



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-SIXTH LEGISLATURE

Bill 55

An Act to amend various legislative provisions concerning municipal affairs

Introduction

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

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EXPLANATORY NOTES

The object of this bill is to grant new powers to municipalities and supramunicipal bodies or to specify the scope of powers they currently exercise. In that regard, the bill amends several Acts that concern municipal affairs.

The bill empowers local municipalities, regional county municipalities, intermunicipal boards, urban communities, Northern villages, the Kativik Regional Government and public transit corporations to obtain movable property and certain services from or through the General Purchasing Director of the Government. Where such a means of acquisition is authorized, those municipalities and municipal bodies are exempted from the obligation to observe the rules applicable with respect to calls for public tenders or invitations to tender.

The bill clarifies the powers of the regional county municipalities and urban communities in respect of regional parks. Under the bill, a corridor for recreational and sports activities is considered to be a regional park, and that legislative status is declaratory.

The bill amends the Act respecting municipal industrial immovables to allow a municipality to borrow from its working fund any sum required to cover its expenses relating to municipal industrial immovables and industrial rental buildings. It also amends that Act to specify that a local municipality's power to grant a subsidy to a non-profit body so as to assist the body in operating an industrial rental building and its power to become surety for such a body may be exercised upon the construction of such a building or upon the conversion of an immovable into such a building.

The bill amends the Act respecting the remuneration of elected municipal officers by abolishing the obligation imposed on a local municipality to obtain the approval of the qualified voters in order to bring into force a by-law allowing compensation to be paid to council members for any loss of income sustained by them in the performance of their duties in exceptional circumstances.

The bill amends several other Acts concerning municipal affairs, in particular to abolish the obligation for the body responsible for assessment to obtain the authorization of the Minister of Municipal Affairs and Greater Montréal in order to defer the deposit of the

roll; to grant to intermunicipal boards the power to decide, by a majority of two-thirds of the votes cast, to use a surplus in a fiscal period for any purpose within its jurisdiction; to permit Northern villages to allocate additional remuneration to the person holding the office of acting mayor; to provide that the rate of compensation for municipal services which may be imposed by a local municipality in respect of a regional park belonging to a supramunicipal body may not exceed \$0.50 per \$100 of assessment; to grant to the Communauté urbaine de Québec the power to entrust the management of its bicycle paths to a non-profit body; to establish a rule allowing certain waste management system agreements to be continued after 8 May 1999; and to allow the Municipalité régionale de comté de Caniapiscau to hold sittings of its council by telephone or other means of communication.

The bill amends the Building Act to provide that a mixed enterprise company in the municipal sector may hold a contractor's licence in cases where such a licence is required for the performance of its activities.

Lastly, the bill amends the Act respecting safety in sports to grant protection from prosecution to the persons authorized under that Act to perform official acts. As well, it amends that Act to enable the Minister responsible for its administration to pay compensation to the non-profit organization entrusted with the responsibility for qualification of underwater divers and instructors.

LEGISLATION AMENDED BY THIS BILL :

- Building Act (R.S.Q., chapter B-1.1);
- Cities and Towns Act (R.S.Q., chapter C-19);
- Municipal Code of Québec (R.S.Q., chapter C-27.1);
- Act respecting the Communauté urbaine de l'Outaouais (R.S.Q., chapter C-37.1);
- Act respecting the Communauté urbaine de Montréal (R.S.Q., chapter C-37.2);
- Act respecting the Communauté urbaine de Québec (R.S.Q., chapter C-37.3);
- Act respecting municipal and intermunicipal transit corporations (R.S.Q., chapter C-70);

- Act respecting municipal taxation (R.S.Q., chapter F-2.1);
- Act respecting municipal industrial immovables (R.S.Q., chapter I-0.1);
- Act respecting safety in sports (R.S.Q., chapter S-3.1);
- Act respecting the Service des achats du gouvernement (R.S.Q., chapter S-4);
- Act respecting the remuneration of elected municipal officers (R.S.Q., chapter T-11.001);
- Act respecting Northern villages and the Kativik Regional Government (R.S.Q., chapter V-6.1);
- Charter of the city of Montréal (1959-60, chapter 102);
- Act respecting the Société de transport de la Ville de Laval (1984, chapter 42);
- Act respecting the Société de transport de la rive sud de Montréal (1985, chapter 32).

Bill 55

AN ACT TO AMEND VARIOUS LEGISLATIVE PROVISIONS CONCERNING MUNICIPAL AFFAIRS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

BUILDING ACT

1. Section 47 of the Building Act (R.S.Q., chapter B-1.1) is amended by adding “or to a mixed enterprise company established in accordance with the Act respecting mixed enterprise companies in the municipal sector (1997, chapter 41)” at the end of the second paragraph.

