



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-FIFTH LEGISLATURE

Bill 92
(1997, chapter 44)

An Act respecting the Commission de développement de la métropole

Introduced 19 December 1996
Passage in principle 29 May 1997
Passage 13 June 1997
Assented to 19 June 1997

Québec Official Publisher
1997

EXPLANATORY NOTES

This bill establishes the Commission de développement de la métropole whose primary object is to promote the development of Greater Montréal. To that end, the Commission is to promote, stimulate and coordinate the economic, cultural and social development of Greater Montréal by ensuring that the actions of local and regional authorities are undertaken in a concerted and coherent manner in conformity with Greater Montréal's orientations. The Commission is also responsible for promoting coordinated relations between local, regional and governmental authorities.

The metropolitan area under the jurisdiction of the Commission is the combined territory of the Communauté urbaine de Montréal and of the neighbouring municipalities listed in the schedule.

The affairs of the Commission are to be administered by a council composed of a chairman, of representatives of the municipal sector, who will account for two-thirds of the members, and of government-appointed representatives of various socio-economic groups. The council designates from the municipal sector two vice-chairmen, one of whom must be a representative of the island of Montréal and the other a representative of the neighbouring municipalities in the territory of the Commission. The establishment of an executive committee is provided for, which is to be headed by the chairman of the Commission and to comprise, in addition, the two vice-chairmen, and five members designated by the council, three of whom are to be selected among the municipal sector representatives. The Minister of State for Greater Montréal is to be the chairman of the Commission.

Among the main functions assigned to the Commission are the preparation, in conjunction with the Ministers concerned or the Agence métropolitaine de transport, of guidelines and priorities for strategic action for economic development and the adoption of a metropolitan land use plan and an integrated transportation plan for persons and goods within its territory. The plans of the Commission are to be submitted to the Government for approval.

Furthermore, the Commission is to advise the Minister on any matter of metropolitan interest. It will also make recommendations to the Government, within specified time limits, regarding

administrative structures within its territory, recreational, touristic and cultural infrastructures and equipment and socio-cultural or sports events of metropolitan interest, the management of environment quality in its territory and the Agence métropolitaine de transport. It may make recommendations on any other matter.

The Commission may carry out, or cause to be carried out, any other related mandate entrusted to it by the Government and enter into agreements or undertake joint projects with any other person or body.

Lastly, the bill contains provisions relating to the funding of the Commission, amending provisions, transitional provisions and consequential amendments.

LEGISLATION AMENDED BY THIS BILL :

- Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., chapter A-2.1);
- Act respecting the Agence métropolitaine de transport (R.S.Q., chapter A-7.02);
- Act respecting land use planning and development (R.S.Q., chapter A-19.1);
- Charter of the French language (R.S.Q., chapter C-11);
- Act respecting the Communauté urbaine de Montréal (R.S.Q., chapter C-37.2);
- Act respecting municipal taxation (R.S.Q., chapter F-2.1);
- Act to preserve agricultural land (R.S.Q., chapter P-41.1);
- Act respecting the Pension Plan of Elected Municipal Officers (R.S.Q., chapter R-9.3);
- Charter of the city of Montréal (1959-60, chapter 102).

Bill 92

AN ACT RESPECTING THE COMMISSION DE DÉVELOPPEMENT DE LA MÉTROPOLE

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

CHAPTER I

ESTABLISHMENT AND ORGANIZATION

DIVISION I

ESTABLISHMENT

- 1.** The Commission de développement de la métropole is hereby established.

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

- 2.** The territory of the Commission shall consist of the territories of the municipal entities listed in Schedule I.

The Government may, by regulation and on the recommendation of the Commission, amend the schedule.

- 3.** The primary object of the Commission is to promote the development of the metropolitan area.

To that end, the Commission shall promote, stimulate and coordinate the economic, cultural and social development of Greater Montréal by ensuring that the actions of local and regional authorities are undertaken in a concerted and coherent manner on the basis of the guidelines established for the metropolitan area.

The Commission shall also promote collaboration and partnership between local, regional and governmental authorities.

- 4.** In the pursuit of its object, the Commission shall act more specifically in the following areas :

- (1) economic development ;
- (2) land use planning ;
- (3) transportation.

5. The head office of the Commission shall be located within its territory at the place it determines.

Notice of that location and of any change in location shall be published in the *Gazette officielle du Québec* and in a newspaper distributed in the territory of the Commission.

DIVISION II

COMPOSITION

§1. — *Council*

6. The affairs of the Commission shall be administered by a council composed of a chairman, of members representing the municipal sector, and of members representing the various socio-economic sectors.

