



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-EIGHTH LEGISLATURE

Bill 56

An Act to amend various legislative provisions respecting municipal affairs

Introduction

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

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EXPLANATORY NOTES

This bill amends the Act respecting elections and referendums in municipalities to allow municipalities, under certain conditions, to maintain the same division into electoral districts for the purposes of a general election following the election for which the division was made.

The bill makes a number of amendments that concern the urban agglomerations of Mont-Laurier, La Tuque, Îles-de-la-Madeleine, Sainte-Agathe-des-Monts, Mont-Tremblant, Cookshire-Eaton, Rivière-Rouge and Sainte-Marguerite–Estérel.

Under the bill, the urban agglomeration council of any of those urban agglomerations may, with the consent of a reconstituted municipality, delegate acts under its jurisdiction to the regular council of the central municipality. The bill lists certain acts that may not be so delegated.

The urban agglomeration council of any of those urban agglomerations may also, with the consent of any reconstituted municipalities, make a transition towards a system of aliquot shares paid by the related municipalities in the proportion determined by the council. This power is optional and must be exercised by 1 October of the fiscal year preceding the year in which the decision becomes effective. The urban agglomeration council must notify the Minister of Municipal Affairs and Regions of its decision as soon as possible. If a related municipality fails to pay its aliquot share, the central municipality may levy direct taxes in the territory of that municipality.

The bill authorizes urban agglomeration councils to meet in ordinary session less than once a month, provided any reconstituted municipalities consent to it. It also authorizes urban agglomeration councils, with the consent of any reconstituted municipalities, to prescribe rules that differ from those set out in their respective urban agglomeration orders as regards sending the agenda and other relevant documents and the requirement for the central municipality to keep those documents up to date.

The bill extends to the fiscal year 2010 the permission granted to Ville de Montréal to depart from section 110 of the Act respecting the exercise of certain municipal powers in certain urban

agglomerations and to apply rules allowing a progressive transition towards standardization of the urban agglomeration tax structure throughout its territory.

LEGISLATION AMENDED BY THIS BILL:

- Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2);
- Act respecting the exercise of certain municipal powers in certain urban agglomerations (R.S.Q., chapter E-20.001).

Bill 56

AN ACT TO AMEND VARIOUS LEGISLATIVE PROVISIONS RESPECTING MUNICIPAL AFFAIRS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

ACT RESPECTING ELECTIONS AND REFERENDUMS IN MUNICIPALITIES

- 1.** Section 11 of the Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2) is amended by inserting “and borough” after “parish” in the third line.
- 2.** Section 12 of the Act is amended by replacing “Each” in the first line of the first paragraph by “Subject to section 12.0.1, each”.
- 3.** The Act is amended by inserting the following section after section 12:

“12.0.1. If an electoral district is to be used only for the purposes of borough councillor elections, it shall be delimited in such a manner that, according to the document provided for in section 12.1, the number of electors in the district is not more than 15% above or below the quotient obtained by dividing the total number of electors of the borough by the number of districts in the borough. The percentage shall be 25% in the case of a borough having a population of under 20,000 on the date of passage of the draft by-law dividing the territory of the municipality into electoral districts.

A municipality may make exceptions to the first paragraph; the by-law dividing its territory into electoral districts is then submitted to the Commission de la représentation for approval.”

- 4.** Section 15 of the Act is amended

(1) by replacing “, using the names of thoroughfares wherever possible, and it shall indicate” in the second and third lines of the first paragraph by “according to the standards established by the Commission de la représentation. It shall, wherever possible, use the names of thoroughfares and mention”;

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

“The Commission is not governed by the Regulations Act (chapter R-18.1) when establishing standards.

If the draft by-law does not comply with the first or second paragraphs, the municipality must start the procedure for dividing its territory into electoral districts over again, unless it is complying with another measure submitted by the Commission de la représentation.”