CITIES AND TOWNS ACT

2. Section 468.45 of the Cities and Towns Act (R.S.Q., chapter C-19) is amended

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

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

“(3) be used for any purpose within the jurisdiction of the management board as determined by the board of directors by a majority of two-thirds of the votes cast.”

3. Section 468.51 of the said Act, amended by section 6 of chapter 53 of the statutes of 1997, is again amended by replacing “573.3.1” in the fourth line of the first paragraph by “573.3.2”.

4. The said Act is amended by inserting the following section after section 573.3.1 :

“573.3.2. A municipality 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 (chapter S-4). A municipality 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 municipality are observed, sections 573 and 573.1 do not apply to contracts entered into by the municipality with or through the General Purchasing Director in accordance with the regulations under the Financial Administration Act (chapter A-6).”

5. Section 573.4 of the said Act is amended by replacing “573.3.1” in the first line by “573.3.2”.

MUNICIPAL CODE OF QUÉBEC

6. The Municipal Code of Québec (R.S.Q., chapter C-27.1) is amended by inserting the following article after article 164:

“164.1. To the extent that all the members consent thereto, any member of the council of Municipalité régionale de comté de Caniapiscau may participate, deliberate and vote at a sitting of the council by telephone or other means of communication that permits all persons participating or present at the sitting to hear one another.

The members of the council may avail themselves of that right only if the secretary-treasurer of the municipality and the person presiding at the sitting are present at the place where the council is sitting.

The minutes of the sitting shall indicate the name of every member of the council who participated by telephone or other means of communication, and be ratified by the council at the next regular sitting.

The members of the council who avail themselves of the right provided for in this section are deemed to be present at the sitting.”

7. Article 614 of the said Code is amended

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

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

“(3) be used for any purpose within the jurisdiction of the management board as determined by the board of directors by a majority of two-thirds of the votes cast.”

8. Article 620 of the said Code, amended by section 14 of chapter 53 of the statutes of 1997, is again amended by replacing “573.3.1” in the fourth line of the first paragraph by “573.3.2”.

9. Article 688 of the said Code, amended by section 87 of chapter 93 of the statutes of 1997, is again amended by replacing the third paragraph by the following paragraph:

“For the purposes of this article and articles 688.1 to 688.4, a natural area or a corridor for recreational and sports activities is considered to be a park. Ville de Laval and Ville de Mirabel are considered to be regional county municipalities.”

10. The said Code is amended by inserting the following article after article 938.1 :

“938.2. A municipality 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 (chapter S-4). A municipality 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 municipality are observed, articles 935 and 936 do not apply to contracts entered into by the municipality with or through the General Purchasing Director in accordance with the regulations under the Financial Administration Act (chapter A-6).”

ACT RESPECTING THE COMMUNAUTÉ URBAINE DE L’OUTAOUAIS

11. Section 77 of the Act respecting the Communauté urbaine de l’Outaouais (R.S.Q., chapter C-37.1) is amended by replacing the first paragraph by the following paragraph :

“77. The Community may, in accordance with law, enter into an agreement respecting the exercise of its competence with a government, with a department of that government, with an international organization or with an agency of that government or organization or with any other public body. It may carry out the agreement and exercise the rights and fulfil the obligations arising therefrom, even outside its territory.”

12. The said Act is amended by inserting the following section after section 83.0.1 :

“83.0.2. 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 (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 82.1 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 (chapter A-6).”

13. Section 129 of the said Act is amended by replacing the third paragraph by the following paragraph:

“For the purposes of this subdivision, a natural area or a corridor for recreational and sports activities is considered to be a park.”

14. Section 171 of the said Act, amended by section 27 of chapter 53 of the statutes of 1997, is again amended by replacing “83.0.1” in the first line of the first paragraph by “83.0.2”.

ACT RESPECTING THE COMMUNAUTÉ URBAINE DE MONTRÉAL

15. Section 114 of the Act respecting the Communauté urbaine de Montréal (R.S.Q., chapter C-37.2) is amended by replacing the first paragraph by the following paragraph:

“114. The Community may, in accordance with law, enter into an agreement respecting the exercise of its competence with a government, with a department of that government, with an international organization or with an agency of that government or organization or with any other public body. It may carry out the agreement and exercise the rights and fulfil the obligations arising therefrom, even outside its territory.”

16. The said Act is amended by inserting the following section after section 120.0.3.1:

“120.0.3.2. 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 (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 120.0.1 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 (chapter A-6).”