7. The Minister of State for Greater Montréal shall be the chairman of the council of the Commission.

8. The members representing the municipal sector shall be

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

(2) the mayor of Ville de Laval and another person designated by the city council from among the other council members;

(3) the mayor of Ville de Longueuil;

(4) the wardens of the regional county municipalities listed in Schedule I, the warden of the Municipalité régionale de comté de Vaudreuil-Soulanges, the mayor of Ville de Mirabel, and, if the mayor of Ville de Longueuil is the warden of the Municipalité régionale de comté de Champlain, a person designated by the council of the regional county municipality from among the other council members;

(5) the chairman of the Conférence des maires de la banlieue de Montréal and four members of the council of the Communauté urbaine de Montréal, designated by and from among the representatives, on that council, of municipalities other than Ville de Montréal;

(6) the chairman of the executive committee of the Communauté urbaine de Montréal.

9. At the request of the chairman of the executive committee of the Communauté urbaine de Montréal, a meeting of the representatives of municipalities other than Ville de Montréal on the urban community council shall be called by the secretary of the urban community in the same manner as

a special meeting of the council in order to designate the four members referred to in paragraph 5 of section 8.

The meeting shall be open to the public and presided by the secretary and the quorum shall be the majority of the representatives. Each representative shall have one vote. At the opening of the meeting, the representatives shall decide, by a majority of the votes cast, whether the persons are to be designated by an oral vote or by secret ballot.

The secretary shall establish the nomination and voting procedure. The secretary shall draw up the minutes of the meeting, table them before the council of the urban community at its next ensuing meeting, and send a copy of the minutes to the Commission.

10. Any member representing the municipal sector may be replaced by a substitute if the member is absent or unable to act.

The substitute for a designated member shall be selected, when the member is appointed, by the council of the municipal body of which he is a member or by the body of electors by which he was selected.

11. The Government shall appoint 13 other members to the council, after consulting socio-economic groups in Greater Montréal that are representative of, in particular, the business, labour, culture, community work, environment, transportation, agriculture and tourism sectors.

12. A deputy minister may, with the authorization of the chairman, take part in the discussions of the council on a matter that concerns his department, but he is not entitled to vote.

13. The council shall appoint two vice-chairmen from among the council members from the municipal sector, including one from among the members referred to in paragraphs 1, 5 and 6 of section 8 and one from among the members referred to in paragraphs 2 to 4 of section 8.

14. A member of the council appointed by the Government who has a direct or indirect interest in any enterprise causing his personal interest to conflict with that of the Commission must, on pain of forfeiture of office, disclose such interest to the council in writing and refrain from taking part in any debate or decision bearing on the enterprise in which the interest is held, and in any part of a sitting of the council during which the interest is discussed.

15. The members of the council must disclose their pecuniary interests in the territory of the Commission to the council in accordance with sections 357 to 363 of the Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2).

Failure by a member to disclose his pecuniary interests or to file such a disclosure shall disqualify that member from taking part in the meetings of the council or its committees.

16. The term of a designated member from the municipal sector shall end on the date on which the membership of the member in the council of the municipal organization ceases, or on the date on which a person is designated to replace him.

17. The term of office of the members appointed by the Government shall not exceed three years.

Such members shall, however, remain in office at the expiry of their term until replaced or reappointed.

18. The members of the council shall receive no remuneration, except in such cases, on such conditions and to such extent as may be determined by the Government. They are, however, entitled to the reimbursement of the expenses incurred in the exercise of their functions, on the conditions and to the extent determined by the Government.

§2. — *Executive committee*

19. The executive committee of the Commission is hereby established.

20. The executive committee is composed of the chairman and the vice-chairmen of the council and of five other members designated by the council for the term it determines, including three members from among the members representing the municipal sector and two members from among the members appointed by the Government.

DIVISION III

OPERATION

§1. — *Council*

21. The chairman shall call and preside at sittings of the council and ensure that they are properly conducted.

22. A vice-chairman may, at the request of the chairman, preside at sittings of the council.

23. One of the vice-chairmen may, in accordance with the internal management by-laws, replace the chairman when the latter is absent or unable to act.

24. The council shall meet at least four times every year.

Nine members of the council may require that the chairman call a special sitting. The special sitting must be held within 10 days after the requisition is received.

25. The members of the council may, by unanimous agreement, take part in a sitting by means of any device that allows oral communication, in particular the telephone. The participants are, in such a case, deemed to attend the sitting.

