de Mirabel, Municipalité régionale de comté de Thérèse-De Blainville, Municipalité régionale de comté de Deux-Montagnes, Municipalité régionale de comté des Moulins, Municipalité régionale de comté de L'Assomption and Municipalité régionale de comté de D'Autray.

## SCHEDULE IV

*(Section 4, paragraph 6)*

### REGIONAL COUNTY MUNICIPALITIES ON THE SOUTH SHORE AND TO THE SOUTH OF MONTRÉAL

Municipalité régionale de comté de Champlain, Municipalité régionale de comté de Roussillon, Municipalité régionale de comté de Lajemmerais, Municipalité régionale de comté de La Vallée-du-Richelieu, Municipalité régionale de comté de Vaudreuil-Soulanges, Municipalité régionale de comté de Rouville and Municipalité régionale de comté de Beauharnois-Salaberry.