5. Section 21 of the Act is amended by adding the following paragraph after the second paragraph:

“On a written recommendation of the Commission de la représentation to the municipality, and if the number of electors is not affected, the council of the municipality may amend a provision of the by-law referred to in the first paragraph in order to correct a clerical error or an error in concordance between the description and the accompanying map or sketch, or to comply with the standards referred to in section 15. The amendment forms an integral part of the by-law, as if it had been adopted with it. The clerk or the secretary-treasurer shall transmit a certified copy of the amended by-law to the Commission without delay.”

6. The Act is amended by inserting the following division after Division III of Chapter III of Title I:

“DIVISION III.1

“MAINTAINING OF THE DIVISION INTO ELECTORAL DISTRICTS

“40.1. If the division of the territory of a municipality into electoral districts complies with sections 9 and 11 and the first paragraph of section 12 or the first paragraph of section 12.0.1, the municipality may maintain the existing division into electoral districts for the purposes of the general election following that for which the division into electoral districts was made or was maintained under this division. The municipality must first apply to the Commission for confirmation that it meets the requisite conditions for maintaining the division.

A municipality may not have recourse to the first paragraph if the division of its territory into electoral districts is fully or partly established by order in council or by law.

“40.2. The application to the Commission to maintain the same division into electoral districts must be made before 1 March of the calendar year preceding the year in which the general election is to be held and must be accompanied by the document referred to in section 12.1. The document must mention the number of electors in each of the electoral districts in force.

The Commission shall transmit to the municipality a certified copy of the decision confirming whether the municipality meets the conditions for maintaining the existing division into electoral districts or informing the municipality that it must follow the procedure set out in Division III for dividing its territory into electoral districts.

“40.3. If the municipality meets the conditions for maintaining the existing division of its territory into electoral districts, within 15 days after transmission of the decision, the clerk or the secretary-treasurer shall publish, in a newspaper having general circulation in the municipality, a notice setting forth

- (1) the object of the Commission’s decision;
- (2) the description of the boundaries of the electoral districts;
- (3) the number of electors in each electoral district;
- (4) every elector’s right to inform the clerk or the secretary-treasurer in writing, within 15 days of publication of the notice, of the elector’s objection to the maintaining of the division into electoral districts;
- (5) the address to which objections must be sent; and
- (6) the number of objections required to oblige the municipality to follow the procedure for dividing its territory into electoral districts.

In addition to or in lieu of the description required under subparagraph 2 of the first paragraph, the notice may include a map or a sketch of the electoral districts.

Within five days of publication of the notice, the clerk or the secretary-treasurer shall transmit a certified copy of it to the Commission, with an attestation of the date of publication.

“40.4. Within 15 days of publication of the notice, an elector may inform the clerk or the secretary-treasurer in writing of the elector’s objection to the maintaining of the division into electoral districts. Section 17.1 applies in such case.

“40.5. The municipality is required to follow the procedure set out in Division III for dividing its territory into electoral districts if the number of objections received within the prescribed time is equal to or exceeds the number required under section 18 for the council to hold a public meeting on the draft by-law. The clerk or the secretary-treasurer shall inform the Commission of the situation.

“40.6. If the number of objections received is insufficient, the division into electoral districts is maintained as of the day after the expiry of the time in which electors may make objections to its being maintained.

“40.7. The division into electoral districts maintained under this division applies for the purposes of the first general election following the date as of which it is maintained under section 40.6. It also applies for the purposes of any subsequent by-election held before the second general election following the maintaining of that division.

“40.8. Sections 36.1 to 40 apply to this division with the necessary modifications.”