26. The term of a member of the council appointed by the Government who fails to attend three consecutive regular sittings of the council shall terminate at the close of the first sitting following the last of the three sittings the member failed to attend, unless the member attends that sitting.

However, the council may, at the fourth sitting, grant a grace period if the member was in fact unable to attend the sittings.

27. The sittings of the council shall be open to the public.

28. The quorum at sittings of the council is a majority of its members.

29. Every member of the council present at a sitting has one vote and is required to vote unless prevented from voting by a personal interest in the matter concerned.

The chairman is not entitled to vote.

30. Every decision shall be made by a majority vote of the members present.

31. The council may regulate the exercise of its powers and the other aspects of its internal management.

32. The council may set up committees to examine particular matters, determine their mode of operation and designate the persons who are to sit on the committees.

Each committee shall be presided by a member of the council designated by the council.

33. No judicial proceedings may be brought against the members of the council by reason of an act done in good faith in the performance of their functions.

34. No act, document or writing shall bind the Commission unless it is signed by the chairman or a vice-chairman, the director general of the Commission or, to the extent determined by the Commission, by a member of its personnel.

The Commission may allow, subject to the conditions and on the documents it determines, that a signature be affixed by means of an automatic device or that a facsimile of a signature be engraved, lithographed or printed. However, the facsimile shall have the same force as the signature itself only if the document is countersigned by a person authorized by the chairman.

35. The minutes of the sittings of the council, approved by the council and certified by the chairman, a vice-chairman, the secretary or by any other member of the personnel so authorized by the council, are authentic, as are documents and copies emanating from the Commission or forming part of its records if signed or certified by such a person.

36. The council shall designate a director general, a secretary and a treasurer.

The director general is responsible for the administration and direction of the Commission within the scope of its policies and by-laws. The functions of director general shall be exercised on a full-time basis.

The director general shall also exercise any other function assigned by the council.

37. The employees of the Commission shall be appointed according to the staffing plan and the standards established by by-law of the Commission. The by-law shall also determine the standards and scales of remuneration, employment benefits and other conditions of employment of the employees.

The by-law shall be submitted to the Government for approval.

38. No employee of the Commission may, on pain of forfeiture of office, have a direct or indirect interest in an enterprise causing the personal interest of the employee to conflict with that of the Commission. However, forfeiture is not incurred where the interest devolves by succession or gift, provided it is renounced or disposed of with dispatch.

§2. — *Executive committee*

39. The chairman shall call and preside at sittings of the executive committee and ensure that they are properly conducted.

40. A vice-chairman may, at the request of the chairman, preside at sittings of the executive committee.

41. The members of the executive committee may, by unanimous agreement, take part in a sitting by means of any device that allows oral communication, in particular the telephone. The participants are, in such a case, deemed to attend the sitting.

42. The sittings of the executive committee shall be closed to the public.

The council may, however, provide that all or part of the sittings of the executive committee are to be open to the public. The council or the executive committee may also, on a case by case basis, provide that all or part of a sitting of the executive committee is to be open to the public.

A member of the council who is not a member of the executive committee may attend a sitting that is not open to the public.

43. The quorum at sittings of the executive committee is four members who are entitled to vote.

44. Every member present at a sitting of the executive committee has one vote.

The chairman is not entitled to vote.

45. Every decision shall be made by a majority vote of the members present who are entitled to vote.

46. The executive committee shall see to the day-to-day administration of the affairs of the Commission.

It shall also exercise the powers delegated to it by the council.

47. The executive committee shall report on all its decisions to the council at its next ensuing meeting; the council may amend or cancel the decisions.

48. The executive committee may make internal management by-laws for the conduct of its affairs.

49. The executive committee may make a report to the council on any matter within the competence of the executive committee or of the council.

The executive committee shall furnish to the council any information requested of it in writing by a member of the council.

CHAPTER II

FUNCTIONS AND POWERS

DIVISION I

GENERAL PROVISIONS

50. The Commission shall advise the Minister on any matter of metropolitan interest that the Minister submits to it. It shall provide the Minister with any advice it considers appropriate.

51. The Commission shall make recommendations to the Government on the following matters:

(1) the municipal, regional and governmental structures within its territory, in particular, for the purpose of simplifying them;

(2) the recreational, touristic or cultural infrastructures and equipment or the socio-cultural or sports events of metropolitan interest, as well as their management and financing;

(3) the quality of the environment within its territory, in particular as regards the management of air and water quality and waste management, and the financing of the activities relating thereto, in order to ensure sustainable development as regards such activities and a fair apportionment of the cost of the activities among the municipal bodies in the territory of the Commission.