17. Section 156 of the said Act is amended by replacing the third paragraph by the following paragraph:

“For the purposes of this subdivision, a natural area or a corridor for recreational and sports activities is considered to be a park. However, a corridor to be used exclusively for the purposes referred to in section 158.3 is governed by that section rather than by the other provisions of this subdivision.”

18. Section 210.1 of the said Act is amended by replacing “last four” in the second paragraph by “sixth, seventh, eighth and ninth”.

19. Section 291.28 of the said Act is amended by replacing “120.0.3.1” in the first line by “120.0.3.2”.

ACT RESPECTING THE COMMUNAUTÉ URBAINE DE QUÉBEC

20. Section 86 of the Act respecting the Communauté urbaine de Québec (R.S.Q., chapter C-37.3) is amended by replacing the first paragraph by the following paragraph:

“86. The Community may, in accordance with law, enter into an agreement respecting the exercise of its competence with a government, with a department of that government, with an international organization or with an agency of that government or organization or with any other public body. It may carry out the agreement and exercise the rights and fulfil the obligations arising therefrom, even outside its territory.”

21. The said Act is amended by inserting the following section after section 92.0.2.1:

“92.0.2.1.1. 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 (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 92 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 (chapter A-6).”

22. Section 142 of the said Act is amended by replacing the third paragraph by the following paragraph:

“For the purposes of this subdivision, a natural area or a corridor for recreational and sports activities is considered to be a park. However, a corridor to be used exclusively for the purposes referred to in section 144 is governed by that section and by section 144.1 rather than by the other provisions of this subdivision.”

23. The said Act is amended by inserting the following section after section 144:

“144.1. The Community may establish and maintain in its territory a non-profit body the object of which is to manage and maintain, in accordance

with an agreement entered into with the Community, all or part of the paths or corridors considered to be a park under the third paragraph of section 142 or the bicycle paths and lanes referred to in section 144, or entrust, by agreement, all or part of that responsibility to any other non-profit body. The Community may grant such a body the funds necessary for the performance of the obligations arising from the agreement.”

ACT RESPECTING MUNICIPAL AND INTERMUNICIPAL TRANSIT CORPORATIONS

24. The Act respecting municipal and intermunicipal transit corporations (R.S.Q., chapter C-70) is amended by inserting the following section after section 41.1 :

“41.2. The corporation 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 (chapter S-4). The corporation 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 corporation are observed, sections 40 and 41 do not apply to contracts entered into by the corporation with or through the General Purchasing Director in accordance with the regulations under the Financial Administration Act (chapter A-6).”

ACT RESPECTING MUNICIPAL TAXATION

25. Section 71 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1) is replaced by the following section :

“71. The municipal body responsible for assessment may, where the roll cannot be deposited before 16 September, defer the deposit to such later date as it fixes, which shall in no case be later than the ensuing 1 November.

The clerk of the body shall, as soon as possible after the passing of the resolution that fixes the deadline for deposit, transmit a certified copy thereof to the Minister.”

26. Section 205 of the said Act is amended

(1) by inserting “or of a regional park referred to in paragraph 5 of that section” after “204” in the second line of the third paragraph ;

(2) by inserting “other than a regional park” after “204” in the first line of the fourth paragraph.

ACT RESPECTING MUNICIPAL INDUSTRIAL IMMOVABLES

27. Section 4 of the Act respecting municipal industrial immovables (R.S.Q., chapter I-0.1) is amended by inserting “, borrow money from its working fund, so long as the term of repayment does not exceed five years,” after “fund” in the third line.

28. Section 6.1 of the said Act is amended by replacing the first paragraph by the following paragraph :

“6.1. A local municipality may become surety for a non-profit body or grant a non-profit body a subsidy in order to assist in the operation or construction of an industrial rental building or the conversion of a building into an industrial rental building.”

ACT RESPECTING SAFETY IN SPORTS

29. The Act respecting safety in sports (R.S.Q., chapter S-3.1) is amended by inserting the following section after section 25 :

“25.1. In no case may proceedings be instituted against a person by reason of an official act done in good faith in the performance of the person’s duties under a delegation, designation or authorization obtained pursuant to this Act.”

30. The said Act is amended by inserting the following section after section 46.22 enacted by section 2 of chapter 37 of the statutes of 1997 :

“46.22.1. The Minister may pay compensation to the organization designated under section 46.15. The amount of the compensation shall be set in the manner determined by the Minister.”

ACT RESPECTING THE SERVICE DES ACHATS DU GOUVERNEMENT

31. Section 4 of the Act respecting the Service des achats du gouvernement (R.S.Q., chapter S-4) is amended by replacing the third paragraph by the following paragraph :

“The Director may, at their request, purchase and hire movable property for the following persons :

(1) the legal persons in the education, higher education and health care and social services sectors and universities ;

(2) the municipal bodies referred to in section 5 of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1).”