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

7. The Act respecting the exercise of certain municipal powers in certain urban agglomerations (R.S.Q., chapter E-20.001) is amended by inserting the following title after section 118.23, enacted by section 19 of chapter 10 of the statutes of 2007:

“TITLE IV.2

**“SPECIAL PROVISIONS APPLICABLE TO THE URBAN
AGGLOMERATIONS OF MONT-LAURIER, LA TUQUE,
ÎLES-DE-LA-MADELEINE, SAINTE-AGATHE-DES-MONTS,
MONT-TREMBLANT, COOKSHIRE-EATON, RIVIÈRE-ROUGE AND
SAINTE-MARGUERITE-ESTÉREL**

“CHAPTER I

**“DELEGATION TO THE REGULAR COUNCIL OF THE CENTRAL
MUNICIPALITY**

“118.24. Subject to the third paragraph, the urban agglomeration council may, by by-law and with the prior consent of a reconstituted municipality, delegate any act under its jurisdiction to the regular council of the central municipality.

The by-law must prescribe the conditions and manner of the delegation, in particular its duration and, if applicable, how it is to be renewed.

The following may not be delegated:

(1) the part of the central municipality’s budget or capital expenditure program that is within the jurisdiction of the urban agglomeration council;

(2) a by-law made to collect the revenue provided for in the part of the budget of the central municipality that is within the jurisdiction of the urban agglomeration council; and

(3) a by-law under section 69, 118.27 or 118.28.

“CHAPTER II

“ALIQUOT SHARES

“DIVISION I

“DECISION OF THE URBAN AGGLOMERATION COUNCIL

“**118.25.** With the prior consent of a reconstituted municipality, the urban agglomeration council may decide that an expenditure incurred by the central municipality in the exercise of an urban agglomeration power is financed by aliquot shares paid by the related municipalities of the urban agglomeration.

The urban agglomeration council’s decision under the first paragraph must be made before 1 October of the fiscal year preceding the fiscal year in which it becomes effective.

The central municipality must notify the Minister of Municipal Affairs and Regions as soon as possible of the decision under the first paragraph. The Minister then has a notice of the decision published in the *Gazette officielle du Québec*; the notice must specify the date on which the decision becomes effective.

“**118.26.** From the first fiscal year for which the urban agglomeration council’s decision under section 118.25 applies, any expenditure incurred by the central municipality in the exercise of an urban agglomeration power is financed by aliquot shares paid by the related municipalities of the urban agglomeration.

The first paragraph does not prevent the central municipality from financing such an expenditure using revenue from any source other than a tax or compensation. The only mode of tariffing that may be used by the central municipality for that purpose is an amount referred to in subparagraph 3 of the second paragraph of section 244.2 of the Act respecting municipal taxation (chapter F-2.1) or exigible in a manner similar to a subscription.

“**118.27.** Urban agglomeration expenditures are apportioned among the related municipalities in proportion to their respective standardized property values within the meaning of section 261.1 of the Act respecting municipal taxation (chapter F-2.1).

However, the urban agglomeration council may, by a by-law adopted by a majority vote of the council members and subject to the right of objection under section 115, prescribe

(1) that all or part of the urban agglomeration expenditures are to be apportioned on the basis of another criterion, including any change in one of the elements of the criterion referred to in the first paragraph; and

(2) that a related municipality is not required to contribute to the payment of a part of those expenditures.

“118.28. The urban agglomeration council may, by a by-law adopted by a majority vote of the council members and subject to the right of objection under section 115, prescribe the manner of determining the aliquot shares and of their payment by the related municipalities.

The by-law may, in particular, prescribe, for every possible situation with respect to the coming into force of the part of the budget of the central municipality relating to the exercise of urban agglomeration powers,

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

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

(3) the obligation of the related 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; and

(6) the adjustments that may result from the deferred coming into force of any part of the budget of the central municipality relating to the exercise of urban agglomeration powers or from the successive use of provisional and final data in determining the basis of apportionment of the urban agglomeration expenditures.

“118.29. If a reconstituted municipality fails to pay an instalment of an aliquot share within the time limit referred to in subparagraph 4 of the second paragraph of section 118.28, the central municipality may levy and collect a tax, in an amount equivalent to the amount of the outstanding instalment, based on the value of the taxable immovables situated in the territory of the reconstituted municipality.