52. The Commission shall make recommendations to the minister responsible for the administration of the Act respecting the Agence métropolitaine de transport (R.S.Q., chapter A-7.02) concerning the composition, powers and financing of the agency.

It may also make recommendations to the Minister concerning the directives that the Minister may give concerning the aims and objectives pursued by the agency in the exercise of its functions.

53. The Commission may make recommendations to the Government on the following matters:

(1) the broadening of its functions and powers, in particular as regards culture and tourism;

(2) changes to its territory, changes in the composition of its council or executive committee and changes in the manner in which their members are appointed, and the diversification of the Commission's methods and sources of funding;

(3) the organization and financing of municipal services;

(4) the creation of specialized bodies to carry out certain of its functions or other functions of metropolitan interest;

(5) the creation and funding of an economic development fund.

54. The Commission may, according to law, enter into an agreement with a foreign government or any of its departments or with an international organization or an agency of such government or organization.

The Commission may also, with the authorization of the minister responsible for the administration of Division II of the Act respecting the Ministère du Conseil exécutif (R.S.Q., chapter M-30), enter into an agreement with a government in Canada or with a department or agency of such a government.

The Commission may also enter into agreements or take part in joint projects with any person.

Every municipality and body to which section 18 of the Act respecting the Pension Plan of Elected Municipal Officers (R.S.Q., chapter R-9.3) applies may enter into agreements or take part in joint projects referred to in the third paragraph.

55. In the pursuit of its object, the Commission may, in particular,

(1) carry out studies and research and hold consultations ;

(2) provide financial assistance to a municipal or governmental body, a Native community represented by its band council or a non-profit body ;

(3) solicit and receive gifts, bequests, subsidies and other contributions, provided that any attached conditions are consistent with the pursuit of its object.

56. The Commission shall carry out or cause to be carried out any other mandate related to its object and conferred on it by the Government where all or part of the related costs are borne by the Government.

The order conferring such a mandate must be tabled, within 15 days after it is made, in the National Assembly if it is in session or, if it is not sitting, within 15 days of resumption.

DIVISION II

ECONOMIC DEVELOPMENT

57. The Commission shall, in cooperation with the Minister of Industry, Trade, Science and Technology and in accordance with agreements on the priorities and the regional lines of development referred to in section 3.28 of the Act respecting the Ministère du Conseil exécutif (R.S.Q., chapter M-30), prepare guidelines and set priorities for strategic action for economic development in its territory, in particular as regards the soliciting of foreign investment and the promotion of foreign tourism.

58. The guidelines and priorities for economic development shall be adopted by the Commission.

59. The Commission may enter into a general agreement with the Government concerning the application of its guidelines and priorities for economic development.

DIVISION III**LAND USE PLANNING**

60. The Commission shall prepare a metropolitan land use plan for its territory, in collaboration with the Minister of Municipal Affairs.

61. The Minister of Municipal Affairs shall inform the Commission of the government policy for land use planning in its territory, including any projected equipment and infrastructures.

62. The metropolitan land use plan shall, in particular,

(1) set out overall guidelines for land use ;

(2) set out urbanization criteria for the territory, in particular in relation to employment and population growth, the availability and capacity of existing public infrastructures and equipment, and the cost of proposed public infrastructures and equipment ;

(3) define the poles of activity and the parts of the territory of the Commission that are of metropolitan interest ;

(4) specify the location, capacity and purpose of infrastructures and equipment of metropolitan interest, whether existing or projected ;

(5) set out criteria governing the harmonization of the development plans of the regional county municipalities and the Communauté urbaine de Montréal, which shall include a comparison between the potential capacity of the residential, commercial and industrial sectors shown on the plans and the growth forecast for the territory of the Commission and the consistency of the plans with the integrated transportation plan ;

(6) set out rules for the financing of public infrastructures and equipment.

63. The Commission shall adopt, by resolution, a draft metropolitan land use plan.

It shall submit the draft plan for public consultation on the conditions and in the manner it determines.

64. The Commission shall pass a by-law for the adoption of the metropolitan land use plan.

The by-law must be adopted by a majority vote of the members from the municipal sector who are present at a meeting of the council the quorum of which is constituted by a majority of such members.

65. The Commission shall transmit the metropolitan land use plan to the Minister of Municipal Affairs for approval by the Government.

66. The Government shall approve the metropolitan land use plan with or without amendment.

If the Government considers that the metropolitan land use plan is inconsistent with government policy, it shall request that the Commission amend the plan within the time it indicates in its notice, setting out the reasons for its request.

