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Bill 216

(Private)

**An Act to amend the charter of the city
of Montréal**

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(Private)

AN ACT TO AMEND THE CHARTER OF THE CITY OF MONTRÉAL

WHEREAS it is in the interest of the city of Montréal that its charter, chapter 102 of the statutes of 1959-60, be amended;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. The charter of the city of Montréal (1959-60, chapter 102) is amended by inserting, after article 10*p*, the following article:

“**10*q*.** Notwithstanding the Municipal Aid Prohibition Act (R.S.Q., chapter I-15), the city may

(1) participate as a member in or provide aid to a body or legal person devoted to the implementation of research, development or experimental projects relating to soil decontamination or site rehabilitation;

(2) participate as a member, shareholder or sponsor, as the case may be, in bodies or legal persons engaged in the distribution and marketing of technological processes or innovations which are designed or developed by a body or legal person referred to in paragraph 1.”

2. Article 109 of the said charter, replaced by section 9 of chapter 111 of the statutes of 1987 and amended by section 4 of chapter 82 of the statutes of 1991 and section 5 of chapter 54 of the statutes of 1994, is again amended by replacing the third paragraph by the following paragraph:

“The executive committee may delegate the exercise of the power mentioned in the first paragraph to the director general or to the head of the department concerned. In such a case, the report, and the reasons for the decision, shall be submitted to the executive committee by the director general or, where applicable, by the department head, subject to the same requirements.”

3. Article 131*j* of the said charter, introduced by section 2 of chapter 117 of the statutes of 1986 and amended by section 14 of chapter 54 of the statutes of 1994, is again amended

(1) by replacing the words “to an officer” in the first paragraph by the words “to the director general or to another officer or employee”;

(2) by replacing the words “The officer” in the third paragraph by the words “The director general, the officer or the employee”.

4. Title II of the said charter is amended by inserting, after Chapter VII, the following chapter :

“CHAPTER VIII

“DIRECTOR GENERAL

“131k. The council may, on the recommendation of the executive committee, appoint a director general.

“131l. The director general is the chief officer of the city.

The director general has authority over all the other officers and employees of the city, including those of the electrical commission. With respect to an officer or employee whose duties are prescribed by law, the authority of the director general is exercised only within the framework of his duties as the administrator of human, material and financial resources of the city and may in no case hinder the carrying out of duties that are prescribed by law.

“131m. Under the authority of the executive committee, the director general is responsible for the administration of the city and, for that purpose, he shall plan, organize, direct and supervise the activities of the city.

“131n. In the application of articles 131l and 131m, the director general shall, in particular, perform the following duties :

(1) he shall ensure communication between the executive committee and the city departments ; he shall have access to every document of the city and may require any document or information from any officer or employee which he may need in the performance of his duties ;

(2) with the collaboration of the department heads, he shall coordinate the preparation of the budget, the triennial program of capital expenditures and any other plan, project or program for the orderly management of the city ;

(3) he shall report to the executive committee on any subject or matter submitted by the departments, and he may submit his own recommendation ;

(4) he shall attend the meetings of the executive committee and, with the permission of the chairman of the meeting, give his advice on the matters debated, without having the right to vote ;

(5) subject to the powers conferred by law on the mayor and the executive committee, he shall see to it that by-laws, resolutions and contracts are implemented and that the funds are used for the purposes for which they were voted.

“**131o.** If the director general is absent or unable to act, or if the office of director general is vacant, the executive committee may designate temporarily a person to replace him for a period not exceeding 180 consecutive days.

On the expiry of the period prescribed in the first paragraph, the council may, if the absence, inability to act or vacancy continues, designate temporarily a person to replace the director general for the period it determines. The replacement may be renewed.”

5. Article 134 of the said charter, replaced by section 4 of chapter 117 of the statutes of 1986 and amended by section 16 of chapter 54 of the statutes of 1994, is again amended

(1) by replacing the words “executive committee” in the first paragraph by the words “director general”;

(2) by inserting the words “on the recommendation of the director general,” after the words “executive committee” in the second paragraph;

(3) by replacing the words “at its” in the third paragraph by the words “or to the director general, at their”.

6. Chapter II of Title III of the said charter, comprising articles 142 to 146, is repealed.

7. Article 649a of the said charter, replaced by section 38 of chapter 71 of the statutes of 1982, is again replaced by the following article:

“**649a.** The council may, by by-law, authorize the executive committee to grant, notwithstanding any planning by-law, a personal and untransferable authorization to lay out a parking area or operate it as a parking lot.