In the case described in the first paragraph, the municipal body responsible for assessment must, at the request of the central municipality, send it without delay a copy of the assessment roll in force in the territory of the reconstituted municipality and any other information relevant to the preparation of a collection roll.

“DIVISION II
“ADAPTATIONS

“§1. — *Adaptations to this Act*

“**118.30.** This subdivision applies for the purpose of adapting or making inapplicable certain provisions of this Act as of the first day of the fiscal year in which the decision of the urban agglomeration council under section 118.25 becomes effective.

“**118.31.** Section 37 is replaced by the following section:

“**37.** The central municipality’s exclusive jurisdiction over assistance intended specifically for a business consists, with respect to tax credits, in prescribing, by by-law subject to the right of objection under section 115, the rules that a related municipality, including the central municipality, must comply with when it establishes a tax credit program.”

“**118.32.** Section 46 is amended by striking out “or levy taxes” in the second line of the second paragraph.

“**118.33.** Section 70 is amended by replacing “tout” in the first line in the French text by “le”.

“**118.34.** Section 76 is amended

(1) by replacing “any tax or other method of financing imposed” in the first and second lines of the first paragraph by “any method of financing ordered”;

(2) by striking out the second paragraph.

“**118.35.** Sections 78 to 89, 91 to 99 and 100 to 108 do not apply.

“**118.36.** Section 110 is amended by replacing “taxes and other methods of financing imposed” in the seventh line of the first paragraph by “the methods of financing ordered”.

“**118.37.** Section 114 does not apply.

“**118.38.** Section 115 is amended by replacing “99.1 or” in the first paragraph by “99.1, 118.27 or 118.28”.

“**118.39.** Section 115.1 is amended

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

“(1) is required under section 118.27 or 118.28;”;

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

“The possibility of using any overpayment of an aliquot share referred to in section 118.26 to reduce an aliquot share determined for the following fiscal year is one way of managing the resolatory effects of a refusal.”

“**118.40.** Section 118.1 is amended by striking out “taxes and other” in the first line of the third paragraph.

“§2. — *Adaptations to urban agglomeration orders*

“**118.41.** This subdivision applies for the purpose of adapting or repealing certain provisions of an order concerning an urban agglomeration as of the first day of the fiscal year on which the decision made by the urban agglomeration council under section 118.25 becomes effective.

“**Mont-Laurier**

“**118.42.** Section 47 of Order in Council 1062-2005 dated 9 November 2005, concerning the urban agglomeration of Mont-Laurier, amended by section 23 of Order in Council 1003-2006 dated 2 November 2006, is again amended by replacing “the general urban agglomeration property tax” in the second paragraph by “revenues deriving from the shares paid by the related municipalities”.

“**118.43.** Sections 47.1 and 47.2 of the Order in Council, enacted by section 24 of Order in Council 1003-2006 dated 2 November 2006, are repealed.

“**118.44.** Section 49 of the Order in Council is amended by replacing the second paragraph by the following paragraph:

“For the purpose of financing the expenditures referred to in the first paragraph, the urban agglomeration council may determine by by-law the share of the expenditures relating to a contract or an agreement to be payable by each municipality concerned.”

“**La Tuque**

“**118.45.** Section 50 of Order in Council 1055-2005 dated 9 November 2005, concerning the urban agglomeration of La Tuque, amended by section 11 of Order in Council 1003-2006 dated 2 November 2006, is again amended by replacing “the general urban agglomeration property tax” in the first paragraph by “revenues deriving from the shares paid by the related municipalities”.

“**118.46.** Sections 50.1 and 50.2 of the Order in Council, enacted by section 12 of Order in Council 1003-2006 dated 2 November 2006, are repealed.

“118.47. Section 52 of the Order in Council is amended by replacing the second paragraph by the following paragraph:

“For the purpose of financing the expenditures referred to in the first paragraph, the urban agglomeration council may determine by by-law the share of the expenditures relating to a contract or an agreement to be payable by each municipality concerned.”