If the Commission fails to amend the plan within that time, the Government shall adopt a land use plan which shall become the metropolitan land use plan of the Commission.

67. The order approving or adopting the metropolitan land use plan shall state the manner in which the Government and government departments and bodies are bound by the plan.

68. Before issuing a notice under section 51, 53.7, 56.4, 56.14 or 65 of the Act respecting land use planning and development (R.S.Q., chapter A-19.1) in respect of a development plan, an interim control by-law or an amendment to either which affects part of the territory of the Commission, the Minister of Municipal Affairs shall consult the Commission.

The Minister shall mention in such a notice any objection to the document submitted to the consideration of the Minister as regards such elements of the metropolitan land use plan as the Minister may indicate and specify the grounds for the objection.

For the purposes of the said sections, the notice relating to elements of the land use plan shall be considered to be a notice relating to aims and projects.

DIVISION IV

TRANSPORTATION

69. The Commission shall prepare an integrated plan for the transportation of persons and goods within its territory in collaboration with the Minister of Transport and the Agence métropolitaine de transport.

70. The Minister of Transport shall inform the Commission of government transportation policy within its territory.

71. The transportation plan shall, in particular,

(1) designate the metropolitan road network ;

(2) identify existing or proposed metropolitan transportation infrastructures and equipment, especially in connection with shared transportation and air, sea and rail transportation ;

(3) set out guidelines concerning the role, development and operation of metropolitan transportation infrastructures and equipment ;

(4) identify the improvements to be made to existing metropolitan infrastructures and equipment to increase their capacity or effectiveness ;

(5) set out measures governing the coordination of traffic and parking policies ;

(6) contain a fare policy for shared transportation ;

(7) set out measures to promote the use of means of transportation other than the automobile ;

(8) specify the means by which the measures under the plan are to be financed.

72. The Commission shall adopt, by resolution, a draft integrated transportation plan.

It shall submit the plan for public consultation on the conditions and in the manner it determines.

73. The Commission shall pass a by-law for the adoption of the integrated transportation plan.

74. The Commission shall transmit the integrated transportation plan to the Minister of Transport for approval by the Government.

75. The Government shall approve the integrated transportation plan, with or without amendment.

The order in council shall state the extent to which the transportation plan is binding on the Government and on government departments and bodies.

76. The Commission may enter into an agreement with the Minister of Transport concerning the implementation of the integrated transportation plan and on the contribution to be made by the Government towards the financing of the measures or proposals involved.

The Commission may also enter into an agreement with the Agence métropolitaine de transport, a municipality or a public transit authority concerning the implementation of the measures contained in the integrated transportation plan.

CHAPTER III

FINANCIAL PROVISIONS

- 77.** The fiscal year of the Commission ends on 31 December.
- 78.** The Government may, on the conditions and according to the terms and conditions it determines, grant a subsidy to the Commission to provide for its obligations.
- 79.** The amounts received by the Commission must be applied to the payment of its obligations. The remainder shall be paid into a fund the use of which is authorized by the Government.
- 80.** The Commission shall, each year, submit its budget for the following fiscal year to the Minister, at the time, in the form and with the content determined by the Minister.
- 81.** No decision of the Commission and no report authorizing or recommending an expenditure shall have effect before the production of a certificate of the treasurer attesting that funds are or will be available at the proper time for the purposes for which such expenditure is planned.
- 82.** In the budget of the Commission, expenditures must not exceed revenues.
- 83.** The Commission shall post as revenue in its budget any surplus anticipated for the current year and any other surplus at its disposal.

In addition, the Commission shall post as expenditure in its budget any deficit for the preceding year.

- 84.** The books and accounts of the Commission shall be audited by the Auditor General of Québec each year and whenever so ordered by the Government.

The auditor's report must accompany the report of activities and the financial statements of the Commission.

- 85.** The Commission must submit to the Minister, not later than 30 June each year, a report on its activities and its financial statements for the preceding fiscal year.

The documents must contain all the information required by the Minister.

- 86.** The Minister shall table the annual report and the financial statements before the National Assembly within 15 days of receiving them if it is in session or, if it is not sitting, within 15 days of resumption.

CHAPTER IV**MISCELLANEOUS AND TRANSITIONAL PROVISIONS****87.** The Commission must submit to the Government

(1) not later than 31 March 1998, its first recommendations under paragraph 1 of section 51 in connection with governmental and regional structures ;

(2) not later than 31 December 1998, its first recommendations under the said paragraph in connection with municipal structures, together with its recommendations under paragraph 2 of the said section ;

(3) not later than 30 June 1999, its first recommendations under paragraph 3 of the said section.