The by-law must prescribe

(1) the procedure governing applications for authorization made to the executive committee;

(2) the criteria on which applications are assessed, which may vary according to the parts of the territory and, where applicable, according to such categories of parking area as may be established by the by-law.

The executive committee may, in each case in which it grants authorization,

(1) prescribe the conditions of layout and use to be complied with;

(2) require the furnishing of a guarantee in an amount it considers sufficient to ensure that the layout is effected as set out in the authorization, and require that the guarantee be maintained for the duration of the authorization;

(3) determine the duration of the authorization.

The executive committee may revoke an authorization at any time, even before the expiry of the duration determined under subparagraph 3 of the third paragraph, on 30 days' written notice to the holder of the authorization, where

(1) the information provided with the application for authorization was false or inaccurate;

(2) the conditions of layout and use prescribed under subparagraph 1 of the third paragraph have not been complied with;

(3) the person has failed to maintain the guarantee referred to in subparagraph 2 of the third paragraph.

An application for authorization may not be submitted to the executive committee for a site on all or part of which a parking area or parking lot is already in operation, unless the application concerns the renewal or amendment of a prior authorization or unless the application is made to extend an existing parking area or parking lot that is in compliance with city by-laws or that is not in compliance with city by-laws but is protected by an acquired right.

In addition to any other ground it may invoke, the executive committee may refuse to grant an authorization on the ground that, in the two years preceding the application,

(1) it has refused another application from the same applicant, or from any other person, in connection with all or part of the same site;

(2) it has, pursuant to the fourth paragraph, revoked a previous authorization to lay out or operate a parking area or parking lot on all or part of the same site.

A copy of the decision of the executive committee shall be sent to the person applying for the authorization. In the case of a refusal, the executive committee shall give reasons."

8. Articles 659 and 660 of the said charter are repealed.

9. Article 681*a* of the said charter, enacted by section 13 of chapter 52 of the statutes of 1976 and amended by section 29 of chapter 22 of the statutes of 1979, section 26 of chapter 87 of the statutes of 1988 and section 11 of chapter 74 of the statutes of 1995, is again amended by replacing the words "30 September" in the first line of the second paragraph by the words "15 December".

10. Article 707*a* of the said charter, enacted by section 64 of chapter 59 of the statutes of 1962 and amended by section 1 of chapter 84 of the statutes of 1965, section 34 of chapter 96 of the statutes of 1971, section 14 of chapter 76 of the statutes of 1972, section 68 of chapter 77 of the statutes of 1973, section 1 of chapter 85 of the statutes of 1975, section 14 of chapter 52 of the statutes of 1976, section 213 of chapter 38 of the statutes of 1984, section 27 of chapter 87 of the statutes of 1988 and section 20 of chapter 90 of the

statutes of 1990, is again amended by replacing the words “executive secretary of the city” in the third paragraph of paragraph 3 by the words “director general”.

11. The said charter is amended by inserting, after article 733, the following article :

“733.1. The auditor is responsible for applying city policies and standards concerning the management of the human, material and financial resources allocated to auditing.”

12. Article 738 of the said charter, replaced by section 55 of chapter 71 of the statutes of 1982 and amended by section 219 of chapter 38 of the statutes of 1984, is again amended by replacing the words “executive secretary of the city” in the first paragraph by the words “director general”.

13. Article 739 of the said charter, replaced by section 55 of chapter 71 of the statutes of 1982 and amended by section 220 of chapter 38 of the statutes of 1984, is again amended by replacing the words “executive secretary of the city” in the first and second paragraphs by the words “director general”.

14. Section 24 of chapter 54 of the statutes of 1994 is amended by replacing the words “and 1997” in the second line by the words “, 1997 and 1998”.

15. Authorizations granted by the executive committee under article 649*a* of the charter of the city of Montréal (1959-60, chapter 102) before the coming into force of section 7 are deemed to have been granted under that article. The executive committee may exercise, in respect of such authorizations, the powers provided for in subparagraphs 1 and 2 of the fourth paragraph of article 649*a*, as replaced by section 7, and the authorizations must be taken into consideration for the purposes of the fifth and sixth paragraphs of the said article.

Similarly, an application for authorization made before the coming into force of section 7 must be taken into consideration for the purposes of the sixth paragraph of article 649*a*, as replaced by section 7.

16. This Act comes into force on 19 June 1997.