“Îles-de-la-Madeleine

“118.48. Section 45 of Order in Council 1130-2005 dated 23 November 2005, concerning the urban agglomeration of Îles-de-la-Madeleine, amended by section 52 of Order in Council 1003-2006 dated 2 November 2006, is again amended by replacing “the general urban agglomeration property tax” in the second paragraph by “revenues deriving from the shares paid by the related municipalities”.

“118.49. Sections 45.1 and 45.2 of the Order in Council, enacted by section 53 of Order in Council 1003-2006 dated 2 November 2006, are repealed.

“118.50. Section 47 of the Order in Council is amended by replacing the second paragraph by the following paragraph:

“For the purpose of financing the expenditures referred to in the first paragraph, the urban agglomeration council may determine by by-law the share of the expenditures relating to a contract or an agreement to be payable by each municipality concerned.”

“Sainte-Agathe-des-Monts

“118.51. Section 46 of Order in Council 1059-2005 dated 9 November 2005, concerning the urban agglomeration of Sainte-Agathe-des-Monts, amended by section 17 of Order in Council 1003-2006 dated 2 November 2006, is again amended by replacing “the general urban agglomeration property tax” in the second paragraph by “revenues deriving from the shares paid by the related municipalities”.

“118.52. Sections 46.1 and 46.2 of the Order in Council, enacted by section 18 of Order in Council 1003-2006 dated 2 November 2006, are repealed.

“118.53. Section 48 of the Order in Council is amended by replacing the second paragraph by the following paragraph:

“For the purpose of financing the expenditures referred to in the first paragraph, the urban agglomeration council may determine by by-law the share of the expenditures relating to a contract or an agreement to be payable by each municipality concerned.”

“Mont-Tremblant

“118.54. Section 43 of Order in Council 846-2005 dated 14 September 2005, concerning the urban agglomeration of Mont-Tremblant, amended by section 4 of Order in Council 1003-2006 dated 2 November 2006, is again amended by replacing “the general urban agglomeration property tax” in the second paragraph by “revenues deriving from the shares paid by the related municipalities”.

“118.55. Sections 43.1 and 43.2 of the Order in Council, enacted by section 5 of Order in Council 1003-2006 dated 2 November 2006, are repealed.

“118.56. Section 45 of the Order in Council is amended by replacing the second paragraph by the following paragraph:

“For the purpose of financing the expenditures referred to in the first paragraph, the urban agglomeration council may determine by by-law the share of the expenditures relating to a contract or an agreement to be payable by each municipality concerned.”

“Cookshire-Eaton

“118.57. Section 43 of Order in Council 1068-2005 dated 9 November 2005, concerning the urban agglomeration of Cookshire-Eaton, amended by section 37 of Order in Council 1003-2006 dated 2 November 2006, is again amended by replacing “the general urban agglomeration property tax” in the second paragraph by “revenues deriving from the shares paid by the related municipalities”.

“118.58. Sections 43.1 and 43.2 of the Order in Council, enacted by section 38 of Order in Council 1003-2006 dated 2 November 2006, are repealed.

“118.59. Section 45 of the Order in Council is amended by replacing the second paragraph by the following paragraph:

“For the purpose of financing the expenditures referred to in the first paragraph, the urban agglomeration council may determine by by-law the share of the expenditures relating to a contract or an agreement to be payable by each municipality concerned.”

“Rivière-Rouge

“118.60. Section 44 of Order in Council 1072-2005 dated 9 November 2005, concerning the urban agglomeration of Rivière-Rouge, amended by section 43 of Order in Council 1003-2006 dated 2 November 2006, is again amended by replacing “the general urban agglomeration property tax” in the second paragraph by “revenues deriving from the shares paid by the related municipalities”.

“118.61. Sections 44.1 and 44.2 of the Order in Council, enacted by section 44 of Order in Council 1003-2006 dated 2 November 2006, are repealed.