The Commission must, not later than 30 June 1999, submit its first recommendations under the first paragraph of section 52 to the Minister responsible for the Act respecting the Agence métropolitaine de transport, to allow that minister to take them into consideration for the purposes of the report he must table in the National Assembly concerning the administration of that Act.

88. The Commission must, not later than 30 June 1998, adopt its first economic development guidelines and priorities under section 58.

89. The Commission must, not later than 31 October 1998, adopt a draft metropolitan land use plan under section 63.

It must also, not later than 30 June 1999, adopt its first metropolitan land use plan under section 64.

90. If the Commission considers that a development plan revised before the date of coming into force of the first metropolitan land use plan is inconsistent with the latter plan, it shall inform the Minister of Municipal Affairs.

If the Minister, after receiving the notice of the Commission or acting on his own initiative, considers that the development plan of a regional county municipality or of the Communauté urbaine de Montréal is inconsistent with the metropolitan land use plan, he shall request that the municipality or urban community amend its plan to ensure its conformity within the time he prescribes, which may not exceed six months.

Upon a failure by the regional county municipality or urban community to amend its development plan within the prescribed time, the Government shall adopt amendments to the plan.

The amended plan, once adopted by the Government, shall become the development plan of the municipality or urban community concerned.

91. The Commission must, not later than 31 October 1998, adopt a draft integrated transportation plan under section 72.

It must, not later than 30 June 1999, adopt its first integrated transportation plan under section 73.

92. Section 5 of the Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., chapter A-2.1), amended by section 13 of chapter 2 of the statutes of 1996, is again amended by inserting the words “the Commission de développement de la métropole” at the beginning of paragraph 2, before the word “an”.

93. Section 76 of the Act respecting the Agence métropolitaine de transport (R.S.Q., chapter A-7.02) is amended by inserting the words “, after consultation with the Commission de développement de la métropole,” after the word “revised” in the second paragraph.

94. Section 86 of the said Act is replaced by the following section :

“**86.** The Agency must consult the Commission de développement de la métropole regarding its fares, projected capital expenditures and budget.”

95. Section 172 of the said Act is amended by inserting, after the first paragraph, the following paragraph:

“The Minister shall also take into account the recommendations of the Commission de développement de la métropole.”

96. Section 264.1 of the Act respecting land use planning and development (R.S.Q., chapter A-19.1), amended by section 82 of chapter 25 of the statutes of 1996, is again amended by adding, at the end of the third paragraph, the words: “Similarly, the provisions of this Act concerning the effects of the coming into force of a revised development plan or a by-law amending a revised development plan, and the rules relating to the conformity of a planning program or of an instrument with the objectives of a revised development plan and the provisions of a complementary document pertaining to a revised development plan, are not incompatible with the said Charter. However, the council of Ville de Montréal is not required to adopt or amend a by-law that is not provided for in its Charter; if the Charter provides for a by-law that corresponds to a by-law that the provisions of this Act mentioned in this paragraph require the council to adopt or amend, the council shall adopt or amend it, and shall amend the planning program provided for in its Charter in accordance with the Charter and with the applicable provisions of this Act, adapted as required. Furthermore, the council is not required to meet the obligations concerning the conformity of certain by-laws with the planning program that constitute one of the effects of the coming into force of a revised development plan.”

97. The said Act is amended by inserting, after section 267.1 enacted by section 70 of chapter 26 of the statutes of 1996, the following section :

“**267.2.** The Minister of Municipal Affairs shall ensure that government planning policy, in the regional county municipalities whose territories are adjacent to the territory of the Commission de développement de la métropole, is consistent with the metropolitan land use plan adopted by the Commission.”

98. The Schedule to the Charter of the French language (R.S.Q., chapter C-11) is amended by inserting, after paragraph 2, the following paragraph :

“2.1 The Commission de développement de la métropole;”

99. Section 20 of the Act respecting the Communauté urbaine de Montréal (R.S.Q., chapter C-37.2) is amended by replacing the words “and from the Société de transport” in the first paragraph by the words “, from the Société de transport and from the Commission de développement de la métropole”.

100. Section 204 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1), amended by section 75 of chapter 2 of the statutes of 1994 and by section 64 of chapter 16, section 70 of chapter 21 and section 6 of chapter 39 of the statutes of 1996, is again amended

(1) by inserting the words “the Commission de développement de la métropole, to” after the words “belonging to” in the first line of paragraph 5 ;

(2) by inserting the words “the Commission or of” after the words “mandatary of” in the second line of paragraph 5.