ACT RESPECTING THE REMUNERATION OF
ELECTED MUNICIPAL OFFICERS

32. Section 30.0.4 of the Act respecting the remuneration of elected municipal officers (R.S.Q., chapter T-11.001), enacted by section 102 of chapter 31 of the statutes of 1998, is amended by striking out the last sentence of the third paragraph.

ACT RESPECTING NORTHERN VILLAGES AND
THE KATIVIK REGIONAL GOVERNMENT

33. Section 40 of the Act respecting Northern villages and the Kativik Regional Government (R.S.Q., chapter V-6.1) is amended by adding the following sentence at the end of subsection 5: “The by-law may provide for additional remuneration for the office of acting mayor and specify the conditions the office holder must satisfy to be entitled to the remuneration; the amount of the remuneration paid to the office holder shall not exceed the remuneration paid to the office holder as a councillor for the same period.”

34. The said Act is amended by inserting the following section after section 207:

“207.1. A municipality 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 (chapter S-4). A municipality 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 municipality are observed, sections 204 and 204.1 do not apply to contracts entered into by the municipality with or through the General Purchasing Director in accordance with the regulations under the Financial Administration Act (chapter A-6).”

35. Section 228 of the said Act is amended by replacing “60” in the first line of subsection 3 by “120”.

36. The said Act is amended by inserting the following section after section 358.4 enacted by section 170 of chapter 93 of the statutes of 1997:

“358.5. The Regional Government 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 (chapter S-4). The Regional Government 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 intergovernmental trade liberalization agreement applicable to the Regional Government are observed, sections 358 and 358.1 do not apply to contracts entered into by the Regional Government with or through the General Purchasing Director in accordance with the regulations under the Financial Administration Act (chapter A-6).”

37. Section 399 of the said Act is amended by replacing “60” in the first line of subsection 3 by “120”.

CHARTER OF THE CITY OF MONTRÉAL

38. The Charter of the city of Montréal (1959-60, chapter 102) is amended by inserting the following article after article 107.1 :

“107.2. The city 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 city 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 city are observed, article 107 does not apply to contracts entered into by the city with or through the General Purchasing Director in accordance with the regulations under the Financial Administration Act (R.S.Q., chapter A-6).”

ACT RESPECTING THE SOCIÉTÉ DE TRANSPORT DE LA VILLE DE LAVAL

39. The Act respecting the Société de transport de la Ville de Laval (1984, chapter 42) is amended by inserting the following section after section 73 :

“73.1. The corporation 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 corporation 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 corporation are observed, sections 69 and 70 do not apply to contracts entered into by the corporation with or through the General Purchasing Director in accordance with the regulations under the Financial Administration Act (R.S.Q., chapter A-6).”

40. Section 143 of the said Act is amended by replacing “73” in the second line by “73.1”.

ACT RESPECTING THE SOCIÉTÉ DE TRANSPORT
DE LA RIVE SUD DE MONTRÉAL

41. The Act respecting the Société de transport de la rive sud de Montréal (1985, chapter 32) is amended by inserting the following section after section 95 :

“95.1. The corporation 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 corporation 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 corporation are observed, sections 90 and 91 do not apply to contracts entered into by the corporation with or through the General Purchasing Director in accordance with the regulations under the Financial Administration Act (R.S.Q., chapter A-6).”

42. Section 172 of the said Act is amended by replacing “, 95” in the second line by “to 95.1”.

TRANSITIONAL AND FINAL PROVISIONS

43. Notwithstanding section 1112 of the Act to amend various legislative provisions to further the implementation of the Act respecting municipal territorial organization (1996, chapter 2), an agreement made under subarticle 1 or 7 of article 549 of the Municipal Code of Québec (R.S.Q., chapter C-27.1), as it read before being repealed by section 296 of chapter 2 of the statutes of 1996, that was in force on 7 May 1999 continues to apply up to the earliest of the date provided for its expiry, the date on which the parties terminate the agreement and the date on which this section ceases to have effect.

Article 549 of the Municipal Code of Québec, as it read on 7 May 1996, retains its effects for the purposes of an agreement to which the first paragraph applies.

This section has effect from 8 May 1999. It ceases to have effect on (*insert here the date occurring three years after the date of assent to this Act*) or on such earlier date as may be fixed by the Government.

44. Sections 9, 13, 17 and 22 have effect from 1 May 1993.

45. Section 26 has effect for the purposes of any municipal fiscal year from the fiscal year 1999.

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