“118.62. Section 46 of the Order in Council is amended by replacing the second paragraph by the following paragraph:

“For the purpose of financing the expenditures referred to in the first paragraph, the urban agglomeration council may determine by by-law the share of the expenditures relating to a contract or an agreement to be payable by each municipality concerned.”

“Sainte-Marguerite–Estérel

“118.63. Section 45 of Order in Council 1065-2005 dated 9 November 2005, concerning the urban agglomeration of Sainte-Marguerite–Estérel, amended by section 30 of Order in Council 1003-2006 dated 2 November 2006, is again amended by replacing “the general urban agglomeration property tax” in the second paragraph by “revenues deriving from the shares paid by the related municipalities”.

“118.64. Sections 45.1 and 45.2 of the Order in Council, enacted by section 31 of Order in Council 1003-2006 dated 2 November 2006, are repealed.

“118.65. Section 47 of the Order in Council is amended by replacing the second paragraph by the following paragraph:

“For the purpose of financing the expenditures referred to in the first paragraph, the urban agglomeration council may determine by by-law the share of the expenditures relating to a contract or an agreement to be payable by each municipality concerned.”

8. Section 175 of the Act is amended

- (1) by striking out “Montréal,” in the second line;
- (2) by adding the following paragraph at the end:

“The first paragraph also applies in the case of the urban agglomeration of Montréal for any of the fiscal years 2006, 2007, 2008, 2009 and 2010.”

OTHER AMENDING PROVISIONS

Urban agglomeration of Mont-Tremblant

9. Section 9 of Order in Council 846-2005 dated 14 September 2005 concerning the urban agglomeration of Mont-Tremblant is amended by adding the following paragraphs at the end:

“Despite the first paragraph, the urban agglomeration council may, with the prior consent of the reconstituted municipality, make an exception to section 319 of the Cities and Towns Act (R.S.Q., chapter C-19) as it pertains to how often the council must meet in ordinary session each year.

The exception to that section applies as long as the resolution by which the reconstituted municipality expressed its consent is in force.”

10. Section 9.1 of the Order in Council, enacted by section 1 of Order in Council 1003-2006 dated 2 November 2006, is amended by adding the following paragraph after the third paragraph:

“The urban agglomeration council may, with the prior consent of the reconstituted municipality, establish rules that differ from those set out in the first two paragraphs. The rules so established apply as long as the resolution by which the reconstituted municipality expressed its consent is in force.”

Urban agglomeration of La Tuque

11. Section 11 of Order in Council 1055-2005 dated 9 November 2005 concerning the urban agglomeration of La Tuque is amended by adding the following paragraphs at the end:

“Despite the first paragraph, the urban agglomeration council may, with the prior consent of the reconstituted municipalities, make an exception to section 319 of the Cities and Towns Act (R.S.Q., chapter C-19) as it pertains to how often the council must meet in ordinary session each year.

The exception to that section applies as long as the two resolutions by which the reconstituted municipalities expressed their consent are in force.”

12. Section 11.1 of the Order in Council, enacted by section 8 of Order in Council 1003-2006 dated 2 November 2006, is amended by adding the following paragraph after the third paragraph:

“The urban agglomeration council may, with the prior consent of the reconstituted municipalities, establish rules that differ from those set out in the first two paragraphs. The rules so established apply as long as the two resolutions by which the reconstituted municipalities expressed their consent are in force.”

Urban agglomeration of Sainte-Agathe-des-Monts

13. Section 9 of Order in Council 1059-2005 dated 9 November 2005 concerning the urban agglomeration of Sainte-Agathe-des-Monts is amended by adding the following paragraphs at the end:

“Despite the first paragraph, the urban agglomeration council may, with the prior consent of the reconstituted municipality, make an exception to section 319

of the Cities and Towns Act (R.S.Q., chapter C-19) as it pertains to how often the council must meet in ordinary session each year.

The exception to that section applies as long as the resolution by which the reconstituted municipality expressed its consent is in force.”