101. Section 236 of the said Act, amended by section 76 of chapter 2 of the statutes of 1994, section 28 of chapter 14, section 65 of chapter 16 and section 70 of chapter 21 of the statutes of 1996, is again amended by inserting the words “the Commission de développement de la métropole,” after the words “county municipality,” in the first line of subparagraph *b* of paragraph 1.

102. Section 58.4 of the Act to preserve agricultural land (R.S.Q., chapter P-41.1), introduced by section 35 of chapter 26 of the statutes of 1996, is amended

(1) by adding, at the end of the first paragraph, the following sentence: “It must make a similar request to the Commission de développement de la métropole if the application concerns a lot within the territory of that commission.”;

(2) by adding, at the end, the following paragraph :

“The recommendation from the Commission de développement de la métropole must take into consideration the objectives of the metropolitan general land use plan and be submitted together with a statement as to whether the application is consistent with such documents.”

103. Section 62 of the said Act, amended by section 812 of chapter 2 and section 38 of chapter 26 of the statutes of 1996, is again amended

(1) by adding, at the end of subparagraph 5 of the second paragraph, the words “or a lot situated in the territory of the Commission de développement de la métropole”;

(2) by adding, at the end of subparagraph 1 of the third paragraph, the words “or with the objectives of the land use plan of the Commission de développement de la métropole”.

104. The said Act is amended by inserting, after section 62.3, the following section:

“**62.4.** Where, in the opinion of the commission, the project to which the application relates is likely to affect the development process for the land use plan of the Commission de développement de la métropole, the commission may, on that ground alone, decide to postpone its decision until the land use plan has been approved or adopted by the Government.

Such a decision may not be contested.”

105. Section 18 of the Act respecting the Pension Plan of Elected Municipal Officers (R.S.Q., chapter R-9.3) is amended by inserting the words “the Commission de développement de la métropole” after the word “means” in the first line of paragraph 2.

106. Article 89 of the charter of the city of Montréal (1959-60, chapter 102), amended by section 13 of chapter 97 of the statutes of 1960-61 and by section 5 of chapter 77 of the statutes of 1973, is again amended by inserting, after paragraph *c*, the following paragraph:

“*c.1* every replacement of or amendment to the planning program;”.

107. Article 110.19 of the said charter, introduced by section 6 of chapter 74 of the statutes of 1995, is amended

(1) by inserting, after subparagraph 1 of the first paragraph, the following subparagraph:

“(1.1) every draft replacement of or amendment to the planning program;”;

(2) by inserting the figure “, 1.1” after the figure “1” in the second paragraph.

108. The said charter is amended by inserting, at the beginning of Chapter II of Title IX, before Division I, the following division:

“DIVISION 0.1**“PLANNING PROGRAM**

“519.1. The council may, by a by-law adopted by a majority vote of the members of the council, adopt or amend a planning program.

“519.2. A planning program must include

- (1) the general aims of land development policy in the territory of the city;
- (2) the general policies on land uses and land occupation densities;
- (3) the planned layout and the type of the principal thoroughfares and transport systems within the meaning of the Act respecting land use planning and development (R.S.Q., chapter A-19.1).

“519.3. A planning program may include

- (1) the zones to be renovated, restored or protected;
- (2) the nature, location and type of the equipment and infrastructure intended for community use;
- (3) the estimated costs pertaining to the implementation of the components of the program;
- (4) the nature and intended layout of the main waterworks, sewer, electricity, gas, telecommunications and cable distribution systems, networks and terminals;
- (5) the delimitation within the municipal territory of development areas that may be the subject of special planning programs.

“519.4. A planning program may also include a special planning program for part of the territory of the city.

A special planning program may include

- (1) the detailed land use and the land occupation density;
- (2) the intended layout and the type of the thoroughfares and of the public transport, electricity, gas, telecommunications and cable distribution networks;
- (3) the nature, layout and type of the equipment and infrastructure intended for community use;
- (4) the catalogue of the intended works, their estimated costs and indication of the bodies concerned;

- (5) the proposed zoning, subdivision and building rules;
- (6) the sequence in which urban public services and waterworks and sewer systems and terminals are to be constructed;
- (7) the estimated duration of the works;
- (8) the special land redevelopment, restoration and demolition programs.

A special planning program may also include a program of acquisition of immovables in view of alienating or leasing the immovables for purposes contemplated in the special planning program.

“519.5. Where a special planning program and planning by-laws consistent with the program are in force, the city may carry out any program of acquisition of immovables provided for in the special planning program in view of alienating or leasing the immovables for purposes contemplated in the program.