14. Section 9.1 of the Order in Council, enacted by section 14 of Order in Council 1003-2006 dated 2 November 2006, is amended by adding the following paragraph after the third paragraph:

“The urban agglomeration council may, with the prior consent of the reconstituted municipality, establish rules that differ from those set out in the first two paragraphs. The rules so established apply as long as the resolution by which the reconstituted municipality expressed its consent is in force.”

Urban agglomeration of Mont-Laurier

15. Section 9 of Order in Council 1062-2005 dated 9 November 2005 concerning the urban agglomeration of Mont-Laurier is amended by adding the following paragraphs at the end:

“Despite the first paragraph, the urban agglomeration council may, with the prior consent of the reconstituted municipality, make an exception to section 319 of the Cities and Towns Act (R.S.Q., chapter C-19) as it pertains to how often the council must meet in ordinary session each year.

The exception to that section applies as long as the resolution by which the reconstituted municipality expressed its consent is in force.”

16. Section 9.1 of the Order in Council, enacted by section 20 of Order in Council 1003-2006 dated 2 November 2006, is amended by adding the following paragraph after the third paragraph:

“The urban agglomeration council may, with the prior consent of the reconstituted municipality, establish rules that differ from those set out in the first two paragraphs. The rules so established apply as long as the resolution by which the reconstituted municipality expressed its consent is in force.”

Urban agglomeration of Sainte-Marguerite–Estérel

17. Section 9 of Order in Council 1065-2005 dated 9 November 2005 concerning the urban agglomeration of Sainte-Marguerite–Estérel is amended by adding the following paragraphs at the end:

“Despite the first paragraph, the urban agglomeration council may, with the prior consent of the reconstituted municipality, make an exception to section 319 of the Cities and Towns Act (R.S.Q., chapter C-19) as it pertains to how often the council must meet in ordinary session each year.

The exception to that section applies as long as the resolution by which the reconstituted municipality expressed its consent is in force.”

18. Section 9.1 of the Order in Council, enacted by section 27 of Order in Council 1003-2006 dated 2 November 2006, is amended by adding the following paragraph after the third paragraph:

“The urban agglomeration council may, with the prior consent of the reconstituted municipality, establish rules that differ from those set out in the first two paragraphs. The rules so established apply as long as the resolution by which the reconstituted municipality expressed its consent is in force.”

Urban agglomeration of Cookshire-Eaton

19. Section 9 of Order in Council 1068-2005 dated 9 November 2005 concerning the urban agglomeration of Cookshire-Eaton is amended by adding the following paragraphs at the end:

“Despite the first paragraph, the urban agglomeration council may, with the prior consent of the reconstituted municipality, make an exception to section 319 of the Cities and Towns Act (R.S.Q., chapter C-19) as it pertains to how often the council must meet in ordinary session each year.

The exception to that section applies as long as the resolution by which the reconstituted municipality expressed its consent is in force.”

20. Section 9.1 of the Order in Council, enacted by section 34 of Order in Council 1003-2006 dated 2 November 2006, is amended by adding the following paragraph after the third paragraph:

“The urban agglomeration council may, with the prior consent of the reconstituted municipality, establish rules that differ from those set out in the first two paragraphs. The rules so established apply as long as the resolution by which the reconstituted municipality expressed its consent is in force.”

Urban agglomeration of Rivière-Rouge

21. Section 9 of Order in Council 1072-2005 dated 9 November 2005 concerning the urban agglomeration of Rivière-Rouge is amended by adding the following paragraphs at the end:

“Despite the first paragraph, the urban agglomeration council may, with the prior consent of the reconstituted municipality, make an exception to section 319 of the Cities and Towns Act (R.S.Q., chapter C-19) as it pertains to how often the council must meet in ordinary session each year.

The exception to that section applies as long as the resolution by which the reconstituted municipality expressed its consent is in force.”

22. Section 9.1 of the Order in Council, enacted by section 40 of Order in Council 1003-2006 dated 2 November 2006, is amended by adding the following paragraph after the third paragraph:

“The urban agglomeration council may, with the prior consent of the reconstituted municipality, establish rules that differ from those set out in the first two paragraphs. The rules so established apply as long as the resolution by which the reconstituted municipality expressed its consent is in force.”

Urban agglomeration of Îles-de-la-Madeleine

23. Section 9 of Order in Council 1130-2005 dated 9 November 2005 concerning the urban agglomeration of Îles-de-la-Madeleine is amended by adding the following paragraphs at the end:

“Despite the first paragraph, the urban agglomeration council may, with the prior consent of the reconstituted municipality, make an exception to section 319 of the Cities and Towns Act (R.S.Q., chapter C-19) as it pertains to how often the council must meet in ordinary session each year.

The exception to that section applies as long as the resolution by which the reconstituted municipality expressed its consent is in force.”

24. Section 9.1 of the Order in Council, enacted by section 46 of Order in Council 1003-2006 dated 2 November 2006, is amended by adding the following paragraph after the third paragraph:

“The urban agglomeration council may, with the prior consent of the reconstituted municipality, establish rules that differ from those set out in the first two paragraphs. The rules so established apply as long as the resolution by which the reconstituted municipality expressed its consent is in force.”

MISCELLANEOUS, TRANSITIONAL AND FINAL PROVISIONS

25. Sections 4 to 13 of Order in Council 645-2005 dated 23 June 2005 continue to apply to Ville de Montréal for the purposes of the 2009 general election and any by-election held before the 2013 general election.

26. The deadline given in the second paragraph of section 118.25 of the Act respecting the exercise of certain municipal powers in certain urban agglomerations (R.S.Q., chapter E-20.001), enacted by section 7, does not apply to a decision made under the first paragraph of that section for the 2008 fiscal year.

27. Subject to the second paragraph, sections 2 to 9.1 of Order in Council 1210-2005 dated 7 December 2005 concerning various taxation measures relating to the reorganization do not apply to the related municipalities of an urban agglomeration as of the first day of the fiscal year in which the decision made by the urban agglomeration council under section 118.25 of the

Act respecting the exercise of certain municipal powers in certain urban agglomerations, enacted by section 7, becomes effective.

The provisions mentioned in the first paragraph continue to have effect, for the purposes of section 149 of chapter 60 of the statutes of 2006, with the necessary modifications, as regards the reconstituted municipalities of the urban agglomeration. The modifications include replacing the third paragraph of that section by the following paragraph:

“The amount of the loan may not exceed the total sum that the reconstituted municipality could have paid to the central municipality for the fiscal year concerned, under section 3 of the Order in Council mentioned in the first paragraph, in respect of all the categories of immovables.”

28. Any provision of a loan by-law made by an urban agglomeration council that is in force on the first day of the fiscal year in which the decision made by the urban agglomeration council under section 118.25 of the Act respecting the exercise of certain municipal powers in certain urban agglomerations, enacted by section 7, becomes effective and that imposes a tax or requires compensation to finance the repayment of the loan, is deemed to be amended for the purpose of replacing that tax or that compensation by aliquot shares that are payable by the related municipalities and that secure the same revenues for the central municipality as would have been the case if the tax or compensation applied.

A related municipality must, in a by-law on the financing of an aliquot share payable under the first paragraph, impose taxes on the same immovables or require the payment of a tax or compensation by the same persons as would have been the case if the urban agglomeration tax or compensation applied.

29. A loan by-law made by a reconstituted municipality of an urban agglomeration whose object is a loan made under a provision mentioned in the first paragraph of section 27 continues to have effect, after the first day of the fiscal year in which the decision made by the urban agglomeration council under section 118.25 of the Act respecting the exercise of certain municipal powers in certain urban agglomerations, enacted by section 7, becomes effective, for the purpose of reducing the amount of the taxes imposed for a fiscal year prior to the effective date of the decision.

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