The city may also acquire any immovable situated in that part of its territory contemplated by the special planning program even if the acquisition is not provided for in a program of acquisition of immovables, in view of alienating or leasing it to a person who requires it to carry out a project that is consistent with the special planning program, if the person is already the owner of lands, or the beneficiary of a promise of sale of lands, representing two-thirds of the area he requires to carry out the project.

“519.6. For the purposes of article 519.5, the city may, in particular,

- (1) acquire an immovable by agreement or by expropriation;
- (2) hold and manage the immovable;
- (3) carry out the required development, restoration, demolition or clearing work on the immovable;
- (4) alienate or lease the immovable for the purposes contemplated.

“519.7. The coming into force of the planning program or of an amendment to the planning program does not create any obligation in respect of the calendar or the terms and conditions of implementation of the public services and infrastructure provided for therein.”

109. The planning program adopted by the council of Ville de Montréal on 18 December 1992 is deemed to have been adopted by by-law pursuant to article 519.1 of the charter of the city of Montréal, enacted by section 108 of this Act.

110. The employees, including managerial personnel, of the Government of Québec who are assigned to the Commission become, subject to the provisions of a collective agreement applicable to them, employees of the Commission to the extent provided in the transfer order.

Such employees shall occupy the position and exercise the functions assigned to them by the Commission, subject to the provisions of the collective agreement applicable to them.

111. Every employee of the Commission who, upon being appointed to the Commission, was a public servant with permanent tenure may apply for a transfer to a position in the public service or enter a competition for promotion to such a position in accordance with the Public Service Act (R.S.Q., chapter F-3.1.1).

Section 35 of the said Act applies to an employee referred to in the first paragraph who enters such a competition.

112. Every employee referred to in section 111 who applies for a transfer or enters a competition for promotion may require the chairman of the Conseil du trésor to give him an assessment of the classification that would be assigned to him in the public service. The assessment must take account of the classification that the employee had in the public service on the date on which he ceased to be a public servant, as well as the years of experience and the formal training acquired in the course of his employment with the Commission.

If the employee is transferred, the deputy minister or chief executive officer shall assign to him a classification compatible with the assessment provided for in the first paragraph.

Where an employee is promoted, his classification must take account of the criteria set out in the first paragraph.

113. Where some or all of the activities of the Commission are discontinued or if there is a shortage of work, an employee referred to in section 111 is entitled to be placed on reserve in the public service with the classification he had on the date on which he ceased to be a public servant.

In such a case, the chairman of the Conseil du trésor shall, where applicable, establish his classification on the basis of the criteria set out in the first paragraph of section 111.

114. An employee placed on reserve pursuant to section 113 shall remain with the Commission until the chairman of the Conseil du trésor is able to assign him a position.

115. Subject to the remedies available under a collective agreement, an employee referred to in section 111 who is dismissed may bring an appeal under section 33 of the Public Service Act.

116. The sums required for the implementation of this Act in the fiscal year during which this section comes into force shall, to the extent and according to the terms and conditions determined by the Government, be taken out of the appropriations granted for that purpose to the Ministère de la Métropole.

117. The Minister of State for Greater Montréal is charged with the administration of this Act.

118. This Act comes into force on 19 June 1997, except sections 93 and 94 which come into force on 1 January 1998 and section 103 which comes into force on the date of coming into force of paragraph 3 of section 38 of chapter 26 of the statutes of 1996.

SCHEDULE I

MUNICIPAL BODIES WHOSE COMBINED TERRITORIES
FORM THE TERRITORY OF THE COMMISSION
DE DÉVELOPPEMENT DE LA MÉTROPOLE*(Section 2)*

Communauté urbaine de Montréal
Municipalité régionale de comté de Champlain
Municipalité régionale de comté de Deux-Montagnes
Municipalité régionale de comté de Lajemmerais
Municipalité régionale de comté de L'Assomption
Municipalité régionale de comté de La Vallée-du-Richelieu
Municipalité régionale de comté des Moulins
Municipalité régionale de comté de Roussillon
Municipalité régionale de comté de Thérèse-De-Blainville
Ville de Hudson
Ville de Laval
Municipalité des Cèdres
Ville de L'Île-Cadieux
Ville de L'Île-Perrot
Ville de Mirabel
Paroisse de Notre-Dame-de-l'Île-Perrot
Ville de Pincourt
Village de Pointe-des-Cascades
Paroisse de Saint-Lazare
Municipalité de Terrasse-Vaudreuil
Ville de Vaudreuil-Dorion
Village de Vaudreuil-sur-le-Lac